



City of Sherwood
PLANNING COMMISSION

Sherwood Police Facility
20495 SW Borchers Drive

September 13, 2005

Regular Meeting - 7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda: *Minutes*** – June 14 & July 26, 2005
4. **Brief Announcements**
5. **Community Comments** (*The public may provide comments on any non-agenda item*)
6. **Chapter 9 – Historic Resources Update:**
The Commission will discuss an update to Chapter 9 of the SZCDC. Topics include: preservation and design standards, form-based codes, review procedures, and the role of a Landmarks Advisory Board. The Commission will review recommendations from staff, including a request to initiate a plan text amendment application. (*Kevin A. Cronin, AICP, Planning Supervisor, Planning Department*)
7. **Information Item: Goal 5/Tualatin Basin Update**
8. **Comments from Commission**
9. **Next Meeting: September 27, 2005** – Sherwood Oaks (PA 05-02/SP 05-09)
10. **Adjournment**

Draft Oregon Model Historic Preservation Ordinance

November 2, 1999

Section I - TITLE

(The City of ___, ___ County) Historic Preservation Ordinance

Section II - PURPOSE

(The City of ___, ___ County) recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. This ordinance establishes a Historic Landmark Commission; a program for the identification, evaluation, and designation of historic resources as landmarks; public incentives for the preservation of Designated Landmarks; and land use regulations regarding the alteration, moving or demolition of Designated Landmarks and Historic Resources of Statewide Significance.

Section III - DEFINITIONS

The following definitions apply to terms used in this ordinance. Terms not defined have their commonly construed meaning.

Alteration - An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts.

Demolition - The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

Designated Landmark - A property officially recognized by *(The City of ___, ___ County)* as important in its history.

Designated Landmarks Register - The list of, and record of information about, properties officially recognized by *(The City of ___, ___ County)* as important in its history.

Extraordinary Historic Importance - The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Historic Integrity - The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

Historic Resource - A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

Building - A construction made for purposes of shelter or habitation, e. g. house, barn, store, theater, train station, garage, school, etc.

Structure - A construction made for functions other than shelter or habitation, e. g. bridge, windmill, dam, highway, boat, kiln, etc.

Object - A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e. g. statue, fountain, milepost, monument, sign, etc

Site - The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e. g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.

District - A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e. g. downtown, residential neighborhood, military reservation, ranch complex, etc.

Historic Resources of Statewide Significance - Buildings, structures, objects, sites, and districts which are listed on the National Register of Historic Places.

Inventory of Historic Resources - The record of information about resources potentially significant in the history of (*The City of ____, __ County*).

Relocation - The removal of a resource from its historic context.

Section IV - (*The City of ____, __ County*) HISTORIC LANDMARK COMMISSION

1. The (*Mayor and the Council or Board of Commissioners*) shall appoint a Historic Landmark Commission, hereinafter the Commission, of (*three, five, seven, or nine*) members with a demonstrated positive interest, knowledge, or competence in historic preservation to carry out the provisions of this ordinance. A majority of the members shall reside within the corporate boundaries of (*The City of ____, __ County*). Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.
2. Initial appointments to the Commission shall be for terms of one, two, and three years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.
3. A simple majority of the seated members shall constitute a quorum to conduct official business.

4. A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection.
5. The Commission shall meet at least twice a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings, and decisions of the Commission shall be maintained as public records in accordance with applicable state law.

**Section V - POWERS AND DUTIES OF (The City of ____, __ County) HISTORIC
LANDMARK COMMISSION**

1. The Commission may adopt and amend by-laws, subject to approval by the (*City Council* or *Board of Commissioners*), to regulate its internal operations.
2. For purposes consistent with this ordinance and subject to the approval of the (*City Council* or *Board of Commissioners*), the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and employ clerical and expert assistance.
3. The Commission may undertake to inform the citizens of, and visitors to (*The City of ____, __ County*), regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the (*City Council* or *Board of Commissioners*).
4. The Commission may develop and publish, or adopt, written and graphic guideline and example materials to clarify the criteria in this ordinance and to assist applicants in developing complete and viable applications.
5. Employing the procedures and criteria in Section VI of this ordinance, the Commission shall periodically identify and evaluate the historic resources of (*The City of ____, __ County*) and maintain an Inventory of Historic Resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.
6. Employing the procedures and criteria in Section VII of this ordinance, the Commission shall periodically revise the Designated Landmarks Register of (*The City of ____, __ County*), by adding or deleting properties.
7. Employing the procedures and criteria in Section VIII of this ordinance, the Commission shall review and act upon applications for the alteration, relocation, or demolition of

Designated Landmarks, or the major exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance.

8. The Commission shall advise and make policy recommendations to the (*the City Council or Board of Commissioners*) and the Planning Commission on matters relating to historic preservation; and shall make an annual report, in writing, to the (*City Council or Board of Commissioners*) on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months.

Section VI - THE INVENTORY OF HISTORIC RESOURCES

1. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources.
2. Unless the Commission finds extraordinary historic importance, only properties over fifty years of age shall be considered for inclusion in the Inventory of Historic Resources.
3. The Commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Designated Landmarks Register. Owners of surveyed properties will be notified of these findings.
4. Documentation of properties in the Inventory of Historic Resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon completion, copies of the forms shall be supplied to the State Historic Preservation Office.
5. Records concerning archaeological sites shall not be made available to the public.

Section VII - THE DESIGNATED LANDMARKS REGISTER

1. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the Designated Landmarks Register. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Section VIII of this ordinance regardless of their listing on the Designated Landmarks Register, pursuant to Oregon Administrative Rule 660-023-200. However, only properties listed on the Designated Landmarks Register shall be eligible for public incentives and code considerations pursuant to this ordinance.
2. Any individual or group, including the Commission acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Designated Landmarks Register by submitting a complete application to the (*Planning Director or Commission*). The burden of proof lies with the applicant. No property shall be so designated without

- the written consent of the owner or, in the case of multiple ownership, a majority of the owners.
3. The (*Planning Director or Commission*) shall establish standards for a complete application. Upon acceptance of a complete application the (*Planning Director or Commission*) shall schedule a public hearing pursuant to applicable state laws.
 4. In order to be included or maintained on the Designated Landmarks Register the Commission must find that the historic resource is over fifty years of age or of extraordinary historic importance, and possesses sufficient historic integrity, and:
 - a. is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or
 - b. is associated with the lives of persons, or groups of people, significant in local, state, or national history; or
 - c. embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. has yielded or is likely to yield information which is important in local, state, or national history.
 5. The Commission shall develop findings to support its decisions. These findings shall indicate those elements of a property, including interior, landscape, and archaeological features, that are included in the designation and subject to regulation under the provisions of this ordinance.

Section VIII - ALTERATIONS, RELOCATIONS, AND DEMOLITIONS

1. No exterior, interior, landscape, or archaeological element of a Designated Landmark which is specified as significant in its designation shall be altered, removed, or demolished without a permit issued pursuant to this ordinance.
2. No major exterior alteration, relocation, or demolition of a Historic Resource of Statewide Significance shall be allowed without a permit issued pursuant to this ordinance.
3. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference to review concepts and proposals. The (*Planning Director or Commission*) may form ad-hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex-parte contact at the time of a public hearing on the proposal.

4. The (*Planning Director or Commission*) shall establish standards for a complete application. Upon acceptance of a complete application the (*Planning Director or Commission*) shall schedule a public hearing pursuant to applicable state laws.
5. In cases requiring a public hearing, the Commission shall review and act upon applications for the alteration, relocation, or demolition of a Designated Landmark, or the major exterior alteration, relocation, or demolition of a Historic Resource of Statewide Significance. The burden of proof lies with the applicant. Applications may be approved, approved with conditions, or denied. (*The City of ____, __ County*) shall include any conditions imposed by the Commission in permits issued pursuant to this section.
6. In order to approve an application for the alteration of a Designated Landmark or the major alteration of a Historic Resource of Statewide Significance, the Commission must find that the proposal meets the following standards:
 - a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - b. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - c. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
 - g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - h. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

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

j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

7. In order to approve an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find that:
 - a. No prudent and feasible alternative exists, or
 - b. The designated property is deteriorated beyond repair, or
 - c. The value to the community of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance.
8. At the hearing of an application to relocate or demolish a Designated Landmark or Historic Resource of Statewide Significance the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore, it may apply to the (*City Council* or *Board of Commissioners*) for permission to continue the delay for an additional period of up to 120 days.
9. In approving an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission may impose the following conditions:
 - a. Photographic, video, or drawn recordation of the property to be demolished, and/or
 - b. Salvage and curation of significant elements, and/or
 - c. Other reasonable mitigation measures.
10. No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance, when such action does not involve a change in design, materials, or appearance.

11. No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of a Designated Landmark or Historic Resource of Statewide Significance, when the Building Official certifies that such action is required for the public safety.

Section IX - PUBLIC INCENTIVES FOR HISTORIC PRESERVATION

(To be developed at the local level)

Section X - APPEALS

1. Decisions of the Commission are appealable to *(the City Council or Board of Commissioners)*. Decisions of *(the City Council or Board of Commissioners)* are appealable to the Land Use Board of Appeals.
2. Procedures for appeals to *(the City Council or Board of Commissioners)* shall be the same as those for appeals of Planning Commission decisions.

Section XI - OTHER PROVISIONS

1. There is no fee for designation of a historic resource as a Designated Landmark. Fees for other applications shall be determined by *(the City Council or Board of Commissioners)* based on the cost of processing the application.
2. The provisions of this ordinance shall not effect any citation, complaint, prosecution, or other proceeding pending at the time this ordinance is passed.
3. Should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of *(the City Council or Board of Commissioners)* that it would have passed all other portions of this ordinance independent of the elimination of any portion as may be declared invalid.

Section XII - ENFORCEMENT AND PENALTIES

(To be developed at the local level)

MEMORANDUM

TO: Planning Commission
FROM: Julia Hajduk, Senior Planner
DATE: August 30, 2005
CC: Kevin A. Cronin, AICP, Planning Supervisor
RE: Update on Goal 5/Tualatin Basin Partners for Natural Places Program



Introduction

The purpose of this memo is to: (1) provide a brief update on the Tualatin Basin Goal 5 process; (2) provide an overview of the Tualatin Basin's proposed natural resource protection program compared to Sherwood's existing resource protections; and (3) discuss the next steps to move forward in implementing a protection program. Staff has not updated the Planning Commission since September 2004. This update is timely given that the City Council passed a resolution on August 16, 2005 to extend the Intergovernmental Agreement (IGA) that created the bylaws for the Tualatin Basin formation.

Background

Ten Washington County Cities, including the City of Sherwood, along with the County, Clean Water Services (CWS) and Tualatin Hills Park and Recreation District (THPRD) have been working together to develop a program for fish and wildlife habitat protection (Goal 5 update) since 2002. The group is referred to as the Basin Partners. The Goal 5 update process has three main components: 1.) inventory, 2.) ESEE analysis, and 3.) program development to protect the significant resources after considering the ESEE consequences.

Metro completed the inventory in 2002. The basin-wide and local ESEE analysis was conducted for the Tualatin Basin by the Basin Partners and formally completed in 2004. In February 2005, the Natural Resources Coordinating Committee (NRCC), comprised of elected officials from participating jurisdictions, provided direction for a Basin program approach that would augment existing regulatory programs with an investment strategy for future improvements, as well as a commitment for continued cooperation among Basin Partners. The Metro Council is considering adoption of the program at a public hearing on September 22, 2005. Sherwood Staff presented a Measure 56 notice of the hearings at the Planning Commission meeting on August 9. Table 1 (Attachment 1) provides a timeline of decisions and actions by the Metro Council and NRCC. After Metro Council adopts the program, the Basin Partners will develop implementation ordinances to formally incorporate the applicable program elements into their comprehensive plans and zoning codes.

Tualatin Basin Program Elements

The ultimate goal of the Basin effort is to improve the overall environmental health of the Tualatin River Basin. To do this, while also minimizing the potential of Measure 37 claims, the NRCC approved a program built upon four primary components. Collectively, the components provide for significant improvements to the environmental health of the Basin:

1. *Revenue* for capital improvements using Surface Water Management fees;
2. *Existing regulations* to protect the health of riparian corridors using the CWS vegetated corridor standards under Title 3 (Metro Functional Plan);
3. *Administration* of Goal 5 programming through the continuation of the NRCC that includes monitoring changes to natural resource conditions and program adjustments if necessary to achieve program goals; and
4. *Voluntary* activities, including a key commitment that requires local Partners to make regulatory changes to facilitate habitat sensitive development.

The Tualatin Basin Program has the same resource protection goal as the Metro program; however there are different mechanisms to achieve the goal of improving environmental health. The Metro program will provide more regulation, via a model ordinance, whereas the Basin program will rely on existing CWS regulations and support voluntary protection and enhancement efforts more heavily. All cities, including Sherwood, can use the model ordinance at their discretion. Table 2 briefly summarizes the major differences between the Basin Program and the Metro program.

Goal 5 in Sherwood: A Review of Existing Protections

Sherwood currently has natural resource protections in place and meets the statutory requirements under Goal 5 (OAR 660-023). The protections address both riparian and upland wildlife habitat areas. Below is a description of how Sherwood's existing standards help to protect natural resources:

The City completed a Local Wetland Inventory in 1992 that met the statutory requirements at the time. Since then, amendments to Goal 5 administrative rules were enacted. The Metro Goal 5 program will ensure Sherwood's continued compliance with Statewide Planning Goal 5, as well as address federal requirements under the Clean Water Act and Endangered Species Act.

Riparian - The riparian habitat protections are regulated by the CWS standards, as well as Chapter 8 of the Sherwood Zoning & Community Development Code (SZCDC). The SZCDC does not outright "prohibit" development in the floodplain, but the standards are restrictive to the point that it is essentially impossible to obtain approval. Sherwood's wetland, habitat and natural resources section of the code requires protection of wetland resources in addition to CWS, Division of State Lands, and US Army Corps of Engineers protections. The burden of proof is on the application to demonstrate that no other alternative exists before fill/removal permits are issued and mitigation is employed. Staff is not aware of any "development" in the 100-year floodplain.

Upland wildlife habitat - The standards for protection of upland wildlife habitat and/or riparian habitat beyond the boundaries of the floodplain or CWS buffer standards are also very extensive in Sherwood.

Section 8.305 of the code has standards for "natural features" referred to in the Natural Resource Inventory in Part 2 of the Comprehensive Plan. In addition to the floodplains, the natural resource inventory identifies two areas of significant natural resources: the Tonquin scabland geologic area located on the eastern side of Murdock Street and a ponderosa Pine forest near the intersection of SW Harrison and Middleton Street. This section provides additional and detailed review for projects proposed in an area designated as a natural resource.

Section 8.304.07 provides protection for all trees and woodlands when associated with a development application by requiring that trees and woodlands be protected to the maximum extent feasible and that mitigation take place when trees must be removed. The ability to review the "feasibility" of removing trees provides Sherwood greater habitat protection ability than many neighboring jurisdictions in the Basin. While the standards do not necessarily prohibit the removal of the trees and woodlands, it does essentially require an "avoid, minimize, mitigate" review of potential development. With this tool, it provides Sherwood the ability to work with a developer to minimize the impact to natural resources and develop a "low impact" development approach. The only concern is that implementation of this protection standard is discretionary and subject to interpretation. For instance, the Planning Commission could determine that deviation from any desired development is infeasible, or they could require an applicant to provide justification that they have evaluated alternative site designs and concluded that the one proposed is the only one that can meet their needs while retaining as much natural area as possible. The Code does not provide substantial guidance on how this standard should be evaluated. In addition, this standard was not regularly enforced prior to September 2004. Current planning administration has enforced the tree inventory and mitigation requirements strictly, however, the Planning Department still struggles to find the time to "ground truth" or field check sites.

More protection is possible - While there are existing protections in place, it is recognized that there are additional actions that could be taken to further protect natural resources in Sherwood. At a minimum, City Staff will propose updating the SZCDC to remove existing barriers for developers to implement low impact development, such as pervious pavement, or allowing flexible setbacks to encourage resource protection. The City could also consider stronger protection of upland wildlife habitat areas by tightening up the standards to remove some of the discretion. The Planning Department initiated a code audit to identify barriers and challenges to pervious stormwater practices. This report was provided by a graduate student at the University of Oregon.

Next Steps

It is anticipated that Metro will formally adopt the Functional Plan revisions in September and that local jurisdictions in the Basin will have one year to comply. Sherwood Planning staff will continue to work with the Basin Partners, via the Steering Committee, to implement the program that has been developed. Implementation will include amending the Comprehensive Plan to incorporate the resource inventory maps, the "Allow-Limit-Prohibit" maps, and amend the SZCDC, at a minimum, to remove existing barriers in the code to require low impact development. In addition, as we move forward, the Planning Commission and City Council will be asked to consider additional protection standards and may determine it is in the community's best interest to provide protections and incentives beyond those proposed by the Basin Partners. The Planning Department will continue to update and inform Council President Durrell, NRCC member, and the Planning Commission throughout the development and implementation of the local protection program.

Table 1: Tualatin Basin Natural Resource Protection Program Background/Timeline:

2001	Metro initiates region-wide habitat protection project to ensure coordinated program for habitat resource protection.
April/May 2002	Tualatin Basin Partners for Natural Places formed to develop and alternative program with a more local perspective at a Basin, as opposed to region-wide level.
Aug 2002	Metro adopted inventory of natural resources and determined the significance (resource value) of the resource.
↓	Basin partners reviewed the inventory adopted by Metro and conducted a basin-wide and local level analysis of the Environmental, Social, Economic and Energy (ESEE) consequences of allowing development or uses that might conflict with the inventoried resource.
April 2004	NRCC adopted ESEE analysis with designations of "Allow", "Limit" or "Prohibit" applied to all inventoried resources based on the analysis.
August 2004	Program developed to protect resources in accordance with the Allow, Limit, Prohibit decision and open houses and public hearings held. Original program would have applied new regulation to all inventoried resources to a varying degree.
October 2004	Metro changed direction in light of Measure 37 and determined that they would only apply new regulation to Class I and II riparian resources.
February 2005	NRCC directed staff to revise the program to be consistent with Metro re-direction.
March/April 2005	NRCC revised original program and forwarded recommendation to the Metro Council (April 2005) <ul style="list-style-type: none"> o No new regulation. o Class I and II riparian protected through existing CWS standards. o Additional Class I and II areas (as well as Class III and upland habitat) is protected through voluntary actions, incentives, removal of barriers for low impact development and funding for enhancement.
May 2005	Metro accepted Basin program – delayed formal adoption until Legislature ended session.
Sept 22, 2005	Public Hearing Scheduled before Metro Council to consider formal adoption of Functional Plan revisions that would require compliance with programs developed.

Table 2: Major Program Differences between Basin Program and Metro Program

	Basin Program	Metro Program
Key points	<ul style="list-style-type: none"> • Does not require new regulations on development • Provides for on-going coordination at a basin level • Provides enhancement of the whole basin, not just the area closest to the resource • Focus on removal of low impact development (LID) barriers 	<ul style="list-style-type: none"> • Protects the highest value riparian resources • Existing Metro programs will support and coordinate with Nature in Neighborhoods to educate the public in habitat protection and restoration • Commits to regional bond measure on ballot in 2006
Class I & II riparian (high and mod. value wetlands and floodplains)	<ul style="list-style-type: none"> • Regulation limited to existing CWS vegetated buffer • Remaining Class I and II areas protected through: <ul style="list-style-type: none"> - Funding for restoration and enhancement with SWM fees, - flexibility in development, on-site density transfers and density reductions available - LID encouraged 	<ul style="list-style-type: none"> • New regulations limit development. Must avoid, minimize, and mitigate resource impacts • Degree of development allowed depends on underlying zone • On-site density transfers and density reductions available
Class III riparian (lower value riparian habitat and floodplain)	<ul style="list-style-type: none"> • <u>Not regulated</u> • Enhancement through: <ul style="list-style-type: none"> - SWM funds for restoration and enhancement basin-wide - LID techniques encouraged - General education - Possible future acquisition 	<ul style="list-style-type: none"> • <u>Not regulated</u>
Class A & B upland (generally, large patches of habitat)	<ul style="list-style-type: none"> • <u>Not regulated</u> • Enhancement through: <ul style="list-style-type: none"> - SWM funds for restoration and enhancement basin-wide - LID techniques encouraged. - General education - Possible future acquisition 	<ul style="list-style-type: none"> • <u>Not regulated</u>
Class C upland (generally, small, isolated patches)	<ul style="list-style-type: none"> • <u>Not regulated,</u> • Enhancement through: <ul style="list-style-type: none"> - SWM funds for restoration and enhancement basin-wide - LID techniques encouraged - General education - Possible future acquisition 	<ul style="list-style-type: none"> • <u>Not regulated</u>

Cynthia Butler

From: Kevin Cronin
Sent: Tuesday, September 06, 2005 10:36 AM
To: Adrian Emery (adrian.emery@comcast.net); Dan Balza (danbalza@geekoids.com); Jean Lafayette (jml1998@aol.com); Matt Nolan (mnolan@surepower.com); Patrick Allen (patrick.allen@state.or.us); Russell Griffin (flashgriffin@verizon.net); Todd Skelton
Cc: keithmays@comcast.net; Cynthia Butler; Rob Dixon; Stephen Poyser
Subject: RE: Planning Commission Meeting - September 13, 2005

Hello Planning Commission:

One of our many 2005 Work Program items is to update **Chapter 9 – Historic Resources** of the SZCDC. This chapter has various development standards and procedural codes to encourage historic preservation and renovation of inventoried cultural resources.

Staff presented an "Issues Paper" in May that discussed various concerns and also requested feedback from the City Council for direction on the role of a Landmarks Advisory Board (LAB).

Based on this direction, I have developed amendments to Chapter 9 (attached) that repeals the LAB and reassigns the responsibilities under the Planning Commission. Furthermore, the CDAC recommendations have not resulted in a specific policy direction regarding changes to the zoning code in the "Old Cannery Area." Therefore, changes to the underlying zoning standards are not proposed.

In addition to the procedural update, I have reviewed a model code (attached) that was developed by the State Historic Preservation Office (SHPO) in 1999 and a form-based code (attached) I helped develop with a consultant when I was serving in Talent. We can review amendments and add portions of the model codes to Chapter 9 as needed.

I have a number of policy and administrative recommendations based on my code review and a productive meeting with Stephen Poyser, who is a preservation planner with SHPO.

Policy:

1. Streamline minor additions (< 250 SF) and exterior renovations to a Type 2 – Fast Track admin process. Process would include third party analysis and review by historic preservationist or registered architect on retainer by City. New structures would still be reviewed by the PC under a Type 4 process.
2. Require developers to preserve "primary" and "secondary" historic resources outside Old Town; "contributing" would still be advisory only.
3. Clarify the inventory provisions in Chapter 9 that spells out the process to add or remove properties from the list.
4. Amend the design standards to include more form-based codes and schematic illustrations. Refer to the article: "Form-Based Zoning."
5. As a pilot, have the City nominate its own buildings (Ex: Smock, Morback, and current City Hall) as landmarks. This will act as a marketing tool for other property owners to consider the benefits of landmark status.

Admin:

6. Apply to SHPO for "Certified Local Government" (CLG) status that allows the City to apply for state and federal grants and other preservation programs. The caveat of program participation requires a review board with accredited design or preservation professionals.
7. Develop and maintain a working list of properties designated in the original inventory and map those properties to facilitate update and allow the public easier access to review.
8. Host an intern from the U of O Historic Preservation program next summer; work program TBD but would need to include an update of the Cultural Resource Inventory (1989).

Finally, I recommend we hold a work session during our regular meeting on September 13. (NOTE: Sherwood Oaks has been extended to September 27).

At the work session we'll review the proposed amendments and recommendations prior to any public hearing in October. I will also recommend the Commission initiate a plan text amendment application and schedule a hearing.

Attached is an agenda and minutes for this next meeting. Please bring this e-mail and all the attached materials to the work session.

Staff will distribute hard copies of the attachments later today.

Please contact us if you cannot make the meeting and/or have any questions.

Kevin A. Cronin, AICP
Planning Supervisor, Planning Department
City of Sherwood - Community Development Division
22566 SW Washington Street (New Address Number)
Sherwood, OR 97140

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CHAPTER 9
HISTORIC RESOURCES

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CHAPTER 9

HISTORIC RESOURCES

9.100 PURPOSE

Chapter 9 is intended to protect, preserve, and otherwise properly manage the City's historic and cultural resources for the benefit and education of the general public, to retain and strengthen the community's historic heritage and unique identity, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's historic and cultural resources.

9.200 SPECIAL RESOURCE ZONES

9.201 GENERALLY

Special resource zones are established to provide for the preservation, protection, and management of unique historic and cultural resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

9.202 OLD TOWN (OT) OVERLAY DISTRICT

9.202.01 Purpose

The Old Town (OT) Overlay District is intended to establish objectives and define a set of development standards to guide physical development in the historic downtown of the City consistent with the Community Development Plan and this Code.

The OT zoning district is an overlay district generally applied to property identified on the Old Town Overlay District Map, and therefore applied to the Sherwood Plan and Zone Map in the Smockville Subdivision and surrounding residential and commercial properties, generally known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Sections 9.400 and 9.500. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area," which have specific criteria or standards related to height and off-street parking.

9.202.02 Objectives

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Land use applications within the Old Town Overlay District must demonstrate substantial conformance with the standards and criteria below:

- A. Encourage development that is compatible with the existing natural and man-made environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - 1. The scale, mass, height, areas, appearances and architectural design of buildings and other development structures and features.
 - 2. Vehicular and pedestrian ways and parking areas.
 - 3. Existing or proposed alteration of natural topographic features, vegetation and waterways.

9.202.03 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Uses permitted outright in the RC zone, Section 2.109.02; the HDR zone, Section 2.105.02; and the MDRL zone, Section 2.103.02; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.03 through 9.202.04.
- B. In addition to the home occupations permitted under Section 2.203.02, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Sections 2.203 and 9.202, in either the underlying RC or MDRL zones.
- C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in the underlying RC, HDR and MDRL zones.
- D. Motels and hotels, in the underlying RC zone only.
- E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC zone only.
- F. Other similar commercial uses or similar home occupations, subject to Section 4.600.

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- G. Offices or architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services.
- H. Uses permitted outright in the RC zone are allowed within the HDR zone when limited to the first floor, adjacent to and within 100 feet of, Columbia Street within the Old Town Overlay District.

9.202.04 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

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- A. Uses permitted as conditional uses in the RC zone, Section 2.109.03, HDR zone, Section 2.105.03, and the MDRL zone, Section 2.103.03, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.03 through 9.202.04.

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9.202.05 Prohibited Uses

The following uses are expressly prohibited in the OT overlay zone, notwithstanding whether such uses are permitted outright or conditionally in the underlying RC, HDR or MDRL zones:

- A. Adult entertainment businesses.
- B. Manufactured homes on individual lots.
- C. Manufactured home parks.
- D. Restaurants with drive-through.
- E. Stand alone cellular or wireless communication towers and facilities

9.202.06 Dimensional Standards

In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:

- A. Lot Dimensions

Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.

- B. Setbacks

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Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by Section 9.202, are met.

C. Height

The purpose of this standard is to encourage 2 or 3 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.

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Except as provided in Section 9.202.08, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet in the "Smockville Area" and fifty-five (55) feet in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.

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Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.

D. Coverage

Home occupations permitted as per Section 2.203 and 9.202.03 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.

9.202.07 Community Design

Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Chapters 5, 8 and 9 shall apply, in addition to the Old Town design standards below:

A. Generally

In reviewing site plans, as required by Section 5.100, the City shall utilize the design standards of Section 9.202.08.

B. Landscaping for Residential Structures

- 1. Perimeter screening and buffering, as per Section 5.203.01, is not required for approved home occupations.

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- 2. Minimum landscaped areas are not required for off-street parking for approved home occupations.
- 3. Landscaped strips, as per Sections 5.203.02 and 8.304.04A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.
- 4. Fencing and interior landscaping, as per Section 5.203.02, are not required.

C. Off-Street Parking

For all property and uses within the "Smockville Area" of the Old Town Overlay District off-street parking is not required. For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 5.302.02. Shared or joint use parking agreements may be approved, subject to the standards of Section 5.301.03.

D. Off-Street Loading

- 1. Off-street loading spaces for commercial uses may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 5.303.01B.
- 2. For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.

E. Signs

In addition to signs otherwise permitted for home occupations, as per Section 2.203.01, one (1) exterior sign, up to a maximum of sixteen (16) square feet in surface area, may be permitted for each approved home occupation.

F. Non-conforming Uses

When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Section 9.400, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Section 2.206 may be waived by the Commission.

G. Downtown Street Standards

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All streets shall conform to the Downtown Street Designations and Street Standards in the City of Sherwood Street Cross-sections dated May 1999, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications adopted by Ordinance 98-1065, and as hereafter amended.

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9.202.08 Standards for All Commercial, Institutional and Mixed-Use Structures

The standards in this section apply to development of all new principal commercial, institutional and mixed-use structures in the Old Town Overlay District. These standards also apply to exterior alterations in this zone, when the exterior alteration requires full compliance with the requirements of applicable building codes.

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A. Building Placement and the Street. The purpose of this standard is to create an attractive area when commercial or mixed-use structures are set back from the property line. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph. All street-facing elevations must comply with one of the following options:

1. **Option 1: Foundation landscaping.** All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building façade that provide access for pedestrian or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least thirty (30%) of the linear street frontage;
 - b. There must be at least one (1) three-gallon shrub for every 3 lineal feet of foundation in the landscaped area; and,
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
2. **Option 2: Arcade.** All street-facing elevations must have an arcade as a part of the primary structure, meeting the following requirements:
 - a. The arcade must be at least three (3) feet deep between the front elevation and the parallel building wall;
 - b. The arcade must consist of one or a series of arched openings that are at least six (6) feet wide. The arcade, or combination of them,

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should cover a minimum of sixty (60%) of the street facing elevation;

- c. The arcade elevation facing a street must be at least fourteen (14) feet in height and at least twenty-five percent (25%) solid, but no more than fifty percent (50%) solid; and,
- d. The arcade must be open to the air on 3 sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material; and,
- e. Each dwelling that occupies space adjacent to the arcade must have its main entrance opening into the arcade.

3. **Option 3: Hard-surface sidewalk extension.** The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk;

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- a. The building walls may be set back no more than six (6) feet from the street lot line.
- b. For each one-hundred (100) square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided.
 - (1) A bench or other seating.
 - (2) A tree.
 - (3) A landscape planter.
 - (4) A drinking fountain.
 - (5) A kiosk.

B. Reinforce the Corner. The purpose of this standard is to emphasize the corners of buildings at public street intersections as special places with high levels of pedestrian activity and visual interest. On structures with at least two frontages on the corner where two city walkways meet, the building must comply with at least two of these options.

- 1. **Option 1:** The primary structures on corner lots at the property lines must be at or within 6 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner.
- 2. **Option 2:** The highest point of the building's street-facing elevations at a location must be within 25 feet of the corner.
- 3. **Option 3:** The location of a main building entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner.

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- 4. **Option 4:** There is no on-site parking or access drives within 40 feet of the corner.
- 5. **Option 5:** Buildings shall incorporate a recessed entrance(s) or open foyer(s), a minimum of 3 feet in depth to provide architectural variation to the façade. Such entrance(s) shall be a minimum of ten percent (10%) of the ground-floor linear street frontage.

C. Residential Buffer. The purpose of this standard is to provide a transition in scale where the Old Town Overlay District is adjacent to a lower density residential zone. Where a site in the Old Town Design Overlay District abuts or is across a street from a residential zone, the following is required;

- a. In the portion of the site within 25 feet of the residential zone, the building height limits are those of the adjacent residential zone; and,
- b. A 6-foot deep area landscaped with, at a minimum, the materials listed in Section 5.203.02B is required along the property line across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

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1. On sites that directly abut a residential zone the following must be met:

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D. Main Entrance. The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.

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1. **Location of main entrance.** The main entrance of the principal structure must face a public street (or, where there is more than one street lot line, may face the corner). For residential developments these are the following exceptions:

- a. For buildings that have more than one main entrance, only one entrance must meet this requirement.
- b. Entrances that face a shared landscaped courtyard are exempt from this requirement.

2. **Front porch design requirement.** There must be a front porch at the main entrance to residential portions of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat, otherwise it must be articulated and pitched. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 6 feet deep. If the main entrance is to a porch that provides the entrance to two or more dwelling units, the covered area provided by the porch must be at least 9 feet wide and 8 feet deep. No part of any porch may project into the public right-of-way, but may project into a side yard consistent with Section 2.305.04.

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E. Off-Street Parking and Loading Areas. The purpose of this standard is to emphasize the traditional development pattern in Old Town where buildings connect to the street, and where off-street vehicular parking and loading areas are of secondary importance.

1. **Access to off-street parking areas and adjacent residential zones.** Access to off-street parking and loading areas must be located at least twenty (20) feet from any adjacent residential zone.
2. **Parking lot coverage.** No more than fifty percent (50%) of the site may be used for off-street parking and loading areas.
3. **Vehicle screening.** Where off-street parking and loading areas are across a local street from a residential zone, there must be a 6-foot wide landscaped area along the street lot line that meets the material requirements in Section 5.202.02B.

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F. Exterior Finish Materials. The purpose of this standard is to encourage high quality materials that are complementary to the traditional materials used in Old Town.

1. Plain concrete block, plain concrete, corrugated metal, full-sheet plywood, T-111, vinyl and aluminum siding, synthetic stucco (DryVit), and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than ten percent (10%) of the surface area of each façade. Natural building materials are preferred, such as clapboard, cedar shake, brick, and stone. Composite boards manufactured from wood or other products, such as hardboard and fiber cement board, may be used when the board product is less than six (6) inches wide. Foundation materials may be plain concrete block when the foundation material does not extend for more than an average of three (3) feet above the finished grade level adjacent to the foundation wall.
2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph F.1 above, any material that meets the standards of Paragraph F.1 may be used.

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G. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using one of the methods listed below. Solar heating panels are exempt from this standard.

1. A parapet as tall as the tallest part of the equipment.

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- 2. A screen around the equipment that is as tall as the tallest part of the equipment.
- 3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.

H. Ground Floor Windows. The purpose of this standard is to encourage interesting and active ground floor uses where activities within buildings have a positive connection to pedestrians in Old Town. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards:

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- 1. Windows must be at least fifty percent (50%) of the length and twenty-five percent (25%) of the total ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement does not apply to the walls of residential units or to parking structures when set back at least five (5) feet and landscaped to at least the Section 5.203.02C standard.
- 2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.

I. Distinct Ground Floor. The purpose of this standard is to emphasize the traditional development pattern in Old Town where the ground floor of buildings is clearly defined. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by one or more of the following:

- 1. A cornice above the ground level;
- 2. An arcade;
- 3. Changes in material or texture; or
- 4. A row of clerestory windows on the building's street-facing elevation.

J. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Old Town. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:

- 1. A sloped roof with a pitch no flatter than 6/12; or
- 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:

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- a. There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
- b. The height of the cornice or parapet is based on the height of the building as follows:
 - (1) Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
 - (2) Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.
 - (3) Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.

K. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.

L. Architectural Guidelines. The Old Town Design Guidelines (April 2005) were developed to assist applicants during the architectural design development and review process. The guidelines are hereby referenced, adopted, and effective hereafter as amended. For any architectural definitions not listed in Section 1.200, *A Visual Dictionary of Architecture* (Francis DK Ching -1997) shall be used as a reference.

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9.300 LANDMARK REVIEW

9.301 Generally

The Planning Commission shall act as the designated review and approval authority for historic and cultural landmarks unless otherwise stated herein; and

- A. Recommend to the Council the designation of certain historic and cultural resources, structures, buildings, places, sites, landscapes and areas as landmarks or historic districts, in accordance with Section 9.400. Subject to the approval of the Council, the Commission may employ the services of a qualified architect or historian in the designation process. The landmark alteration criteria contained in Section 9.500 shall only apply to designated landmarks or historic districts.
B. Review and take action, or make policy recommendations, on new building applications within designated historic districts, in accordance with Section 9.500. If a proposed addition is less than 250 SF, and/or is an exterior renovation only of a designated landmark, the application shall be processed as a Type 2 administrative review consistent with Section 3.201.01B. All other proposals shall be processed as a Type 4 consistent with Section 3.201.
C. Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, rehabilitation, and reuse.
D. Advise and assist owners of landmarks on the physical and financial aspects of historic preservation, rehabilitation, and reuse, especially with respect to publishing or making available guidelines on historic preservation, and identifying and publicizing tax benefits, as well as grant and loan opportunities.
E. Determine an appropriate system of marks and signs for designated landmarks and historic districts.

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9.300 LANDMARKS ADVISORY BOARD¶
9.301 GENERALLY¶
A. The City Landmarks Advisory Board shall consist of seven (7) members to be appointed by the Council for terms of two (2) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Landmarks Board members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.¶
B. A Landmarks Board member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.¶
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9.400 LANDMARK DESIGNATION

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9.401 DESIGNATION STANDARDS AND PROCEDURES

9.401.01 Generally

- A. The Planning Commission shall make recommendations on the designation of structures, buildings, places, landscapes and sites, having special historical, architectural, or cultural significance, as historic landmarks or historic districts.
- B. Subject to the procedures and standards of Sections 9.401.03 and 9.401.04, historic resources may be designated as landmarks having Primary, Secondary, or Contributing significance based on the historic, architectural, site, and use evaluation criteria contained in Section 9.401.04.

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9.401.02 Effect of Designation

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- A. Any historic resource designated as per Section 9.400, shall be subject to Section 9.500, except as otherwise provided by this Code. Any building or site that is considered for landmarks designation, but rejected as per Section 9.400, may not be reconsidered for a minimum period of two (2) years. The classification of any designated landmark once established as per Section 9.400 may not be reconsidered for a minimum period of two (2) years.
- B. The landmark alteration criteria contained in Section 9.500 shall apply only to designated landmarks or historic districts. Historic resources designated as landmarks of either Primary or Secondary significance that are within a special historic resource zone or historic district are subject to Section 9.500. Historic resources designated as landmarks of either Primary or Secondary significance that are not within a special historic resource zone or historic district are subject to Section 9.500.
- C. Notwithstanding its listing and rating in, or omission from, a historic resources inventory, or its designation or rejection as a landmark, any structure, building, place, landscape, site, or area within a special historic resource zone may be subject to the standards of that zone. Any structure, building, place, site, or area within a designated historic district shall be subject to Section 9.500 where so required by this Code, and may be subject to the standards of that district.
- D. If a property, building, or other feature has been designated as a historic resource, the owner shall be notified and consent to such designation consistent with ORS 197.772. The owner may also petition the Commission or Council to remove the property from historic designation.

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9.401.03 Procedures

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A. Except as otherwise provided herein, the Council, Commission, ~~the owners of a~~ potential landmark, or a citizen may initiate historic landmark or district designation in accordance with Section 9.401. Application for landmark designation shall be made on forms provided by the City. A proposed designation shall be processed as a plan amendment. ~~The Planning Commission shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Planning Commission shall provide a report and recommendation on the proposed designation to the Council.~~

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B. Initiation of consideration of a new historic district designation, or amendment to any established historic district, may be initiated by the Council, Commission, ~~or by~~ petition specifying a proposed district boundary and signed by at least twenty-five percent (25%) of the property owners within the proposed district. A proposed designation shall be processed as a plan amendment. ~~The Planning Commission shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Planning Commission shall provide a report and recommendation on the proposed designation to the Council.~~

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C. Upon receipt of the report and recommendation of the ~~Planning Commission~~, the Council shall conduct a ~~second~~ public hearing as per Section 3.200. ~~Approval of the landmark or district designation shall be in the form of an ordinance. If a resource or area is approved for designation by the Council, it shall be listed as a designated historic landmark or district in the Community Development Plan element of the City Comprehensive Plan. An official landmark map shall also be created, maintained, and updated with each change to a landmark designation.~~

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D. Once City action on historic district designation is complete, the designation shall not go into effect until the City has adopted design guidelines and standards for the district, similar to those adopted for the Old Town Historic District, Appendix I. Unless otherwise impractical, historic district design guidelines and standards should be developed and considered concurrently with historic district designation.

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9.401.04 Standards

In determining whether historic resources or groups of historic resources should be designated as landmarks of either Primary or Secondary significance, or as historic districts, ~~the Planning Commission and Council shall make written findings with respect to the following factors;~~

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A. That the potential historic resource has a quality or significance in American or local history, architecture, archeology, engineering, or culture, and retains its historic integrity in terms of location, design, setting, materials, workmanship, feeling and association, and:

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1. Is associated with events or persons significant in American or local history; or
2. Embodies the distinctive characteristics of a type, style, period, or method of construction or architecture, or represents the work of a master craftsman, architect or builder, or possesses significant artistic, aesthetic or architectural values; or
3. Has yielded, or may be likely to yield, information important in American or local prehistory or history.

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B. The Commission and Council shall also examine and make findings regarding specific uses allowed in the zoning districts where the proposed landmark lies, identify consistencies and/or conflicts with the allowed uses and proposed designation, and determine the economic, social, environmental and energy (ESEE) impacts of designation on the proposed landmark and adjacent allowed uses. Findings shall also indicate those elements of a property, including interior, landscape, and archaeological features that are directly related to the designation and subject to review under the provisions of the Code.

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C. The Commission, after considering the criteria in Section 9.401.04A of this Section and the ESEE analysis required by Section 9.401.04B, shall recommend to the Council approval of the landmark's designation as a Primary or Secondary historic resource, approval with conditions, or determine that the resource should not receive any landmark designation. The Council's final decision on the Commission's recommendation shall be in the form of an ordinance amending the Community Development Plan element of the City Comprehensive Plan and listing the resource as a designated historic site, approving the designation with conditions, or determining that the resource should not receive any landmark designation.

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9.500 LANDMARK ALTERATION

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9.501 PROCEDURES

9.501.01 Alteration Application

- A. Application for any alteration of a designated landmark, except as per Section 9.501.03, shall be made on forms provided by the City.
- B. The following information shall be required in an application for alteration of a landmark:
 - 1. The applicant's name and address.
 - 2. The property owner's name(s) and address(es), if different from the applicant(s) and a statement of authorization to act on behalf of the owner signed by the owner.
 - 3. The street address or other easily understood geographical reference to the landmark property.
 - 4. A drawing or site map illustrating the location of the landmark.
 - 5. A statement explaining compliance with the applicable approval criteria 9.500, as appropriate.
 - 6. Ten (10) sets of plan drawings to include site, landscaping and elevations, drawn to scale.
 - 7. Photographs of the landmark which show all exterior features.
 - 8. A list of owners of property (fee title) within one hundred (100') feet of the subject property together with their current mailing addresses.
 - 9. Any other information deemed necessary by the City Manager or his or her designee.

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- C. The Planning Commission shall conduct a public hearing concerning the proposed landmark alteration and provide public notice in accordance with Section 3.200 of this Code. The Planning Commission decision shall be based on compliance with the review standards in Section 9.502 and shall consider the original finding made in the landmark designation process as per Section 9.400.
- D. In any alteration action, the Planning Commission shall give full consideration and weight to the importance of the landmark, its landmark classification and designation, any adverse economic or visual impacts on adjacent landmarks, special

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historic resource zones, or historic districts, and, if the proposed landmark is within a special historic resource zone or designated historic district, the standards and guidelines of that zone or district.

9.501.02 Appeals

A decision rendered by the Planning Commission regarding approval, approval with conditions, or denial of a permit for construction, alteration, removal, or demolition of a designated landmark, may be appealed to the Council as per Section 3.400.

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9.501.03 Exceptions

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A. Nothing in this Section shall be construed to prevent the maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature, or which the Building Official shall determine is required for the public safety due to an unsafe or dangerous condition. Except as otherwise provided in this Chapter and Section 9.501.03B, if no City building permit or land use approval is otherwise required, facade alterations which, in the City's determination, adversely impact or lessen a landmarks historic character, shall be subject to landmark alteration review. Such alterations subject to review could include, but are not limited to: painting of facade elements or construction of materials normally left unpainted within the historic context of the landmark; replacement of windows, transoms, awnings, doors, exterior lighting, or other exterior features; the addition and replacement of exterior heating, ventilating and air conditioning equipment, except for temporary equipment such as portable in-window air conditioners; or any overlay of an existing facade with new siding materials.

B. Normal maintenance and repair of historic resources are not subject to landmark alteration review, except as specified in Section 9.501.03A. Normal maintenance and repair activities generally exempted from Section 9.501.01 shall include, but are not limited to:

1. Repairing or providing a new foundation that does not result in raising or lowering the building elevation provided, however, that the City must find that foundation materials and craftsmanship do not contribute to the historical and architectural significance of the landmark;
2. Installation of storm windows and doors, insulation, caulking, weatherstripping and other energy efficient improvements which complement or match the existing color, detail and proportions of the landmark;
3. Painting, sandblasting, chemical treatments, and related exterior surface preparation, except for surface preparations that result in the landmark becoming further removed from its original historic appearance, where the

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landmark would not have been originally painted, or where the preparation could damage exterior surfaces.

4. Repair or replacement of electrical, plumbing, mechanical systems, sewer, water and other utility systems, and equipment which does not alter a designated landmark's exterior appearance.
5. Repair or replacement of building and site features when work is done in kind to closely match existing materials and form. Such features include fencing, roofing, vents, porches, cornices, siding, doors, balustrades, stairs, trim, windows, driveways, parking areas, retaining walls, signs, awnings, gutters and roof drain systems, hand rails and guardrails.
6. Necessary structural repairs, as determined by the City Building Official that do not significantly alter or destroy the landmark's historic appearance.
7. Masonry repair or cleaning, including repointing and rebuilding chimneys, if mortar is matched to original composition, and powerwashing if done at no more than 600 psi with mild detergent.
8. Any other exterior repair, replacement or maintenance that, in the City's determination, does not result in the landmark becoming further removed from its original historic appearance.

C. Landmarks designated as Primary and Secondary historic resources as per Section 9.401 that are not within special historic resource zones or historic districts shall be subject to landmarks alteration review. Landmarks designated as Contributing historic resources as per Section 9.401 that are not within special historic resource zones or designated historic districts shall be subject to review, but such review shall be advisory and non-binding.

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D. Except as otherwise provided in this Chapter, interior alterations not visually or structurally modifying a designated landmark's external appearance or facade shall not be subject to landmarks alteration review, unless the interior is specifically cited as part of the reason for the landmarks designation, as per Section 9.401.04.

E. Signs shall be subject to Section 5.700 only, provided that the City Manager or his or her designee finds that the proposed sign or signs comply with the standards of Section 9.500, and the guidelines and standards of any applicable special historic resource zones or designated historic districts. These findings shall be prepared and reviewed as per Section 9.501.01B.

9.502 ALTERATION STANDARDS

The following general standards are applied to the review of alteration, construction, removal, or demolition of designated landmarks that are subject to Section 9.500. In

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addition, the standards and guidelines of any applicable special resource zone or historic district shall apply. In any landmark alteration action, the Planning Commission shall make written findings indicating compliance with these standards.

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9.502.01 Generally

- A. Every reasonable effort has been made by the property owner, in the City's determination, to provide a use of the landmark which requires minimal alteration of the structure, site, or area.
- B. In cases where the physical or structural integrity of a landmark is questionable, the proposed alterations are the minimum necessary to preserve the landmarks physical or structural integrity, or to preserve the feasibility of the continued occupation, or use of the landmark given its structural condition.
- C. In cases where the landmark has been significantly altered in the past, that it is technically feasible to undertake alterations tending to renovate, rehabilitate, repair or improve the landmark to historic standards given those prior alterations.
- D. The compatibility of surrounding land uses, and the underlying zoning designation of the property on which the historic resource is sited, with the historic resources continued use and occupation, and with the renovation, rehabilitation, repair, or improvement of the resource to historic standards.
- E. Alterations shall be made in accordance with the historic character of the landmark as suggested by the historic resources inventory and other historic resources and records. Alterations to landmarks within special historic districts shall, in addition, be made in accordance with the standards and guidelines of that zone or district.
- F. Alterations that have no historic basis and that seek to create a thematic or stylistic appearance unrelated to the landmark, or historic district's architectural history and vernacular, and original or later significant additions, the type of architecture in question shall not be permitted.

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9.502.02 Architectural Features

- A. The distinguished original qualities or character of a landmark shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided. Distinctive stylistic or architectural features or examples of skilled craftsmanship which characterize a landmark shall be preserved.
- B. Deteriorated architectural features shall be restored wherever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.

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- C. Repair or replacement of missing architectural features should be based, wherever possible, on accurate duplications of said features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- D. The surface cleaning of landmarks shall be undertaken using methods generally prescribed by qualified architects and preservationists. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
- E. Contemporary design for alterations and additions to landmarks may be allowed when such alterations and additions do not, in the City's determination, destroy significant historical, architectural, or cultural features, and such design is compatible with the size, scale, color, material, and character of the designated landmark or historical district.
- F. Whenever possible, new additions or alterations to landmarks shall be done in such a manner that, if such additions or alterations were removed in the future, the historic form and integrity of the landmark would be unimpaired.

9.503 VARIANCES TO ALTERATION STANDARDS

9.503.01 Generally

- A. Any variances to landmark alteration standards shall be considered as per Section 4.400, provided, however, that the Planning Commission shall first receive and consider a report and recommendation from city staff, in addition to considering the criteria specified in Section 9.503.01B. Variances to landmark alteration standards, as per Section 4.400, shall be considered only if the landmark has been subject to the full landmark alteration review procedure as per Section 9.501.
- B. In any variance action, the Planning Commission shall give full consideration and weight to the importance of the landmark, its classification and designation as a landmark, the standards and guidelines of any applicable special historic resource zones or designated historic districts, the standards of Section 9.503, and to any adverse economic or visual impacts and any variance on adjacent landmarks, special historic resource zones, or designated historic districts.

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9.504 LANDMARK DESIGNATION INCENTIVES

9.504.01 Generally

To facilitate the purposes of this Chapter and in recognition of the extraordinary costs sometimes associated with the appropriate preservation of historic resources, incentives shall be made available at the time such resources undergo an alteration subject to Section

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9.500. Such incentives shall be in addition to the activities of the Planning Commission required by Section 9.301.03D-E.

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9.504.02 Incentives

Any landmark designated as per this Chapter, whether Primary or Secondary, or within or outside of a special historic resource zone or historic district, may be granted one or more of the following incentives, provided that in exercising or accepting any incentive contained herein, a landmark not otherwise subject to Section 9.500, shall thereafter be subject to all the terms and conditions of that Section. Incentives shall be granted only if the proposed alteration has undergone landmarks alteration review and is fully consistent with Section 9.500 and the landmark's designation as per Section 9.400. Monetary incentives, such as property tax rebates and fee waivers, may be granted in any combination, as determined by a recommendation of the Planning Commission and decision by the City Council, provided however, that the total amount of the monetary incentives shall not exceed the additional cost of the historically appropriate alteration over that of a more conventional improvement, also as determined by the Planning Commission.

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A. Property Tax Rebates:

1. A property owner who has expended funds for labor and materials necessary to comply with Section 9.500, may apply to the City for rebate of the City's portion of real property taxes levied and collected by the Washington County Department of Assessment and Taxation for the fiscal real property tax year following the tax year in which the investment for labor and materials was made by the owner, and for each subsequent tax year thereafter not to exceed ten (10) tax years. In no event shall the total rebates paid by the City to the applicant exceed the total cost of the labor and materials expense necessary to comply with Section 9.500. The applicant shall submit with the application, on a form to be provided by the City, such verification of the expenditures for labor and materials, as shall be determined sufficient by the City.
2. No rebates shall be allowed for any property for which real property tax payments are delinquent, nor shall rebates continue to be paid for a property which ceases to meet the standards of this ordinance as a qualifying historical resource. No rebates shall be allowed for tax payments made in the year the funds are expended for compliance with Section 9.500, or any year prior thereto.
3. Nothing in this section shall be deemed to obligate the City to rebate any taxes levied and paid for the benefit of any other governmental entity, and shall apply only to real property taxes assessed, levied, and payable to the City of Sherwood by the Washington County Department of Assessment and Taxation.

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B. City Fee Waiver:

- 1. The City Planning Director shall waive all required land use application fees established by the City that would normally be applicable to a landmarks alteration, including any fees for processing the landmarks alteration application itself.

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C. Building Codes:

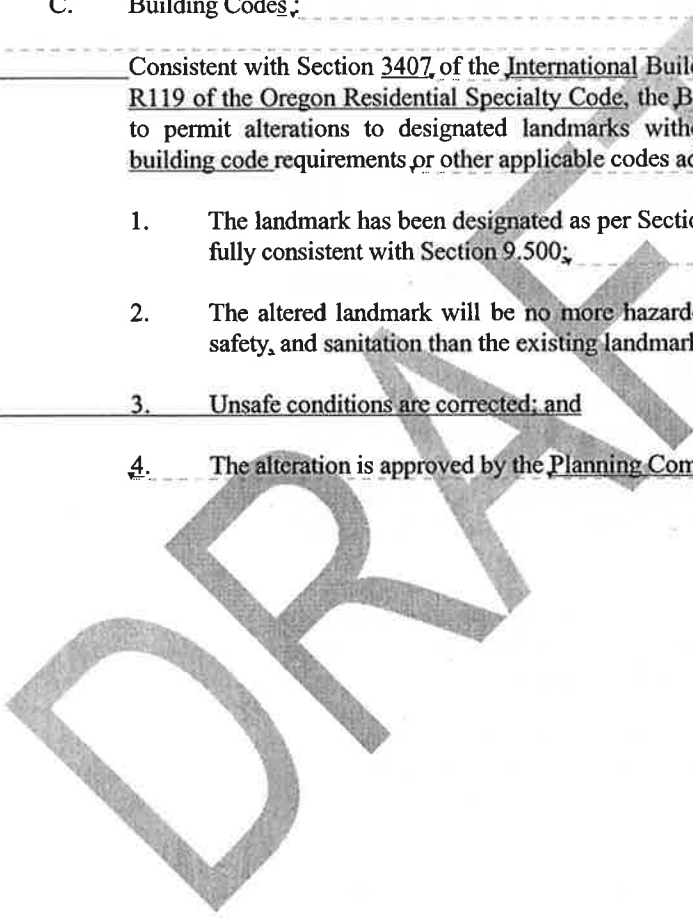
Consistent with Section 3407 of the International Building Code (IBC) and Section R119 of the Oregon Residential Specialty Code, the Building Official is authorized to permit alterations to designated landmarks without compromising all other building code requirements or other applicable codes adopted by the City provided:

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- 1. The landmark has been designated as per Section 9.400, and the alteration is fully consistent with Section 9.500;
- 2. The altered landmark will be no more hazardous based on life safety, fire safety, and sanitation than the existing landmark;
- 3. Unsafe conditions are corrected; and
- 4. The alteration is approved by the Planning Commission.

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The following definitions apply to terms used in this ordinance. Terms not defined have their commonly construed meaning. These will be added to Section 1.200 and numerated accordingly:

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Alteration: An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts.

Designated Landmark: A property officially recognized by the City of Sherwood as important in its history, culture, or architectural significance.

Designated Landmarks Register: The list of, and record of information about, properties officially recognized by the City of Sherwood as important in its history.

Extraordinary Historic Importance: The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Historic Integrity: The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

Historic Resource : A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

Object: A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e. g. statue, fountain, milestone, monument, sign, etc

Site: The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e. g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.

District: A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e. g. downtown, residential neighborhood, military reservation, ranch complex, etc.

Historic Resources of Statewide Significance: Buildings, structures, objects, sites, and districts which are listed on the federal National Register of Historic Places.

Inventory of Historic Resources: The record of information about resources potentially significant in the history of the City of Sherwood as listed in the Cultural Resource Inventory (1989), and hereafter amended.

Relocation: The removal of a resource from its historic context.

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9.300 LANDMARKS ADVISORY BOARD

9.301 GENERALLY

A. The City Landmarks Advisory Board shall consist of seven (7) members to be appointed by the Council for terms of two (2) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Landmarks Board members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.

B. A Landmarks Board member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.

C. Landmarks Board membership may be drawn from all segments of the community, provided however, that the Council shall strive to appoint individuals in a variety of professions to the Landmarks Board, and shall give preference to owners of historic properties, architects, real estate brokers, attorneys, builders, historians, and other professions providing background and expertise relevant to historic preservation.

D. No more than two (2) Landmarks Board members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of business, trade, or profession.

9.301.01 Officers, Minutes, and Voting

A. The Landmarks Board shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Landmarks Board.

B. Before any meeting of the Landmarks Board, public notice shall be given as required by State Statute and this Code. Accurate records of all Landmarks Board proceedings shall be kept by the City, and maintained on file in the City Recorder's office.

C. A majority of members of the Landmarks Board shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an

open meeting of the Landmarks Board shall be necessary to legally act on any matter before the Landmarks Board. The Landmarks Board may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

9.301.02 Conflicts of Interest

A. Landmarks Board members shall not participate in any Landmarks Board proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.

B. Any actual or potential interest by a Landmarks Board member in an action as per Section 9.301.03A shall be disclosed by that member at the meeting of the Landmarks Board where the action is being taken. Landmarks Board members shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Landmarks Board. Ex-parte contacts with a Landmarks Board member shall not invalidate a final decision or action of the Landmarks Board provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

9.301.03 Powers and Duties

Except as otherwise provided by law, the Landmarks Board shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, and City ordinances.

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landmarks and in designated historic districts

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and if the building alteration involves a site plan application as per Section 5.100, the Board shall substitute for the Planning Commission and act as the approving authority for such applications

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For any land use application, other than site plan review, that is for a designated landmark or in a designated historic district, the Board shall provide formal written recommendations to the Planning Commission, prior to the Commission's decision on the application.

D.

Old Town Talent Design Standards

Ord. 733

The purpose of the Old Town Design Standards is to respect and enhance the character of Talent's original core areas while maintaining the city's traditional, rural, vernacular architectural heritage. The Old Town area has been the commercial and residential heart of the community since Talent's settlement and it is the intent of the City to retain a strong connection with that history as new construction, alteration, or additions to existing structures occurs.

Building upon previous studies in the City and the adopted Historic Element "A" of the Comprehensive Plan, the Old Town Design Standards are based upon common architectural designs, materials, and other built characteristics typical of Talent's original building forms. Using these historic models as a template for new construction allows growth and development that respects Talent's history and builds upon our quality of life. It is not the intent of the design standards to freeze time and halt progress or restrict an individual property owner's creativity, but rather to guide proposals and provide a set of parameters for new construction and remodeling within the Old Town area to assure compatibility with and respect for their historic surroundings. The Old Town Design Standards do direct new design toward the modest architectural character that is traditional in the Old Town area, specifically prohibiting certain materials and design elements to avoid the introduction of overly grandiose designs at variance with our history. However, within those limitations, personal choice can and should be expressed within the basic framework of the standards.

The Old Town Design Standards also direct exterior remodeling projects to retain the modest, traditional character that exists by retaining original architectural elements on structures within the Old Town District.

That is, the Standards ensure that any remodeling efforts of existing vintage buildings retain their modest architectural characteristics by retaining as many original house parts as possible. In the same way that an old car becomes a valuable collector's classic because it retains its original parts, so it goes with vintage buildings. The building that retains all its original parts, including windows, doors, chimneys and trim, and keeps them maintained, grows in value for both the property owner and the community. As an incentive, historic renovations that meet the applicable local standards are more likely to meet federal and state historic designation standards and therefore qualify for state and various other incentive programs.

Under the procedures of the City's Design Review Process established by Article 13 of the Talent Zoning Ordinance, an applicant must demonstrate the proposal meets all of the following design standards in order for the decision making body to approve the proposal. As such, the standards should help increase objectivity and reduce subjectivity. As per Article 13, the Talent Planning Commission is the decision-making authority for applications under the following Standards and the Talent Architectural Review Committee [TARC] serves as an advisory body. The Talent Planning Commission reviews and values all comments, suggestions, and recommendations prior to approval or denial of any application.

The following standards are intended as an "overlay" to the underlying zoning district and

shall be used as part of the land use approval process when new development is proposed in the Old Town District.

I. REMODELING OF EXISTING STRUCTURES

Remodeling Standard 1: Original Elements

Elements that are original to a vintage, traditional or historic structure (defined in this standard as primary, secondary, contributing, non-contributing-historic, or any structure 50 years or older) are an important characteristic. These elements enhance appeal and retain the overall historic fabric of a neighborhood. In most cases, these original parts can and should be restored, first by restoring the original and, if that is not possible, replacing only those parts that are missing or badly damaged with in-kind material. With few exceptions, total replacements are unnecessary. The Secretary of the Interior's Standards for Rehabilitation should be consulted in situations not covered by these standards. Where alterations to an exterior are proposed, they shall conform to the following:

- A) **Doors:** The original door and opening shall be retained, unless beyond local repair. If a new door must be used the style should match the original whenever possible.
- B) **Windows:** Original windows shall be retained and, if necessary, restored to working condition. If desired, they can be insulated using the energy conservation methods listed below. Original glass should be retained whenever possible. If all of the above is not possible, then the frame shall be retained and a true retrofit sash replacement shall be installed that matches the glass pattern of the original window.
- C) **Chimneys:** Chimneys made of brick or stone shall be retained, and repaired using proper masonry techniques and compatible mortar that will not chemically react with the original masonry and cause further deterioration. If the chimney is no longer in use, the opening should be covered with a metal or concrete cap. If the chimney is to be used, but has been determined to be unsound, the chimney masonry should be retained, as above, and a new flue inserted into the opening.
- D) **Skylights:** Skylights should be placed on the side of the structure not visible from the public right of way, and should be of a low profile type design.
- E) **Gutters:** Original gutters should be retained, if possible. Half round gutters and round downspouts are highly desirable, and can be obtained from local manufacturers.
- F) **Architectural Elements:** Window trim, corner board trim, sills, eave decorations, eave vents, porch posts, and other types of original architectural trim should be retained. If parts are missing, they should be replicated using the same dimensions and materials as the original. If only a portion is damaged, the portion itself should be repaired or replaced, rather than replacing the whole element.
- G) **Siding:** Original siding should be maintained; first repairing damaged sections then, if that is not possible, replacing damaged or missing sections with in-kind matching material.

In some cases, original siding may have been overlaid during a later historic period with combed cedar siding, which is a historically appropriate material that may be retained if desired.

H) Weatherization & Energy Conservation: Modern energy conservation results can be obtained, by using traditional conservation methods. Attics and floors should be insulated to conserve heat loss in the winter and insulate against the heat in the summer. Windows and doors should be caulked around the inside trim, and copper leaf spring type weather stripping or similar installed to seal leaks. Storm windows (exterior or interior mounted) should be put up during the winter months to create insulation. Windows can be further insulated in winter using insulated-type curtains or honeycomb blinds; in summer, curtains or blinds reflect heat. Using deciduous trees and plants provides additional protection from summer heat.

REMODELING STANDARD 2: Front Facing Presentation

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

- A) Skylights-Skylights shall be placed on the side of the structure not visible from the public right-of-way, and shall be of a low profile design.
- B) Roof vents-Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.
- C) Plumbing vents-Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

II. COMMERCIAL STRUCTURES:

The traditional commercial core area of Talent, including those properties facing Talent Avenue between Wagner Creek Road and the intersection of Talent Avenue and the South Pacific Highway [Highway 99], reflect the historic character of the community as a small, rural, service area. Buildings here have historically been of modest scale and construction, consistent with the community's vernacular design heritage. In order to maintain that basic character in the core the following standards govern all new commercially zoned construction and remodeling projects requiring a structural building permit.

NOTE: The City encourages applicants to consider mixed-use projects. The following standards covering commercial structures shall apply for all mixed-use projects in the Old

Commercial Standard 1: Volume & Mass Town Area.
The massing of a building includes its overall bulk, orientation, and placement on the site, forming the visual relationship between the building and its surroundings. Individual aspects of massing, particularly height, are subject to specific Standards below:

- A) *Orientation*: All buildings will be sited with the primary façade facing the public right-of-way. For corner buildings with a corner-facing entry, both street-facing elevations will be considered “façades” for purposes of this Standard.
- B) *Setback*: All buildings will be located directly upon the property line with zero setback from the public right-of-way. Portions of the façade, such as recessed entryways or similar features, are exempted from this Standard provided they total less than 50% of the total façade width.
- C) *Width*: Buildings shall extend from side lot line to side lot line to create a solid streetscape along the public right-of-way. An exception to this standard may be granted to provide for plazas, courtyards, dining areas, or pedestrian access. [See Standard 5, below, regarding vertical divisions).

Commercial Standard 2: Openings

To maintain and insure a pedestrian-friendly scale within Talent’s traditional commercial core, storefronts and upper facades shall reflect the following:

- A) *Verticality*: All façade window openings shall maintain a generally vertical proportion (1.5:1 height/width ratio or greater, i.e. a 24” wide window must be a *minimum* 36” tall). An exception to this standard is allowed for large fixed storefront windows. Transom panels, spanning the entire storefront glazed area, are encouraged.
- B) *Transparency*: Ground floor storefronts should be predominately “transparent,” with a minimum of 75% glazed surface area, including entry doors.
- C) *Symmetry*: Openings should generally reflect the bi-lateral symmetry of the traditional commercial development pattern. Asymmetrical facades that result from corner or other non-central entryways, or that result from varied massed forms joined into a single use are excluded from this Standard.
- D) *Prohibited Opening Types*: To maintain the traditional commercial character of the core area, the following are prohibited:
 - 1. Sliding or “French” entry door sets on the Façade (such doors are permitted on side and rear elevations only).
 - 2. Roll-up garage doors (metal or wood), on the Façade (such doors are permitted on side and rear elevations only). Uses requiring large garage openings on the façade may use sliding or bi-fold doors. Wood and glass doors are encouraged.
 - 3. Reflective glazing, “mirror glass” and similar
 - 4. Horizontal slider windows (i.e. vertically oriented slider windows)
 - 5. Arched or “fan light” type windows, except where inset into an articulated structural opening.

Commercial Standard 3: Height

In order to increase opportunities to transit, reduce transportation impacts, and promote

pedestrian activity, multiple story commercial or mixed-use construction is encouraged. All new commercial and mixed-use construction in the zone is subject to the following standards:

- A) *Maximum*: No building may be greater than 30 feet (2 ½ stories) in overall height.
- B) *Minimum*: No single story building shall have a plate height of less than 16 feet high at the public right-of-way.
- C) *Variation*: Building height shall be differentiated a minimum of 6" from the average height of adjacent buildings to avoid a solid street wall of uniform height. An exception to this standard will be made for buildings that incorporate a projecting vertical division in the facade treatment that visually separates the façade from adjacent buildings, such as a column, pilaster or post.

Commercial Standard 4: Horizontal Façade Rhythm

To maintain the rhythm of Talent's traditional architecture, all new commercial construction shall respect the three-part "base-shaft-capital" façade system common to pre-WWII commercial designs.

- A) *Base*: Buildings shall provide a visually articulated foundation or "base" feature, at ground level, typically rising to the bottom of the sill height. A "base" may be created by detail or a change in material or form that differentiates the base from the upper portions of the façade. (i.e. a brick or tiled "base" on a concrete building, or a paneled wood base on a horizontal sided wood building) This standard may also be met by projecting elements or change in surface planes that employ a common material, i.e. a projecting brick sill and "apron" on a brick wall or a cast concrete shoulder that projects away from a concrete wall.
- B) *Stringcourse*: Prominent horizontal lines shall be maintained between all floor levels, visually dividing the façade into horizontal sections that reflect the interior levels. Such features may be projecting or incised bands of common materials (as in brick or concrete) or applied trim, as in a wooden "bellyband."
- C) *Cornice Details*: All buildings shall have a "cap" element at the uppermost portion of the façade that visually terminates the main façade surface. Cornice details may be integrated into a stepped or decorative parapet or consist of an articulated line that projects from the main surface plane. Modest marker blocks stating building name and date of construction are strongly encouraged.

Commercial Standard 5: Vertical Façade Rhythm

Reflecting the narrow underlying land divisions common in Talent's downtown and creating visual interest that enhances the pedestrian scale, commercial facades shall have strong and clearly articulated vertical elements.

- A) *Multiple Bays*: All storefronts shall be divided into vertical "bays" through the use of structural members such as columns, pilasters, and posts, or by the use of other surface detailing that divides large walls into narrower visual panels. No structure shall have a single "bay" larger than 30 feet, based upon the lot width of the "Original Plat" of the Town of Talent. Buildings occupying one or more original town lots (i.e., greater than 30 feet in width) shall be visually divided into multiple bays of 30' or *one-half* the overall lot width, whichever is the lesser.
For example, the façade of a 50-foot wide structure shall be visually divided into two 25' wide bays. An 80' foot structure may be divided into two 30' bays

- and one 20' bay *or* into four 20' bays, either of which will meet this standard.
- B) *Edge Definition:* All storefronts shall use a pilaster, engaged column, or other structural or decorative vertical element at each side lot line, to create

Commercial Standard 8: Exterior Surface Materials

visual division from the adjacent structure. (See Standard 3(C), above, regarding the use of projecting elements) For structures that do not extend from sideline to sideline (as per Standard 1(C) above) the outermost building corner will be treated as the edge for compliance with this Standard.

Commercial Standard 6: Sense of Entry

All commercial buildings shall have a clearly defined "sense of entry," with the primary public access serving as a focal point in the visual organization of the façade. This can be accomplished via structural articulation, such as in a recessed entry, or through the use of trim, materials, or other elements. A clear and defined sense of entry facilitates retail activity and adds significantly to the pedestrian interest of the street.

- A) *Doors:* Primary commercial entrances shall be primarily "transparent with no less than 50% of the total surface consisting of glass.
- B) *Integration:* Entryways shall be architecturally integrated into the vertical and horizontal rhythms of the façade.
- C) *Depth:* Recessed porches shall be no less than three (3) feet in depth.

Commercial Standard 7: Roof Forms

Traditional commercial roof forms, including flat, single-slope, or bow-string and other trussed roofs, are all typical of downtown Talent. Other roof forms, particularly gables, were screened from the public right-of-way.

- A) Gable, hipped or similar residential style roof forms are prohibited for commercial buildings unless screened from the public right-of-way by a parapet or falsefront façade.
- B) Mansard-type projecting roof elements, other than small, pent elements of 6/12 pitch or less that are incorporated into a cornice treatment, are prohibited for commercial buildings in the Old Town Area.

Exterior building materials shall be consistent with those traditionally used in commercial construction in Talent. These materials include but are not limited to:

- Horizontal wood siding, painted (Concrete fiber cement siding, or manufactured wood-based materials are acceptable under this standard provided they present a smooth finished surface, not "rustic" wood grain pattern)
- True board and batten vertical wood siding, painted
- Brick: Traditional use of red brick laid in common bond is preferred. Split-faced or "Roman" brick may be appropriate for bulkheads or detail treatments but is prohibited as a primary building material. Highly decorative "washed", glazed, or molded brick forms are prohibited.
- Stucco (for foundations and decorative panels only)
- Poured concrete (painted or unpainted)
- Concrete block: Split faced concrete block is appropriate for

foundations, bulkhead, or detail treatments but is prohibited as a primary building material. Smooth-faced Concrete Masonry Units (CMU) is prohibited when visible from the public right-of-way.

- Corrugated metal (roof or wall)
- Ceramic tile, as a detail treatment, particularly for use in bulkhead or storefront areas.

Use of the following exterior materials are specifically *prohibited* within the zone:

- Stucco, as a primary wall surface
- Stucco-clad foam (EIFS) and similar foam-based systems
- Standing seam metal sheetgoods for siding or visible roofing
- T-111 or similar 4x8 sheet materials
- Horizontal metal or vinyl siding
- Metal/Glass curtain wall construction
- Plastic (vacuum-formed or sheetgoods)
- Faux stone (slumpstone, fake marble, cultured stone) and all similar stone veneer surface treatments)
- Shingle siding, log construction, fake “rustic” wood, pecky cedar and similar products designed to create a “Frontier” era effect.

Commercial Standard 9: Awnings and Marquees

Awnings and marquees projecting from the façade over the public right-of-way are a traditional commercial element and enhance pedestrian interest and use by providing shelter. Such features are encouraged *but are not required* in the zone. Where awnings or marquees are an element in a proposal they shall conform to the following:

- A) *Scale:* Awnings and marquees shall be proportionate in size to the façade and shall not obscure architectural detail.
- B) *Placement:* Awnings should fit entirely *within* the window or door openings, retaining the vertical line of columns and wall surfaces. Storefront awnings may be full width, crossing interior posts, to a maximum of 25 feet, provided the edge-definition (See Standard 5(B), above) remains visible.
- C) *Materials: Awnings*
Cotton, acrylic canvas, or canvas-like materials are required for use in the zone.

The use of vinyl awnings is specifically prohibited.

Fixed metal awnings of corrugated metal are permitted provided the pitch is 5/12 or less.

Wood shingle awnings are permitted provided the pitch is 5/12 or less.

- D) *Materials: Marquees*
 - a. Natural or painted metal surfaces over an internal structural framework are traditional marquee design and are preferred.
 - b. Painted wood marquees are permitted.
 - c. Plastic panels or any form of internally illuminated marquees are prohibited.
 - d. Glass or transparent elements that reveal other light sources are excluded.

- E) *Shapes:* Traditional single-slope awnings are preferred. “Bubble” or rounded shapes are specifically prohibited except when used with rounded structural openings of the façade wall such as arch-topped windows.
- F) *Lighting:* Internal awning lighting is prohibited.
- G) *Signage:* Signs or painted graphics are limited to the valance or “edge” of the awning or marquee only.

Commercial Standard 10: Secondary Elevations

By nature, non-street or alley-facing elevations were less detailed than the primary façade. Rear and sidewall elevation should accordingly be significantly less detailed than storefronts and built of simple materials.

- A) *Public Rear Entrance:* When a rear or alley entry serves as the primary or secondary public entrance, modest detail or highlight should create a “sense of entry” as in Standard 6, above. Rear entrances, *even when intended as the primary entrance to the use*, should remain essentially functional in character, reinforcing the primacy of the street-facing elevation.
- B) *Corner Entrances:* When a storefront includes a corner entry, both adjacent facades facing the public right-of-ways shall be treated as the “façade” for purposes of these Standards. When a storefront has a visible sidewall elevation as the result of Standard 1(C), above, that elevation shall be treated as a façade in addition to the primary façade.

Commercial Standard 11: Additions to Existing Buildings

Additions to existing commercial buildings in the Old Town Talent area are subject to the same standards as new construction, except as limited by the following:

- A) *Compatibility:* Additions to existing properties that are visible from the public right-of-way will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials. The creation of non-documented elements outside the traditional vernacular character such as towers, turrets, elaborate surface decoration and similar “earlying-up” is prohibited. [Earlying-up is defined as the process of creating a false and more elaborate history than is appropriate within an area’s traditional development pattern. In Talent “earlying-up” would include the use of elaborate architectural styles, materials, or construction forms only found in San Francisco, Portland, or other larger cities]
- B) *Attachment:* Additions should “read” as such, and be clearly differentiated from the historic portion of the structure and shall be offset or “stepped” back from the original volume a minimum of four (4) inches to document the sequence of construction. An exception to this standard is allowed for the reconstruction of previously existing-volumes that can be documented through physical or archival evidence.
- C) *Storefront volumes:* Additions that extend the storefront/façade of a structure, even when creating a joined internal space, shall be treated as a new and separate building façade for review under these Standards.
- D) *Non-Compatible Materials:* Repair of existing non-compatible materials is exempt from Standards 11(A). Rear-facing additions to existing buildings may continue the use of these materials so long as they are a continuation of the attached materials.
- E) *Rear Additions, Excluded:* Storage with no physical attachment to the existing volume or other functional additions of less than 1,000 square feet located to the rear of an existing volume, and not visible from the public right-of-way are excluded from compliance with these Standards. Such functional additions shall include covered porches, loading docks, and similar features

provided they are not intended for public use or access.

Commercial Standard 12: Front Facing Presentation

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

- A) Skylights: Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low profile design.

- B) Roof vents: Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.

- C) Plumbing vents: Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

III. RESIDENTIAL STRUCTURES:

Historically, the Old Town Area contained both commercial and residential structures, often intermixed on the same block. Today, many of the city's oldest residential structures remain as private dwellings while others have been converted to professional office or other commercial uses. The following standards are intended to reinforce the traditional mixed architectural character of the district and apply equally to all residential designs, including those now used for other commercial purposes, such as professional offices, restaurants, antique stores, and other similar uses.

Residential Standard 1: Volume & Mass

Historically, residential architecture in the Old Town core was comprised of multiple volumes, with extended porches, intersecting roof lines, dormers, and other features creating a complex whole rather than a single large volume. To maintain that traditional visual character the following standards apply:

A) *Verticality*: Buildings shall have a generally vertical character or are comprised of a primary

vertical element surrounded by more horizontally appearing wings.

Complexity: Single large volumes are prohibited. Total area shall be contained within a minimum of two intersecting volumes, one of which may be a porch under a separate roof element. An attached garage does not constitute a second volume for purposes of this standard.

Height: No building may be greater than 35' feet in overall height. Major roof ridges shall be no lower than 16' in height. [*Note...this lower limit is designed to encourage steeper gables as opposed to low-pitched roof forms*]

Residential Standard 2: Roof Forms

Roofs play a significant role in the overall character of a structure and, in combination with Standard 1, shelter the complex volumes typical of the traditional development pattern.

A) *Pitch*: Roof pitches of less than 6/12 for gables are prohibited. Roof pitches of less than 5/12 for hipped roofs are prohibited. Flat roofs visible from the street are prohibited. An exception to this standard may be made for porch roofs attached to the primary volume.

B) *Complexity*: As per Standard 1(B), single large roof forms are prohibited. A single roof form with two or more dormers is considered a complex roof form and accordingly will meet this Standard.

C) *Materials*: Roofs shall be of historically appropriate materials, including asphalt shingle, wood shingle, or wood shake. The use of metal roofing, concrete tile roofing, hot-mopped asphalt, rolled asphalt, terra cotta tiles and other non-historic materials are prohibited in view of the public right-of-way.

Residential Standard 3: Siding/Exterior Cladding

Generally, vertical appearance of historic volumes in Talent was typically balanced by strong horizontal wood siding. The following standard requires a continuation of this horizontal character. All structures shall employ one or more of the following siding types:

- Horizontal wood siding, maximum 8" exposed to weather: Concrete or manufactured wood-based materials are acceptable under this Standard. This includes so-called

“Cottage Siding” of wide panels scored to form multiple horizontal lines. *Applicants are strongly encouraged to use smooth surfaces, not "rustic" or exposed wood grain pattern materials, which are inconsistent with Talent's architecture.*

- Wood Shingle siding (painted shingles are preferred, with a maximum 12” to weather).
- True board and batten vertical wood siding, painted
- Brick
- Brick and stone veneer (see below)

Use of the following non-historic exterior materials are specifically *prohibited* within the zone:

- Stucco (other than as foundation cladding or a secondary detail material, as in a gable end or enframed panel).
- Stucco-clad foam (EIFS and similar)
- T-111 or similar 4x8 sheet materials
- Horizontal metal or vinyl siding
- Plastic
- Faux stone (slumpstone, fake marble, cultured stone and similar)
- Brick veneer or any other masonry-type material, when applied over wood-frame construction, of less than twelve (12) inches width in any visible dimension. This Standard specifically excludes the use of brick or similar veneered “columns” on one face of an outside corner, as typically used to frame garage openings

Residential Standard 4: Trim and Architectural Detailing

The vernacular residential architecture of Talent reflects the construction techniques of the late 19th and early 20th century, when buildings had “parts” that allowed for easy construction in a pre-power saw era. Today, many of these traditional elements are considered “trim,” as newer materials better shed water and eliminate the original functional aspects of various historic building elements. This Standard provides for sufficient architectural detail within the Old Town Area to assure compatibility between new and old construction and create a rich and visually interesting streetscape. All residential construction shall employ at least FOUR (4) of the following elements to meet this Standard:

- Watertable or decorative foundation treatments (including stucco)
- Corner boards
- Eave Returns
- Stringcourse or other horizontal trim at plate or floor levels
- Eave brackets or support elements
- Bargeboards/Raking cornice (decorative roof “edge” treatments)
- Decorative projecting rafter tails

- Decorative gable end wall details, including change of materials (shingle bands), decorative venting, eave compass features and similar
- Wide cornice-level frieze and wall treatments.

Residential Standard 5: Openings [Windows & Doors]

Doors and windows form the “eyes” and “mouth” of a building and play a significant role in forming its character.

WINDOWS

- A) *Verticality:* All windows will reflect a basic vertical orientation with a width-to-height ratio of 1.5 to 2 or greater (i.e., a 24” wide window must be a *minimum* 36” tall). Larger window openings shall be formed by combining multiple window sash into groupings.
- B) *Types:* The following windows types are *permitted*:
1. Single and double hung windows
 2. Hopper and transom-type windows
 3. Casement windows
 4. Any combination of the above, including groupings containing a central single pane fixed window flanked by two or more operable windows.
 5. Glass block windows
 6. Fixed leaded or stained glass panels.

The following window types are specifically *prohibited* within the area:

1. Fixed pane windows (when not within a grouping, as in #4, above)
 2. Horizontal slider windows (when visible from the public right-of-way)
 3. Arched windows and fan lights, including “Palladian” window groupings, are inconsistent with the vernacular character of the area and are prohibited when visible from the public-right-of-way.
- C) *Lights:* (internal divisions of window, formed by ‘muntins’ or ‘mullions’) True-divided lights are preferred. “Pop-In” or fake muntins are not historic, nor appropriate within Talent’s vernacular tradition, and are highly discouraged.
- D) *Sash Materials:* Wood windows or enameled metal clad windows are most consistent with the vernacular tradition and are preferred. Vinyl windows or paintable fiberglass windows are allowed. Anodized or mill-finish aluminum windows or storm windows are prohibited.
- E) *Mirror Glazing:* The use of “mirror” or reflective glass visible from the public right-of-way is prohibited.

DOORS

- A) *Transparency:* Primary entry doors will retain a degree of transparency, with no less than 25% of the surface being glazed, either in clear, leaded, or stained glass materials. Solid, flat single, panel doors are prohibited.
- B) *Materials:* Doors may be of wood, metal-clad wood, or metal. Other materials that can be painted or stained, such as cast fiberglass, so as to reflect traditional materials are permitted.

TRIM

- A) *Sills*: All windows will have a projecting sill and apron.
- B) *Side and Head Casing*: Door and window trim will including side and head casing that sits no less than 1/2" proud of the surrounding wall surface. Trim mounted in plane with siding is not permitted in the Old Town area. Trim mounted atop siding is not recommended.
- C) *Other Trim Elements*: As discussed in Standard 4, above, the use of trim to articulate the construction process was a standard character-defining element of Talent's vernacular architecture. Although not required by this Standard, the use of the following traditional door and window trim elements are encouraged, particularly on the primary façade.
 - Simple window "hoods," mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material
 - Parting bead, between the side and head casings
 - Crown moldings
 - Decorative corner elements at the head, apron, or both
 - Single or dual flanking sidelights at entryways
 - Transom windows above the major door or window openings

Residential Standard 6: Porches/Entrances

In combination with doors, front porches help create a "sense of entry" and typically serve as the focal point of the front-facing façade of the structure. Porches should be encouraged and adequately detailed to create that sense of entry and serve as a primary element of the exterior character.

- A) *Depth*: Projecting or recessed porches should be a minimum of five (5) feet deep. Projecting covered stoops should be a minimum of three (3) feet deep.
- B) *Width*: Projecting or recessed porches should be a minimum of ten (10) feet wide or 25% of the primary façade width, which ever is the lesser. Projecting covered stoops should be a minimum of five (5) feet wide.
- C) *Supports*: To assure appropriate visual weight for the design, vertical porch supports shall have a "base" of no less than six (6) inches square in finished dimension from floor level to a minimum 32" height. Upper posts shall be no less than four (4) inches square.
 1. Base features may be of boxed wood, brick, stone, true stucco, or other materials that reflect a support structure. The use of projecting "caps" or sills is encouraged at the transition between the base and column.
 2. When the entire support post is a minimum of six (6) inches square no base feature is required.
 3. Projecting covered stoops, with no full-height vertical support, shall utilize members of no less than four (4) inches square.

Residential Standard 7: Landscape, Fencing, and Perimeter

Definition

Fencing or other edge-defining perimeter features, including the use of landscape materials, are traditional elements in Talent's residential areas. Please refer to Article 19 of the Talent Zoning Ordinance for applicable landscaping standards and requirements. In addition to those provisions, such features within the Old Town Area shall also comply with the following Standard to maintain the area's character.

- A) *Materials*: The following fencing materials are permitted in the Old Town

- Area:
- Residential Standard 8: Additions to Existing Buildings** 1. Brick
2. Concrete, including concrete block, "split faced" concrete block and similar
 3. Stone
 4. Wood, including vertical or horizontal board, pickets, split rail, and similar traditional fence designs.
 6. Woven-metal (arch-top wire), construction cloth (square-patterned) and similar.
 7. Vinyl, when used in simple plain board, picket, or post and board installations. (see #3, below)
 8. Natural metal colored or black-coated chain link fencing is permitted but discouraged when visible from the public-right-of-way.
 9. The mixed use of materials, as in brick columns with wood or woven wire "fields" is encouraged.

The following fencing materials are *prohibited* in the Old Town area:

1. Plywood or other solid wood panel systems
 2. Open pattern concrete elements except as decorative elements
 3. Vinyl, that includes the use of arches, latticework, finials, acorn tops, and other elaborate detailing not consistent with Talent's vernacular tradition.
 4. Vinyl or wood slat inserts in chain link fencing when in view from the public right-of-way
 5. Faux stone, including cultured stone, slumpstone, and similar materials
 6. Molded or cast aluminum
- B) *Transparency:* Solid barriers of any material built to the maximum allowable height are prohibited facing the public right of way(s). Pickets or wood slats should provide a *minimum* 1/2" spacing between vertical elements with large spacing encouraged. Base elements, as in a concrete "curb" or foundation element are excluded from this standard provided they are no higher than twelve (12) inches above grade.
- C) *Gates/Entry Features:* In order to create a sense of entry, gates, arbors, pergolas, or similar elements integrated into a perimeter fence are strongly encouraged. Such features may exceed the maximum fence height limit of four (4) feet provided they are less than eight (8) feet in overall height, are located more than ten (10) feet from any public intersection, and do not otherwise reduce pedestrian or vehicular safety.
- A) *Compatibility:* Additions to existing properties will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials. The creation of non-documented elements outside the traditional vernacular character such as towers, turrets, elaborate surface decoration and similar "earlying-up" is prohibited.
- B) *Attachment:* Additions should "read" as such, and be clearly differentiated from the historic portion of the structure and shall be offset or "stepped" back from the original volume a minimum of four (4) inches to document the sequence of construction. . An exception to this standard is allowed for the reconstruction of previously existing volumes that can be documented through physical or archival evidence.

- C) *Non-Compatible Materials*: Repair of existing non-compatible materials is exempt from Standard 8(A). Rear-facing additions to existing buildings may continue the use of these materials so long as they are a continuation of the attached materials.

RESIDENTIAL STANDARD 9: FRONT FACING PRESENTATION

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

- A) Skylights: Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low profile design.
- B) Roof vents: Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.
- C) Plumbing vents: Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

IV. APPLICABILITY

Except in specific situations noted above, these Standards shall apply equally to all projects with the Old Town District. Applicants seeking variance from these Standards must demonstrate to the review body that compliance would result in an unnecessary and unavoidable hardship. Variances from the Standards will not be allowed unless such hardship is adequately demonstrated and proven by the applicant. The variance process is provided in Article 25 of the Talent Zoning Ordinance.

The Old Town District Design Standards shall supersede the applicable standards in the "Residential Development Standards" (ORD NO. 458) when applied to new construction in the Old Town District.

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
September 13, 2005

(Note: Tapes beginning in September 2005 have intermittently been affected by recording equipment echo problems that have not successfully been corrected. Where there is significant audible difficulty, minutes have been keyed from recording secretary's handwritten notes).

1. Call to Order/Roll Call

Chair Emery called the Planning Commission Meeting to order at 7PM.

Commission Members Present:

Adrian Emery
Patrick Allen
Jean Lafayette
Matt Nolan
Dan Balza
Todd Skelton
Russell Griffin

Staff:

Kevin Cronin, Planning Supervisor
Cynthia Butler, Administrative Assistant

1. Call to Order/Roll Call – Chair Emery called the meeting to order at 7 PM.

2. Consent Agenda – Minutes for June 14th and July 26th were approved. A correction was noted to the July 26th minutes to reflect that Commissioner Todd Skelton was shown absent and was present.

3. Agenda Review

4. Brief Announcements – Kevin Cronin said the Area 59 meetings have been postponed to October 13th for the project team and October 27th for the CAC, in order to have the traffic analysis from Hopper Dennis Jellison completed. Richen Park subdivision removed more trees than were approved and they have been sent a non-compliance letter for tree mitigation. Kevin said the Fiber Optics Conduit Standards, which are part of Chapter 6, Public Improvements in the Code, has been delegated to Senior Planner, Julia Hajduk. Julia expects to provide the plan text information at the next Planning Commission meeting on 9/27. The City is requiring the School District to submit a High School Master Plan to better coordinate planning for growth and development, initiated by a recent application for soccer fields and an interest expressed by the School District for further development of the property. Kevin said the Sunset Minor Land Partition, MLP 05-02 has been appealed to LUBA.

Commissioners expressed an interest in receiving an updated copy of the Code. Kevin reiterated that copies of updates have been circulated as changes have occurred, but that new copies plan to be distributed after completion of the codification process (adding citations) and other updates expected over the next several months are complete.

5. **Community Comments** – Chair Emery asked if there were any community comments. There were none.

6. **Chapter 9 – Historic Resources Update** – Chair Emery opened the discussion on the issue of the Landmarks Advisory Board (LAB).

Dan Balza asked for discussion on where the commission left off in regards to the LAB.

Patrick Allen said the Planning Commission was looking at historic resource issues in the current Code for areas that seemed insufficient, and address the issue of the existence of the Landmarks Advisory Board (LAB) in the current Code and how it related to current needs. Patrick said that the historic resources draft document generally addresses procedural issues of the LAB by referencing the guidelines, but does not appear to make substantive changes to the design guidelines. Patrick asked Staff to confirm that the current Code does have form-based code processes, and cited design guidelines such as reinforcing corners as an example.

Kevin Cronin confirmed.

Patrick Allen said the landmark review process includes designation of landmarks, establishing the criteria for designation, and criteria on protecting landmarks, but when land use action comes into play to change or demolish a landmark for example, that the Planning Commission and the land use process is engaged. Patrick asked Staff for clarification on what the Commission needs to accomplish regarding the LAB.

Kevin Cronin said the primary challenge to the LAB is recruitment and maintenance over time, and whether or not the LAB role is needed. Kevin also said that in order for the City to apply to the State Historic Preservation Office (SHPO) for “Certified Local Government” (CLG) status, which allows the City to apply for state and federal grants and other preservation programs, there needs to be some form of Landmarks Advisory Board. Kevin said the City has policies in place, but not the program.

Dan Balza said the new development in Old Town with the Civic Building and demolition of the cannery has sparked the need to look at what the City wants to preserve in terms of historic sites.

Patrick Allen said that he supports preservation, but said that a historic designation of a building is voluntary. Patrick also said that once a building is designated the ability to make changes with that building is restricted. Patrick gave an example of the earthquake that occurred about twelve years ago, which nearly destroyed the Molalla High School. Patrick said it took about 2 years for it to be determined that no one wanted the building and agreement was made to tear it down. Patrick said the process was complicated and drawn out. Patrick also said that if hypothetically 5 years ago the Rainbow Market had been designated a historic property, that according to the Code, the façade improvement could not have been done. Patrick gave further similar examples and stated that the historical designation is voluntary, and that once a property is designated it is difficult to make any changes except through due process.

Kevin Cronin said that there are no designated landmarks presently, but there are identified primary and secondary resources. Kevin said that in his review of previous ordinances adopted by City Council, that in 1994 the Council had an opportunity to identify landmarks while

reviewing the Goal 5 analysis, and there were no properties designated as landmarks at that time. Kevin said his review also did not find any property owners that had voluntarily requested their property to be designated as a landmark. Kevin also said that in addition to a willing property owner & possible developer, historic preservation includes looking at what the market is for reuse.

Jean Lafayette asked Staff for clarification on the levels of designation using the Robin Hood Theater as an example. Jean asked if the theater was designated a landmark, or primary or secondary resource, would there be 3 different levels of action allowed with each of these.

Kevin Cronin recapped the inventory process stating there are primary, secondary, and contributing resources. Contributing resources contribute some historical value, but not the level of quality found in primary or secondary. Kevin said that in 1989 the City of Sherwood inventoried properties and identified primary and secondary properties, but no contributing properties. Kevin reiterated there were also no landmarks identified, only inventoried resources. Kevin said that if a property owner petitions to designate their property as a landmark, the property owner does so through the Planning Commission based on the process outlined in Chapter 9 of the Code.

Jean Lafayette asked Staff what the difference was between the Old Town historical district and landmarks.

Kevin Cronin said that the Old Town historic district has protections in place for the primary historic resources. Kevin said any historic resources outside the Old Town district remains advisory, which make it difficult to provide findings. Kevin provided examples of historic properties in advisory status; the Salisbury house, which is part of Timber Crossing II, and the Elwert house, which is part of Woodhaven Crossing PUD. Kevin stated he was able to get the Richen house on the Renaissance Homes property off Sunset Blvd. preserved on a technicality, and in cooperation with the developer.

Jean Lafayette asked if landmark designation protected the property from being demolished and rebuilt by the property owner, without first submitting a petition for removal of the landmark designation.

Kevin Cronin confirmed, and stated that any rebuild would have to meet Old Town design standards outlined in the Code.

Patrick Allen asked Staff to clarify if ultimately landmark designation does not protect from demolition.

Kevin Cronin confirmed.

Patrick Allen asked Staff about potential material changes to such property, and asked for clarification that if the property was not in Old Town, any land marked property that successfully petitioned for removal of the designation would be required to meet historical materials standards when rebuilding.

Kevin Cronin said that landmarks on the National Historic Registry must comply with the Secretary of Interior Standards for historic preservation, but with local landmark status the City of Sherwood design standards apply. Kevin referenced the Draft Oregon Model Historic Preservation Ordinance document, dated November 2, 1999, provided to the Commission for comparison, and stated the City of Sherwood ordinance is great, but there are some areas that need to be addressed.

Jean Lafayette stated that she agreed that the designation of the Planning Commission as the Landmarks Advisory Board (LAB) would provide for a means to continue a process without the need to search outside for qualified LAB members, but asked Staff if it is possible within the existing bylaws to create a subcommittee consisting of possibly a commissioner and members from the community to do research and inventory, and make policy recommendations.

Kevin Cronin stated that he was uncertain if the bylaws give the Planning Commission the authority to create subcommittees, or if they would have to be appointed by the City Council.

Chair Emery stated that his discussions with the Council indicated that they were not against a possible subcommittee, but concern was that if one was established and a process was initiated, that the Planning Commission or a governing body was in place to be certain items were timely processed and that there was follow-through.

Jean Lafayette said that she sees these as 2 separate items; a land use action that would need to be processed in a timely manner, and a review of historic preservation in Sherwood and outlying areas. Jean stated she does not vision the Commission doing the review of historic preservation, but sees the Commission acting as a liaison with a group of interested parties that comprise a subcommittee. Jean asked to clarify then if the Commission has the authority to form a committee as a general rule, and then more specifically if there is authority according to section 9.301 in the Code.

Patrick Allen said that the Commission has done this before on an ad hoc basis, but if there is a committee that advises a political body, there are requirements such as notices, minutes, and records that must be met that make it more complicated.

Chair Emery stated that another concern of the City Council was that there may not be enough manpower to maintain an additional committee, and that it may be better to appoint committees as needed to cover a specific duration of time.

Patrick Allen suggested that possibly the Cultural Arts Commission might be an option to advise on preservation activities.

Kevin Cronin stated that it is an interesting idea, and stated that Ann Roseberry is the Staff liaison and that he will mention the idea to her for feedback. Kevin stated that the issue of timeliness on historical land use applications applies with the 120 day rule. Kevin said that separate from this are historical policy issues or recommendations, which Kevin stated is a process such as a plan text amendment.

Patrick Allen asked for more clarification.

Kevin Cronin used an example of one property applying for a zone change as a land use action, compared to a district designation as a policy discussion for creating a new historic district that would encompass more than one property.

Patrick Allen confirmed, but stated a policy discussion that determines a new historic district would affect properties, and in those terms could be a land use action.

Kevin Cronin stated that he would seek the advice of City Attorney, Pam Beery on that issue and report back.

Jean Lafayette was concerned about creating a system of time delays between conflicts with the 120-day rule that would likely discourage development.

Kevin Cronin stated he is reviewing Type IV and Type V application standards for land use actions within the Code to confirm the quasi-judicial and legislative processes.

Jean Lafayette discussed height standards and asked for clarification on the height of the new Sherwood Lofts building (old McCormick building) and the new Civic Center.

Group discussion ensued regarding the parapet on top of the Sherwood Lofts building.

Kevin Cronin said the new Civic Center is 2 stories high.

Dan Balza said the air conditioning units on top of the Sherwood Lofts building are too close to the edge.

Kevin Cronin stated there is approximately another 3-4 months of construction to be completed and that the contractor is screening the HVAC system before receiving a Certificate of Occupancy.

Dan Balza said that units themselves should be more toward the center of the building so that they are not visible from the street, and that it does not appear to be passing the 285 foot rule

Kevin Cronin said that a standard in the conditions of approval requires non-visibility of the HVAC system from the street when standing at 285 feet, which will be looked at.

Chair Emery asked to clarify that there is a recommendation to eliminate the LAB and confirm control to the Planning Commission for historical preservation. Adrian stated that he is in favor of a subcommittee or that the Cultural Arts Committee would participate.

Ode Gribble, Historical Society Director and long-time resident of Sherwood, was in the audience and asked the Commission to reference Page 3, Item 3 in the Draft Oregon Model Historic Preservation Ordinance. Ode said that the Historical Society would be a logical and beneficial participant of such a committee.

Group discussion was supportive.

Kevin Cronin said he would also discuss this option with the City Attorney, Pam Beery.

Matt Nolan referenced the Chapter 9, Historical Resources, draft revision, Page 13, Section 9.301, Item A, and reiterated the portion of this section that states, "the Commission may employ the services of a qualified architect or historian in the designation process". Matt asked if the Historical Society could be added to the language in this section.

Group discussion agreed with the suggestion.

Patrick Allen restated that in this case, the Historical Society would make historical preservation recommendations to the Planning Commission and that the Commission may or may not forward these recommendations to City Council for further consideration.

Group confirmation ensued, and consensus was that depending on response from the City Attorney regarding the ability for the Planning Commission to create a subcommittee, and the addition of the Historical Society taking on this role, Commissioners agreed this was a viable option.

[inaudible general discussion about design guidelines approximately 2-3 minutes – intermittent tape echo issues and microphones not working]

Chair Emery stated that the information provided by Staff was very helpful and thorough. Commissioners confirmed.

7. Goal 5 / Tualatin Basin Update – Kevin Cronin stated that the Metro meeting is September 23, 2005. Kevin said that Washington County is making determinations on how to proceed with this last phase, and how optimum communication between departments will occur.

Chair Emery asked if there were any questions for Staff. There were none.

8. Comments from Commission –

Dan Balza asked Kevin what year the Richen home was constructed, and what preservation is planned.

Kevin Cronin said the home was built in 1925 and that there is an architect in Salem that has presented plans for review. Kevin said that he has allowed the developer under conditions of approval, to establish a sales office in the building as an incentive to do the preservation work.

Matt Nolan asked what is happening in the area next to the Richen Park development.

Kevin Cronin stated that it is his understand that the Public Works department is using that area temporarily as a staging area for fill generated by the various City project presently occurring, but that he recommends specific information be confirmed by Public Works.

Jean Lafayette asked Kevin if there was a Cannery development update.

Kevin Cronin said that the CDAC committee has been dissolved and suggested contacting Jim Patterson for further information about the Cannery.

Jean Lafayette asked Kevin if the issue of multiple Safari Sam's signs had been addressed.

Kevin Cronin stated that 1 had been removed and the other is pending research by the Code Compliance Officer.

Patrick Allen asked Kevin to clarify if the conditions of approval for the Woodhaven Community Church stated that the facility would not be for large scale gatherings, but primarily for church programs.

Kevin Cronin stated that the plans for the church were amended approximately six months prior to current Planning Staff, with a notation by a former Planning employee that changes were not significant and did not come back to the Commission for a second review. Consequently, the final site plan was larger than the original single family home that was on the site. Kevin said he is not familiar with the conditions of approval regarding gathering size use, but that he would do some research and report back to the Commission.

Dan Balza said the additional issue is parking and traffic.

Kevin Cronin stated that he spoke about parking with Jim Patterson, who confirmed that there was consistently sufficient parking in Old Town on Sundays. Kevin said that if there are expanded events occurring at the church then impacts to traffic and parking may result. Kevin reiterated that decisions regarding this site plan were made prior to current Planning Staff and that these issues would not go overlooked under his direction.

Jean Lafayette moved that the Commission direct Staff to begin the plan text amendment process on Chapter 9 of the Code, Historic Resources.

Matt Nolan seconded.

Chair Emery asked if there was any further discussion about the motion. There was none.

Vote: Yes – 7 No-0 Abstain – 0

Motion carried.

9. Next Meeting – September 27, 2005 – Sherwood Oaks (PA 05-02/SP 05-09/LLA 05-02)

10. Adjournment - Chair Emery adjourned the meeting at 8:15 PM.

End of Minutes