

City of Sherwood PLANNING COMMISSION

Sherwood Police Facility 20495 SW Borchers Drive October 25, 2005

Regular Meeting - 7:00 PM

AGENDA

- 1. Call to Order/Roll Call
- 2. Agenda Review
- 3. Consent Agenda: Minutes August 9 & August 23, 2005
- 4. Brief Announcements
- 5. Community Comments (The public may provide comments on any non-agenda item)
- 6. Public Hearing: Chapter 9 Plan Text Amendment (PA 05-04)

 The Commission will consider a plan text amendment to the Sherwood Zoning & Community Development Code (Part 3 Chapter 9). The Commission will hold a hearing to take public testimony and consider a staff report and recommendation. Plan amendments require a hearing before the City Council for a final decision. (Kevin A. Cronin, Planning Supervisor, Planning Department)
- 7. Comments from Commission
- **Next Meeting:** November 8, 2005 Sherwood Oaks (PA 05-03); Fiber Optic Standards (PA 05-05); Hunter's Ridge Modification (SP 04-09-A).
- 9. Adjournment

City of Sherwood, Oregon Planning Commission Minutes August 9, 2005

1. Call to Order/Roll Call

Chair Emery called the meeting to order at 7PM

Commission Members Present:

Staff Present:

Adrian Emery Patrick Allen Russell Griffin Dan Balza Kevin Cronin, Planning Supervisor Julia Hajduk, Senior Planner Heather Austin, Associate Planner Cynthia Butler, Administrative Assistant

Matt Nolan
Todd Skelton

Commission Members Absent:

Jean Lafayette

2. Agenda Review

- 3. Brief Announcements Kevin Cronin said the Hearings Officer will review two applications on August 15, 2005; SP 05-10 Galbreath LLC (aka NW Earthmovers), and SUB 05-02 Copper Ridge. Kevin said the City was unsuccessful in receiving TGM grants for Area 48 and Area 54. Kevin stated that the next step is to see if developers are interested in paying for the master planning process. Kevin also said that the Sherwood Oaks project, PA 05-03, SP 05-09, & LLA 05-02, zone change application for the tannery site, will be on the September 13, 2005 Planning Commission agenda. Kevin asked commissioners if August 23rd was available for the rescheduled land use training session with City Attorney, Pam Beery. Commissioners came to a consensus that this date was good. Metro sent a notice regarding Goal 5 announcing a public hearing in September. Kevin has completed a quarterly report for the work program that is in commissioner packets, and stated that projects are on track.
- 4. Community Comments None.
- 5. Public Hearings:

Chair Emery excused himself on the Sunset Minor Land Partition Appeal (MLP 05-02) hearing, as he was not present at the first session on this project.

A. Sunset Minor Land Partition Appeal (MLP 05-02) – Vice Chair Allen read the Public Hearings Disclosure Statement. Vice Chair Allen asked commissioners if there was any exparté contact, conflict of interest, or bias. Vice Chair Allen acknowledged for the record that Chair Adrian Emery excused himself from this proceeding, as he was not present at the first session on this project.

Vice Chair Allen opened the public hearing on the Sunset Minor Land Partition Appeal (MLP 05-02).

Heather Austin presented the revised Staff Report that included addressing the appeal issue of access to property owners to the north of the property, and a procedural issue regarding Section 7.501.03-A, which states that "minor partitions shall not be approved unless no new rights-of-way or roads are created, except for widening of existing right-of-way." Heather stated that this project was originally approved as a minor land partition with a right-of-way included. Heather further stated that the options that have been provided in the Staff Reports are to uphold the original Notice of Decision based on interpretation of the Code, or to revise the conditions of approval and approve the project as a three-lot, flag configuration.

Russell Griffin said that it appears ultimately the decision comes down to whether or not the project is a major or minor partition, and asked City Staff to clarify if the right-of-way versus a private easement is the factor that brings in the major partition element.

Heather Austin confirmed it is three or fewer lots it for a minor land partition and that because of the right-of-way the major partition element was added.

Russell Griffin reiterated that if the project is approved as a minor land partition the lots could be flag lots.

Heather Austin confirmed that one lot would have frontage on Sunset Blvd. and the other two lots would not have frontage, but would wrap behind the first lot and be flag lots.

Vice Chair Allen asked if there were any other questions by Commissioners for City Staff. There were none. Vice Chair Allen asked if applicants wanted to provide any additional testimony based on the revised Staff Report.

Ryan Dowdle, applicant, resides at 24655 SW Grandvista Dr., Sherwood, OR 97140 - Ryan stated that it is his preference that the project returns to the flag lot configuration.

Vice Chair Allen asked if any appellants or appellant representatives wanted to testify based on the revised Staff Report.

Tony Honer, appellant, resides at 1090 S. Pine St., Sherwood, OR 97140 – Mr. Honer said he wanted to clarify the definition of development, and stated that he wanted to develop the back of their lot and that he has already obtained a permit for a furnace, which he considers development. Tony said that without access they cannot develop the lot and they wanted the access to go through.

Russell Griffin clarified with Mr. Honer that if the project becomes a private driveway instead of a road that Mr. Honer's plans would not be possible.

Mr. Honer confirmed.

Russell Griffin further clarified with Mr. Honer that if the public road were approved, Mr. Honer is saying that they would be interested in continuing the road all the way through to the north of the property.

Mr. Honer confirmed.

Vice Chair Allen asked if there were any other appellants of record that wanted to testify.

George Bechtold, appellant, resides at 1185 S. Pine St., Sherwood, OR 97140 – Mr. Bechtold stated that he submitted a pre-application with the City of Sherwood to subdivide the property adjacent to Mr. Dowdle's property. George said that during the pre-application conference City Staff inferred that there would be a road coming through the property that would allow the adjacent lots to subdivide or redevelop. Mr. Bechtold said he just wanted to point out the position of City Staff on the topic had changed.

Spencer Kruger, appellant, resides at 1120 S. Pine St., Sherwood, OR 97140 – Mr. Kruger said it appears to him that the City may be approving an option because it has not other choice. Spencer said that he has the same comments to add as Mr. Honer regarding development about developing the back of his lot and that he has also obtained a permit for a furnace.

Vice Chair Allen asked if there were any other parties to the application that wanted to testify.

Janet Mickelson, property owner, resides at 1190 S. Pine St., Sherwood, OR 97140 – Mrs. Mickelson reiterated that they did not originally make comment on the project because the notice they received indicated that a private driveway would be created in the project. Mrs. Mickelson said that when they discovered the driveway may become a public road, and that some of their neighbors wanted to subdivide, they became concerned that some of their property would be involved and did not want that.

Vice Chair Allen asked if there were any other parties on record that would like to testify on the revised Staff Report. There were none. Vice Chair Allen asked if the applicants wished to rebut any of the testimony. They did not.

Vice Chair Allen closed the public hearing MLP 05-02, Sunset Minor Land Partition Appeal.

Vice Chair Allen asked if City Staff had any comments.

Heather Austin responded to some of the public testimony. Heather referenced Mr. Bechtold's testimony regarding the pre-application conference. Heather stated that City Staff believed at this stage of the process that there would be a road going through the area. In regard to Mr. Honer and Mr. Krueger's testimony on the definition of development, Heather said that she provided examples of development such as a change to a site or structure in the revised Staff Report in response to the discussion on this topic in the initial hearing.

Vice Chair Allen referenced Section 7.201.03 and read, "no preliminary plat shall be approved unless adjoining land can either be developed independently or is provided access that will allow development in accordance with the Code." Vice Chair Allen stated that examples given by Mr. Honer and Mr. Krueger's testimony represent development that has occurred. Vice Chair Allen said that it appears the point of interpretation on development for the Planning Commission, is whether the language says if you are developed you do not need any ability to develop further, or if it says that you need to be allowed to develop to the full density allowed in the zone.

Heather Austin confirmed that the interpretation of the language on development was the purpose for the examples cited in the Staff Report, and for Staff's assertion that the land is currently developed.

Matt Nolan referenced Section 7.501.04 regarding future developability, and read the Code, "in addition to findings required by Section 7.501.03...the City Manager or his/her designee must find for any partition creating lots averaging one acre or more, that the lots may be re-partitioned or re-subdivided in the future in full compliance with the standard of the Code." Matt said he reads that the City must provide re-developability for lots that are larger than one acre. Matt asked City Staff for their interpretation of this part of the Code.

Heather Austin said that she believes Section 7.501.04 refers to lots created by the partition, and stated that this has also been the position expressed by the City Attorney.

Kevin Cronin confirmed.

Matt Nolan asked to clarify if Section 7.501.04 then also says that lots less than one acre would then not need to be provided re-developability.

Kevin Cronin said there are other provisions in the Code that address lots less than one acre and that Section 7.501.04 would not be the best one for that particular circumstance.

Vice Chair Allen asked Heather if she had any other comments.

Heather Austin responded to Mr. Krueger's testimony and said that approval of the three-lot partition for flag lots meet the Code. Heather also responded to Mrs. Mickelson's testimony and reiterated that the right-of-way referred to is completely on Mr. Dowdle's property and not on any of the Mickelson's property.

Dan Balza referred to Exhibit A, a map of the project area, and asked Staff to clarify if a road went all the way through that it would not go through to Division St. because it would run across the park, and therefore would be a dead-end road.

Heather Austin said there may be an option for the road to run across the park, as that part of the park has not been developed as part of the Sunset Park Master Plan.

Dan Balza said that part of the park has been graded.

Kevin Cronin said the City would have an option to sell the property to create revenue sources for future park improvements or use in the general fund. The issue is about providing access to the area other than from Pine Street. Kevin said that having an alley-loaded access from a new street would serve a public purpose.

Dan Balza asked Staff to clarify that if the Planning Commission approved the street option, if granting right-of-way means there would be access available for future land development, and that potential future completion of a road through the entire property would require agreement from property owners on the southern and northern portions of the site.

Heather Austin confirmed and said that the property owner at the northern portion of the property would need a property owner in the southern portion of the property to also develop.

Russell Griffin asked Staff if the distance between the new potential road if approved, and Pine Street would be too close.

Kevin Cronin stated that because Sunset Blvd. is an arterial, the potential road would not meet the spacing standards adopted in the new Transportation System Plan that the City Council adopted in May 2005.

Matt Nolan asked Staff to confirm if the easement is solely on Ryan Dowdle's property and not on the Mickelson's property.

Heather Austin confirmed that the easement approved by Staff does not include anything on the Mickelson's property. The ¾ street improvement consisting of 26 feet of right-of-way, includes 20 feet of pavement, curb, sidewalk and street trees, and would be entirely on Mr. Dowdle's property.

Dan Balza addressed Staff and referenced 7.304.03 of the Community Development and Zoning Code regarding easements, "any access which is created to allow partitioning for the purpose of development or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when; 1) An access to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing; or, 2) The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code. Dan said the question may be are these unusually deep lots.

Matt Nolan asked if it also conforms to other access provisions of the Code.

Vice Chair Allen asked if Commissioner Nolan's comment was a question or a statement.

Matt Nolan said it was a statement.

Russell Griffin said it comes down to whether this is a major or minor partition. Russell said that at one point it was deemed a major partition, which meant a different review process involving a public road and right-of-way.

Heather Austin confirmed.

Vice Chair Allen stated that the direction Staff took with the project was a positive attempt to take the application and result in what may be good for the area and community, which is for the larger group of owners to work together to come up with the most efficient way to develop the property. The question is whether or not there is a tool in the Code to force everyone to do this. Vice Chair Allen said he does not think that they do, and that we can't at this point of the process, convert a minor land partition to a major land partition. We have before us a minor land partition and that means we can't approve conditions that create right-of-way. Vice Chair Allen further stated that this leaves us with a flag lot, and the actual appeal leaves the question, "does

creating 2 flag lots and a lot fronting Sunset Blvd. cause a requirement to have to provide access to lots 1700 and 1800 based on the current Code requirements? Vice Chair Allen said that if the answer is yes then the answer on the appeal should be to deny to entire project.

Dan Balza said that lots 1700 & 1800 do have access for development or redevelopment, but not in a way that they want.

Russell Griffin said that after reading Mr. Honer's letter, and measuring the width of the lot and the distance of the house to the end of the lot, he can understand a property owner considering development when neighbors are developing. It seems unreasonable to force Mr. Dowdle to provide access to his neighbor's back lots if it turns out to be a private drive and not a public street. Commission Griffin further stated that maybe down the road someone on the north side will sell and will have the same issue from the other direction.

Vice Chair Allen referenced 7.201.03, and asked Commissioners to consider the meaning of this part of the Code, "no preliminary plat shall be approved unless adjoining land can either be developed independently, or is provided access that will allow development in accordance with the Code."

Russell Griffin said ideally property owners could get together, sell, combine and redevelop with a subdivision, but getting into right-of-way and a public street is not the issue. Russell stated that if a property owner wants to put a private drive through the back of their lot, could it just be gravel?

Vice Chair Allen said the difficulty too is the distinction between private drive and public right-of-way in 7.201.03 of the Code.

Matt Nolan said in regard to 7.201.03 he comes back to the question of whether or not the property is developed – can it be developed. Commissioner Nolan said his interpretation is that the property has been developed and that it could be further developed, but asked where you draw the line?

Vice Chair Allen said the definition of 'developed' in the Code is very broad.

Dan Balza agreed the definition of 'developed' was very broad.

Matt Nolan asked if property owners who want to develop their property are required to provide their neighbors access to redevelop their back yards, if at some point their neighbors desire to subdivide further?

Vice Chair Allen followed on Commissioner Nolan's question and said a property owner would need to determine if they could subdivide under the current maximum density of the zone where the property is located. Vice Chair Allen said in this case the answer to that question would be yes.

Vice Chair Allen suggested breaking down the elements of the questions and asked Commissioners, "do we believe that 7.201.03 is satisfied if the property is currently developed?", or "do we believe that it requires providing development up to the maximum density?".

Russell Griffin said there are houses existing on these lots and that they are developed, and that they can be developed independently.

Vice Chair Allen gave a hypothetic example that if an application was presented by one of the neighboring property owners to remove the existing home and build a 3-unit townhome, using the existing access on Pine Street, there would be nothing about this current proposal that would preclude future development for neighboring properties, and that 7.201.03 would be satisfied? Vice Chair Allen asked Commissioners for feedback on developability in this hypothetic example.

Matt Nolan agreed. Commissioner Nolan also stated that Staff gave alternatives for neighboring properties to potentially develop without the easement.

Vice Chair Allen said the Staff alternatives however, gave options that included joint developments of multiple parcels. Vice Chair Allen said that tonight findings need to determine if lot 1700, for example, could be further developed with no more access than it currently has on Pine Street. Vice Chair Allen stated that it might not be a two-lot subdivision, but that there is opportunity for development based on the existing access on Pine Street, and that he believes the answer to the question is Yes.

Matt Nolan agreed.

Vice Chair Allen asked for consensus from Commissioners and acknowledged affirmative responses and head nods in agreement.

Russell Griffin said that this is a long, narrow, large lot that has been developed and could be redeveloped using access on Pine Street.

Vice Chair Allen said it appears the Commission is inclined under a proper motion to deny the appeal, and to find that the proper proposal is a minor land partition – which involves a flag lot with a private drive and does not include the creation of a new right-of-way. Vice Chair Allen asked for feedback and consensus, which he received. Vice Chair Allen stated that Staff attempted to direct the project in a way that was good for the community and neighbors collectively for a more global answer on the project, but that the Planning Commission does not see that they can force that to happen.

Vice Chair Allen determined that a 10-minute break was in order to organize a motion from the Commission.

< 10-minute break 8:45 PM >

Vice Chair Allen reconvened the meeting at 8:55 PM. Vice Chair Allen stated that during the break the applicant, Ryan Dowdle, stated that he would like to voluntarily dedicate the right-of-way. Chair Allen said that the land use decision presented this evening does not allow the Commission to act on Mr. Dowdle's offer as part of this decision, and that it would require its own land use action.

Matt Nolan moved that the Planning Commission denies the MLP 05-02 Sunset Minor Land Partition Appeal based on the finding of facts, including all Staff Reports and attachments. The Planning Commission finds that adjoining land can be developed independently, and that section 7.201.03-F and 7.501.03-E of the Code are satisfied in this proposal. The Planning Commission also finds that this is a Minor Land Partition reviewed as a Type II project and therefore Section 7.501.03-A of the Code, "prohibits approval of partitions with new right-of-way". As such, the Planning Commission denies the appeal and directs Staff to prepare a Notice of Decision based on the findings and conclusions of the law.

Vice Chair Allen also added that the motion is to include approval of MLP 05-02 Sunset Minor Land Partition based on developing three (3) lots on a flag lot, with a private drive. Vice Chair Allen asked if there was anyone that did not understand the motion. There were none.

Russell Griffin seconded.

Vice Chair Allen stated that the motion had been seconded and asked if there was any discussion. There was none. A vote was taken:

Vote: Yes = 5 No = 0 Abstain = 0

Motion carried.

B. Oregon-Washington Lumber Co. (SP 05-07) Chair Adrian Emery opened the public hearing Oregon-Washington Lumber SP 05-07, and asked Vice Chair Allen to read the Public Hearings Disclosure Statement. Vice Chair Allen said that the disclosure statement for this hearing was slightly different than the previously read statement for appeal hearings. Chair Emery asked commissioners if there was any exparté contact, conflict of interest, or bias. There was none.

Julia Hajduk, Senior Planner, stated that the applicant proposes to do mass grading on Phase 2 of a site that received original development approval in 2002 and is still considered active. Julia provided a map in the commissioner packets and one on a board which she referenced. Julia said the southern two-thirds of the property was part of Phase 1, which graded for a building and provided parking. The current proposal for rough grading is for future building pads that will eventually come through for site plan review as Type III or Type IV projects. Julia stated that in Phase 1 there are floodplains and wetlands that received approval to be filled, and that related public testimony received on this issue is addressed in the Staff Report as part of Phase 1. Julia said that a conceptual development plan was required to view the site as a whole and address any access issues. Julia also stated that conditions were required for landscaping to ensure that the site could stand alone if there were no development in the future, in accordance with the Code. Julia added that the applicant is interested in continuing Century Drive from Phase 1 prior to any future site development review, and that staff both in the Planning and Engineering Departments are not opposed to this. Julia further stated that any access points and spacing would not be reviewed or approved as part of the road construction, but that road construction could occur before any individual site plans were reviewed.

Chair Emery acknowledged the applicant who wished to testify.

Preston Beck, Group Mackenzie, 690 SW Bancroft, Portland OR 97239. [Mr. Beck was barely audible on tape] Mr. Beck referred to a letter dated August 9, 2005 he wrote to the City and Julia Hajduk regarding the conditions out lined in the Staff Report, which was presented as *Exhibit A (attached)*. Mr. Beck asked Bob Frentress, Jr., Civil Engineer at Group Mackenzie to speak.

Bob Frentress, Jr., PO Box 0690, Portland OR 97239-0039. Mr. Frentress stated that the options listed in the aforementioned letter allow for more flexibility in the type of soil stabilization techniques used following grading. Mr. Frentress specifically addressed the issue of re-seeding and stated that re-seeding may not be the only soil stabilization option.

Patrick Allen asked Mr. Frentress what the result would be if the condition were modified and the site never becomes further developed, and said that under the suggested modifications that omit re-seeding, straw mats could hypothetically be put in place and never removed. Vice Chair Allen followed by stating the example would not likely be an action the applicant would pursue, but that the modified language suggestion leaves room for such an action.

Bob Frentress stated that if and when there came a time the site would not be developed it could then be re-seeded.

Chair Emery asked Kevin Cronin if Clean Water Services monitored the site for erosion control.

Kevin confirmed. Kevin also said that through a land use compatibility statement Kevin signs a 1200-C Permit that is based on findings of fact and conclusions in the notice of decision.

Patrick Allen suggested retaining the requirement for seeding, but providing for an interim period, possibly 5 years, for other methods to be applied with the vision of future development.

Chair Emery asked Mr. Frentress and Mr. Beck if they had any further testimony, or if commissioners had any further questions for the applicant. There were none.

Patrick Allen referred to the Staff Report and Mr. Dodson's comments regarding Phase 1 of the project, and stated that he would like to hear what information Staff can provide regarding Mr. Dodson's comments.

Julia Hajduk said that she reviewed the plans for Phase 1 and also spoke with the City of Sherwood Building Official, Gene Walker, about the grading that was initially approved for Phase 1. Julia said the grading area was a slightly steep slope that did not show enough distance from the wetlands. The approved grading plans allowed for a 40-foot minimum distance from Mr. Dodson's property line to the wetland buffer, and Julia stated a documented copy of this information could be provided to the commissioners if desired.

Chair Emery asked if there were any other questions. There were none. Chair Emery closed the public hearing and asked if Staff had any questions.

Julia Hajduk stated that she would like discussion regarding the period of time allowable for an interim alternate soil stabilization tool to be used, if the Planning Commission determined that the conditions should be changed to allow this option.

Patrick Allen asked if the suggested five years sounded like a reasonable period of time.

Julia Hajduk said that five years may a long period of time and that a traditional site plan review is valid for 1 ½ years.

Russell Griffin asked if the life expectancy on erosion control filter bags was about 2 years.

Julia Hajduk confirmed.

Russell Griffin asked Staff to clarify if Mr. Dodson's documented concerns are answered by the information Julia provided earlier and if the grading is approved as currently submitted.

Julia Hajduk stated that what is currently being reviewed in the public hearing this evening is not related to the questions raised by Mr. Dodson. Mr. Dodson's concerns were regarding Phase 1 and were included in the Staff Report and addressed as public comments received during the comment period.

Russell Griffin asked Julia to clarify the location on the map of each phase of the project.

Julia confirmed that Phase 2 is located north of Phase 1.

Russell Griffin asked if Phase 1 was completed.

Julia Hajduk said that Phase 1 has been open and active for a long time and that this was one of the reasons that Staff recommended the conditions for re-seeding for Phase 2.

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

Patrick Allen moved to approve with amended conditions, the SP 05-07 Oregon-Washington Lumber Company site plan review incorporating the Staff Report's findings of fact, public and agency comments and testimony, and incorporate in the Conditions in the Staff Report the following changes:

- 1. Conditions B-5 be changed to add a new sentence after the existing conditions and at the end after "labor materials & equipment" to say, "applicant may also submit a proposal for temporary soil stabilization for a period not to exceed two years from the date of approval."
- 2. Conditions B-6 be amended to include additional language at the end of the sentence, "for more than 30 days" to say, "including any time allowed for temporary soil stabilization needs."

Chair Emery asked if there was a second to the motion.

Dan Balza seconded.

Chair Emery asked if there was any further discussion on the motion. There was none. A vote was taken.

Vote: Yes-6 No-0 Abstain-0

Motion carried.

- 6. Comments from Commission: There were none.
- 7. Next Meeting: August 23, 2005 Land Use Law Training with City Attorney, Pam Beery.
- 8. Adjournment Meeting was adjourned at 9:20 PM.

End of Minutes

City of Sherwood, Oregon Planning Commission Minutes August 23, 2005

1. Call to Order/Roll Call

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

Commission Members Present:

Jean Lafayette

Staff:

Matt Nolan

Kevin Cronin, Planning Supervisor

Dan Balza

Cynthia Butler, Administrative Assistant

Todd Skelton

City Council Members Present:

Russell Griffin

Linda Henderson

Commission Members Absent:

Chair – Adrian Emery

City Attorney Pam Beery was also present.

Vice Chair – Patrick Allen

- 1. Call to Order/Roll Call Commissioner Lafayette chaired the meeting and called the session to order at 7 PM.
- 2. Consent Agenda Minutes for May 10, 2005 were approved. A correction to the Agenda was noted that the minutes indicated May 17th in error.

3. Agenda Review

- 4. Brief Announcements Kevin Cronin said the Sherwood Oaks project, PA 05-03 is scheduled for Planning Commission on September 27th. Kevin said he has applied for an economic study grant and that planners in the department are attending a one-day conference in Eugene on 9/15 sponsored by the Oregon Planning Institute. Kevin informed commissioners that the department pays tuition for commissioners to attend such training, and that the last day of the conference is specifically designed for planning commission members. A traffic consultant has been contracted to do the traffic study for Area 59 and continued meetings with committee members for Area 59 will resume after the study around the end of October. Kevin said that he attended the Metro event featuring Fred Kent and that it was a good presentation. Kevin stated that the City Council is hearing the Water Master Plan proposal on 9/6, followed in Oct. to the Planning Commission for the Comp Plan map amendment.
- 5. Community Comments Linda Henderson, City Councilor, said the remaining materials at the former tannery site on Oregon St. are hazardous and an eyesore, and asked Staff when it was anticipated the site would be cleaned up.

Kevin responded that the Sherwood Oaks project slated before the Planning Commission on 9/27 is the project for the former tannery site, and that specific guidelines for clean-up have been mandated and are being tracked.

- 6. Land Use Law Training City Attorney, Pam Beery presented land use law training for the Planning Commission that was also open to City Council members. Recording and minutes were not required for this training session.
- 7. Next Meeting September 13, 2005 Historic Resources, Chapter 9 of the SZCDC and Goal 5, Tualatin Basin update.
- 11. Adjournment The training session adjourned at 9:15 PM.

End of Minutes

CITY OF SHERWOOD Staff Report

Report Date: October 18, 2005 File No: PA 05-04 Chapter 9 Plan Text Amendment

TO:

PLANNING COMMISSION

Hearing Date:

October 25, 2005

1 LANGUAGE COMMISSION

Report Date:

October 18, 2005

FROM:

PLANNING DEPARTMENT

Kevin A. Cronin, AICP Planning Supervisor

Kh. C

I. BACKGROUND

The current scope of Chapter 9 – Historic Resources of the Sherwood Zoning and Community Development Code (Comprehensive Plan - Part 3) was approved in 1995 (PA 95-01) and later revised in 2002 (PA 01-04) to include the current design standards instead of non-enforceable guidelines. In 2004, Gene Stewart, a local business owner, had frequently requested changes that either dissolves or reactivates the Landmarks Advisory Board (LAB), which was created in 1992 (Ordinance 92-946) to oversee the designation and review of historic resources as local landmarks.

Consequently, the Planning Department added this item to the "2005 Work Program" developed last January. An "Issue Paper" (Exhibit E) was presented to the Commission in May that initiated a discussion on the issues of a historic review board, review standards, and establishment of a historic preservation program in Sherwood. On September 13, 2005 the Planning Commission held a work session to openly discuss a number of proposed amendments and later initiated a plan text amendment application to update Chapter 9. This staff report summarizes those amendments and provides the findings of fact based on a plan text amendment process and criteria in Section 4.203. The criteria are *italicized* for reference.

II. PROPOSAL

As part of this update, staff reviewed a model ordinance (Exhibit B) developed by the State Historic Preservation Office (SHPO) in 1999 for local governments and compared those policies to existing Chapter 9 standards. A few minor items were incorporated (new definitions - Section 1.200 and expanded landmark review criteria — Section 9.400) into the proposed amendments, but by and large, Chapter 9 is already a very comprehensive ordinance with a diverse toolbox of provisions for historic preservation.

In addition, staff met with Dr. Stephen Poyser of SHPO on August 24, 2005 to discuss the proposed amendments and administrative measures to improve historic preservation in Sherwood. Two issues were raised that deserve attention: Certified Local Government (CLG) status and administrative review. CLG is a program offered through SHPO to local governments that provides training, grants, and other administrative, technical, and financial assistance for

historic preservation. SHPO receives money from the federal Department of Interior - National Park Service and state lottery monies via an allocation to the Oregon Parks and Recreation Department. If Sherwood wants to tap into a new funding source that does not require local general fund monies, CLG status is required and highly recommended. For example, CLG status allows the City to apply for matching grants for restoration projects, technical assistance for education and awareness, preservation planning and policy making, and allows greater local authority for National Register nominations. However, to gain CLG status, a local government must have a historic review board like a LAB that requires accredited professionals in architecture, historic preservation, design, history, archaeology, or related fields. The Planning Commission will need to weigh the costs and benefits of having a Landmarks Review Board or some other review body in view of this requirement.

As a result of the work session, the Planning Commission directed staff to investigate the feasibility of three options for landmark review: (1) establish a memorandum of understanding with the Sherwood Historical Society and delegate advisory capacity, (2) transfer advisory capacity to the Cultural Arts Commission, or (3) establish an advisory, professional subcommittee under the Planning Commission purview. After consultation with Community Service Manager Kristen Switzer, staff found that the Cultural Arts Commission does not have any responsibilities or membership requirements in the bylaws related to cultural resources that would enable or facilitate review of landmarks. This type of change would require new legislative amendments, as well as a "cultural change" of this commission from event management and promotion of arts to cultural and historic preservation. After discussing with SHPO the transferability idea of delegating review responsibility to the Sherwood Historical Society, staff does not recommend this relationship because it jeopardizes the ability of Sherwood to apply for CLG status and elevates a role of a private, non-profit not traditionally found in local government.

In staff's opinion, the last option is the only viable one; that is creating a subcommittee under the Commission OR creating a "super committee" for landmark review and major alterations. Either approach would require addition or amendment of bylaws to the Planning Commission responsibilities, while the later would not require another separate group and could be scheduled with Planning Commission meetings. Appointments would still need to be made by the City Council per the City Charter. Under the latter option a Historical Society member could serve on this super board and added to the landmark review bylaws in Chapter 9, along with accredited professionals from the historic preservation community. According to SHPO, this arrangement would meet the program requirements for CLG status thereby allowing the City to apply and receive state money to fund historic preservation activities on the condition that a third party professional would be retained to provide consultation. Under Section 9.300, staff is recommending an enlarged review board with three additional, professional members for landmark and alteration applications. A member could also include a person that is interested in the field (student) or someone who has firsthand knowledge of preservation or renovation of a structure. In addition, LAB members receive training and experience needed to fill in for absent or vacant Commission positions. Staff can administer a recruitment and interview process for the Commission Chair and Mayor (liaison).

The second issue is using an administrative body, such as the Planning Department and a third party consultant as proposed, to review smaller projects instead of a LAB or the Planning

Commission. The assumption is that a qualified and professional staff will be at the City and have access to a third party review. Whereas, the Planning Commission or another appointed body will have a broader perspective, and may identify different issues not anticipated at a staff level review. Under normal circumstances, a review board takes more time than staff review and decision. The benefits of a streamlined approach need to be weighed against the benefits of additional scrutiny and public process by an appointed review body.

Finally, staff will implement administrative measures subject to Planning Commission direction and Community Development Division approval, but separate from this plan text application. These ideas are listed in the e-mail correspondence dated September 6, 2005 (Exhibit C).

III. AGENCY & PUBLIC COMMENTS

Staff sent e-notice to affected agencies on September 16, 2005 and posted general public notice. To date no written comments have been submitted. Direct property notice is not required for a Type 5 – Legislative amendment. Staff sent 45-day notice to DLCD on July 8, 2005.

IV. FINDINGS

TEXT AMENDMENT (SECTION 4.203.01)

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and this Code, and with any applicable State or City statutes and regulations.

Plan Amendment Initiation: The proposed SZCDC (Part 3) text amendment (Exhibit A) is the result of a need raised by a concerned citizen and later acknowledged by the Planning Commission and City Council in respective goal setting for 2005. The Planning Commission initiated the plan text amendment application on September 13, 2005 after considering the changes during a regular meeting.

Consistency with Comprehensive Plan: Regarding consistency of the proposed changes with the Comprehensive Plan (Part 2), Chapter 5, most recently revised in December 2000, (Ordinance 2000-1103), has the following policies:

12. The 1989 Sherwood Cultural Resource Inventory is included as an appendix to this Plan. The Survey identified 132 potential historic landmarks of varying value. The City has adopted a process by which sites will be reviewed for historic landmark designation and protection. Until completion of that process, if any significant structure listed in the survey is proposed for alteration, construction or demolition, the City shall initiate the review of such building for historic landmark designation, and will not issue a building permit until that process is complete. (Planning Goals: Recreational Resources, p 9)

Policy 5 The City will protect designated historic and cultural landmarks in accordance with the Code standards.

Strategy:

• The City will evaluate the 132 identified historic and cultural sites in accordance with adopted Code standards and determine which sites should be designated landmarks. (Chapter 5, p 20)

Historic and Cultural Resources: Structures and sites which maintain continuity with the City's past and which provide places for persons to congregate and enjoy cultural activities will be developed and/or preserved. The City will consider the preservation of structures and sites of historic and/or architectural significance as identified by the 1989 Sherwood Cultural Resources Inventory. It is the intention of this plan to preserve and develop distinctive historic or cultural features of the Planning Area so as to maintain the City's unique identity in the face of urban growth. The 132 sites identified in the 1989 Cultural and Historic Resources Survey shall be reviewed to determine which should be designated landmarks to be protected by historic landmark protection standards in the code. (PARK AND OPEN SPACE PLAN FEATURES, Chapter 5: p 25)

The proposed code changes do not alter the above policies and is consistent with the policy to preserve historic resources. These policies were developed prior to the owner consent law in 1995 (Exhibit D) that requires notice to the subject property owner and approval of the designation before adoption of landmark status. Under the same law, future property owners are not bound to prior designations and can have the designation removed.

The current proposal amends the following:

- (1) Addresses the bylaws and assignment of duties of an inactive Landmarks Advisory Board (Section 9.300);
- (2) Tweaks existing form-based design standards and proposes a separate track for the Smockville plat portion of the Old Town District (Exhibit F) (Section 9.200);
- (3) Streamlines procedures for minor additions or exterior renovations (Section 9.300);
- (4) Expands protection of primary and secondary structures outside the Old Town District (Section 9.500);
- (5) Repeals a building fee waiver consistent with state law and updated references to current International Building Code (IBC) standards for historic resources; and
- (6) Adds a standard consistent with the owner consent law adopted by the Legislature in 1995 (Section 9.400).

A majority of the above changes are consistent with Planning Commission and City Council direction, while others are proposed by staff. However, all proposed changes are consistent and further the intent of the policies in the Comprehensive Plan (Part 2).

Consistency with State Law: OAR 660-023-000-200

Goal 5 of the statewide land use planning system addresses a process to adopt standards for preservation of historic resources. Historic preservation standards are voluntary for local

governments although required when the City underwent periodic review in 1991. The proposed changes effectively address standards prior to periodic review expected to commence in 2007. The City is not requesting new designations as part of the proposal. This standard is met.

V. RECOMMENDATION

Planning staff recommends that the Planning Commission recommend **approval** of the attached plan text amendment, subject to any revisions, and forward the findings and proposal to the City Council for a second required hearing in the form of a proposed ordinance.

VI. EXHIBITS

- A. Draft Chapter 9 Code Changes v3.0 dated October 18, 2005
- B. Draft Oregon Model Historic Preservation Ordinance dated November 2, 1999
- C. E-mail correspondence from Kevin A. Cronin, Planning Supervisor to Planning Commission dated September 6, 2005
- D. ORS 197.772: Owner Consent Law 1995
- E. Planning Department Issue Paper dated May 3, 2005
- F. Smockville Design Standards v1.0 dated October 18, 2005

End of Report

G:\SHARED\Community Development Division\Planning Dept\2005 Land Use Applications\PA 2005\PA 05-04 Chapter 9 Update\PA 05-04 Chapter 9 Update\PA 05-04 Chapter 9 Update Staff Report PC 10-18-05.doc

Planning Commission Packets 10/25/05:

Minutes: August 9th & 23rd

Chapter 9 Plan Text Amendment Staff Report dated 10/18/05

Exhibits A, D & F as listed on last page of Staff Report (exhibits B, C & E already distributed)

Exhibit A – Draft of Chapter 9 Code changes
Exhibit D – Consent for designation as historic property from the Oregon Revised Statutes

Exhibit F - Old Town Smockville Design Standards

Copy of Oregonian article dated 9/22/05

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 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.

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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.

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- 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.
- Uses permitted outright in the RC zone are allowed within the HDR zone when H. 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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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.
- Manufactured homes on individual lots. B.
- C. Manufactured home parks.
- D. Restaurants with drive-through.
- Stand alone cellular or wireless communication towers and facilities. Co-location of existing legally permitted facilities is acceptable.

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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

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B. Setbacks

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 to 4 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.

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 (maximum of four stories) in the "Smockville Area" and fifty-five (55) feet (maximum of five stories) 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.

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 for "Old Cannery Area" and the "Smockville Design Standards" for all proposals in that portion of the Old Town District.

B. Landscaping for Residential Structures

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Comment [c1]: Is 40 feet too tall? Staff did not receive new direction on allowable height. A new height standard is not proposed.

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- 1. Perimeter screening and buffering, as per Section 5.203.01, is not required for approved home occupations.
- 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 in the "Old Cannery Area" 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,

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nonconforming use restrictions contained in Section 2.206 may be waived by the Commission.

G. Downtown Street Standards

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 Cannery Area" of 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:

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- 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, 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.

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.

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- 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.
- 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, outside the District. Where a site in the Old Town Design Overlay District abuts or is across a street from a residential zone, the following is required:
 - 1. On sites that directly abut a residential zone the following must be met:
 - 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 abutting or 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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- **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.
 - 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 or public utility easements, 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 <u>material requirements in Section 5.202,02B</u>.

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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 or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e. T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit), are not allowed as exterior finish material, except as secondary finishes if they cover no more than ten percent (10%) of a surface area of each façade and are not visible from the public right-of-way. Natural building materials are preferred, such as clapboard, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard, stucco board, and fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide. Foundation materials may be plain concrete or 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.
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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,

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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.

- **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.
 - 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.
- 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.

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- 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:
 - There must be two parts to the cornice or parapet. The top part a. 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.

Architectural Guidelines. The Old Town Design Guidelines 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.

Old Town Smockville Design Standards were developed to address the majority of the inventoried historic resources in Sherwood located in the Smckville portion of the Old Town District and are hereby adopted and referenced, and effective hereafter as amended.

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9.300 LANDMARK REVIEW

9.301 Generally

The Planning Commission shall act as the Landmarks Advisory Board (LAB) and the designated review and approval authority for historic and cultural Jandmarks unless otherwise stated herein; and

- In addition to the Planning Commission, the Landmarks Advisory Board shall consist of three (3) additional members to be appointed by the Council for terms of two (2) years. These three (3) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary and have a professional background in history, architecture, historic preservation, archaeology, or some other profession, knowledge, or interest that demonstrates a commitment to historic preservation. At least one member shall represent the Sherwood Historical Society. Landmarks Advisory Board members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses. LAB members may also serve in absence of a Planning Commission member to make a quorum if needed. However, at least two of the three additional members are required for a quorum on landmark designation and alteration review decisions.
- 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.
- 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.
- Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, rehabilitation, and reuse.
- 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.
 - Determine an appropriate system of marks and signs for designated landmarks and historic districts.

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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.
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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.

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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.
 - 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.

9.401.03 Procedures

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Except as otherwise provided herein, the Council, Commission, the owners of a 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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Upon receipt of the report and recommendation of the Planning Commission, the C. 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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Once City action on a 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. Secondary or contributing significance, or as historic districts, the Planning Commission and Council shall make written findings with respect to the following factors;

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

Is associated with events or persons significant in American or local history;

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- Embodies the distinctive characteristics of a type, style, period, or method of
 construction or architecture, or represents the work of a master craftsperson,
 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.
- 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.
- 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.

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- 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.
- 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.
- Any other information deemed necessary by the City Manager or his or her designee.
- C. The <u>Planning Commission</u> shall conduct a public hearing concerning the proposed landmark alteration and provide public notice in accordance with Section 3.200 of this Code. The <u>Planning Commission</u> 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 <u>Planning Commission</u> 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 <u>Planning Commission</u> 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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- Nothing in this Section shall be construed to prevent the maintenance or repair of A. 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.
- 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 <u>Planning Commission shall make</u> 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.

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- 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 based on the original architecture or later architecturally or historically significant additions 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.

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B. In any variance action, the <u>Planning Commission</u> 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 <u>Planning Commission</u> 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:

The City Manager or his designee, shall have the authority to 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, and hereafter as amended, 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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The landmark has been designated as per Section 9.400, and the alteration is 1. fully consistent with Section 9.500;

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The altered landmark will be no more hazardous based on life safety, fire 2. safety, and sanitation than the existing landmark; Deleted: of the Uniform Building Code

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Unsafe conditions are corrected; and

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The alteration is approved by the Planning Commission.

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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.

- A. The Landmarks Board shall, at its first meeting in each oddnumbered 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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and if the building alteration invol-	ves a site plan application	on as per Section 5.100, the Board
shall substitute for	r the Planning Commi	ssion and act as the approving
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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.

Exhibit D

"Exhibit D"

197.772 Consent for designation as historic property.

- (1) Notwithstanding any other provision of law, a local government shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.480 to 358.545 or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).
- (2) No permit for the demolition or modification of property removed from consideration for historic property designation under subsection (1) of this section shall be issued during the 120-day period following the date of the property owner's refusal to consent. (3) A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government. [1995 c.693 §21; 2001 c.540 §19]



The Oregonian

History, development don't have to clash

Thursday, September 22, 2005 By Scott Learn The Oregonian

Portland will play host to an exacting crowd next week, when some 2,000 architects, planners and other historic building aficionados hit town for the National Trust for Historic Preservation's annual conference.

It's an interesting time to flip on the preservation spotlight. Last year, Measure 37 tossed the state's landuse planning rules -- and government's ability to regulate historic preservation -- up in the air in favor of enhanced property rights.

Despite a strong national reputation, activists say Oregon's preservation efforts have lagged since the state Legislature decided in 1995 to make listings on the National Register of Historic Places voluntary for property owners.

In October, Portland's City Council voted to give itself the right to deny demolition of some 1,800 properties included in some fashion on the National Register, a move preservationists viewed as long overdue.

It seemed the perfect time to catch up with Cathy Galbraith, who will address the conference Tuesday. The Bosco Milligan Foundation executive director has three decades of planning and preservation experience in Oregon and Seattle. She answered questions at the foundation's Southeast Grand Avenue headquarters, a renovated 1883 building that houses the foundation's Architectural Heritage Center. Q. If you own a vintage building in Portland, what prevents you from knocking it down? A. If the property isn't listed in the national register, nothing. Q. What are some examples of significant buildings lost? A. Downtown, we lost the Aero Club, we lost the Fox Theater, we lost the Broadway Theater, we lost the original Vat and Tonsure restaurant. The Benson House was moved. We recently lost the stockyards building up in North Portland where the Japanese internment took place. We lost the Shriners Hospital on Sandy Boulevard, and the electric substation that provided power for the Lewis and Clark fair. Those are just a few examples. Q. How will Ballot Measure 37 affect the discussions next week? A. It's big and horribly bad news nationally. Oregon has been perceived as the state that figured out how to do a lot of this stuff early on. It's sort of been the beliwether on land-use planning, anti-sprawl, conservation of open space, compact development. . If Ballot Measure 37 opens up development on farmland, it raises the question: Are we just going to give it all away, to dense-pack our urban areas and also lose the open space and farmland? It's like the foundations of our goals are a little shaky right now. Q. Is preservation an elitist concern? A. Historic preservation isn't just for rich people. People of all income levels spend money maintaining their homes or commercial buildings, church buildings, whatever. Lots of times they spend money doing absolutely the wrong thing -- tearing out original windows, enclosing porches, replacing original siding with vinyl or something that's going to cause environmental problems -- without thinking about the values that the original features of a property represent. Q. How is Portland doing with infill development? A. If people felt more comfortable about the size and scale and appearance of what's being built, they would be less afraid. But everybody has seen buildings and houses that don't fit, that are so different from their neighbors'. There's so little faith in the quality of new construction and new design, and that further fans the flames of uncertainty and anxiety in the neighborhoods. There's also a sense that there's no real plan for why this is happening, other than just "more development is a good thing." Q. Is Portland's positive national reputation deserved? A. A lot of the successes we are proud of happened on somebody else's watch. There are certainly (preservation) ordinances that are much stronger than Portland's in many, many cities. Seattle has more individual buildings designated landmarks, they have a process of negotiating designated properties, and they never lost the authority to deny demolition. Q. How did you view the failed effort to replace vintage

commercial buildings downtown with a park block extension? (In 2000, Neil Goldschmidt and other downtown power brokers proposed razing buildings in the midtown Park Blocks to connect the north and south Park Blocks and boost retail.) A. I just could not understand the wholesale write-off of the significant architecture in that part of downtown. It was a huge proposal that would remove a number of buildings on or eligible for the national register. You also have a lot of locally owned small businesses and restaurants in the midtown Park Blocks -- and that's what makes a city commercially distinctive. Look at Northwest 23rd or Alberta or Hawthorne, Multnomah Village, Fremont, Sellwood. They're commercial areas with a number of vintage buildings and buildings with some history. Whether they're designated landmarks or not is almost beside the point. Q: How do you justify giving property tax breaks to owners of historic properties? A: We've subsidized all kinds of development. There are tax breaks for condominiums in the Pearl, for new development along light rail lines, for people who don't want to cut down trees. To subsidize the preservation of our building heritage should be even less controversial, in my view. Q: What does the city need to do? A: We need more incentives, stronger public advocacy, greater attention to anticipating (demolition) and working with property owners. I would hope as a community we can figure out how to use the thousands of buildings that are still here. There are fire and life safety issues, but the resources have already been put into building them. The trees have been cut down. The windows and doors are there. Why should that all be tossed aside to start over again for just more development or development that meets code? We need to just take a moment and give existing development the benefit of the doubt, before the decision is made to wipe it out.

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Exhibit F

OLD TOWN SMOCKVILLE DESIGN STANDARDS

The purpose of the Old Town Smockville Design Standards is to respect and enhance the character of Sherwood's original business district and core area 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 Sherwood's settlement in the late 1800s 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, the Cultural Resources Inventory (1989), and the adopted Natural Resources Element of the Comprehensive Plan (1991), the Old Town Design Standards are based upon common architectural designs, materials, and other built characteristics typical of Sherwood's original building forms. Using these historic models as a template for new construction allows growth and development that respects Sherwood's history and builds upon our vaunted 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 Overlay 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 various incentive programs.

Under the procedures of the City's Design Review Process established by Chapter 9 of the Sherwood Zoning & Community Development Code (Part 3) 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 Section 9.200, the Planning Commission is the decision-making authority for applications under the following Standards and the Landmarks Advisory Board [LAB], which includes the Planning Commission, serves as an advisory body. The 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 exterior remodeling and new

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development is proposed in the "Smockville Plat" of the Old Town Overlay 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.

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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.

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II. COMMERCIAL STRUCTURES:

The traditional commercial core area of Sherwood, including those properties the Smockville Plat and First Addition Plat, 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 commercial 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 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:

Commercial Standard 1: Volume & Mass

- A. Orientation: All buildings will be sited with the primary facade facing the public right-of-way. For corner buildings with a corner-facing entry, both street-facing elevations will be considered "facades" 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 facade, such as recessed entryways or similar features, are exempted from this Standard provided they total less than 50% of the total facade 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

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To maintain and insure a pedestrian-friendly scale within <u>Sherwood</u>'s traditional commercial core, storefronts and upper facades shall reflect the following:

- A. Verticality: All facade 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.

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- 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 Facade (such doors are permitted on side and rear elevations only).
 - 2. Roll-up garage doors (metal or wood), on the Facade (such doors are permitted on side and rear elevations only). Uses requiring large garage openings on the facade may use sliding or bi-fold doors, or metal with six over six windows. 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 40 feet (3 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 facade from adjacent buildings, such as a column, pilaster or post.

Commercial Standard 4: Horizontal Facade Rhythm

To maintain the rhythm of <u>Sherwood's</u> traditional architecture, all new commercial construction shall respect the three-part "base-shaft-capital" facade system common to pre-WWII commercial designs.

A. Base: Buildings shall provide a visually articulated foundation or "base" feature, at

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Arched or "fan light" type wind

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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 facade. (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 facade 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 facade that visually terminates the main facade 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 Facade Rhythm

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

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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 Smockville Plat" of the Town of Sherwood. 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 facade 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.

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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 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 facade. This can be

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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 facade.
- 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 bowstring and other trussed roofs, are all typical of downtown <u>Sherwood</u>. Other roof forms, particularly gables, were screened from the public right-of-way.

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- 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 false front facade.
- 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.

Commercial Standard 8: Exterior Surface Materials

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

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- 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)
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- True board and batten vertical wood siding, painted
- Brick: Traditional use of red brick laid in common bond is preferred. Rustic, 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.

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- 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

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Concrete Masonry Units (CMU) is prohibited when visible from the public right-ofway.

- Stucco, as a primary wall surface,
- 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-clad foam (EIFS) and similar foam-based systems
- Standing seam metal sheetgoods for siding or visible roofing
- T-111 or similar 4' x 8' 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.

Awnings and Marquees Commercial Standard 9:

Awnings and marquees projecting from the facade 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 and are eligible to receive a five foot height bonus:

- Scale: Awnings and marquees shall be proportionate in size to the facade and shall A. not obscure architectural detail.
- Placement: Awnings should fit entirely within the window or door openings, retaining В. 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
 - a. Cotton, acrylic canvas, or canvas-like materials are required for use in the zone.
 - b. The use of vinyl awnings is specifically prohibited.

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- c. Fixed metal awnings of corrugated metal are permitted provided the pitch is 5/12 or less.
- d. 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.
 - Painted wood marquees are permitted.
 - Plastic panels or any form of internally illuminated marquees are prohibited.
 - 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 facade wall such as arch-topped windows.
- F. Lighting: Internal awning lighting is prohibited.
- Signage: Signs or painted graphics are limited to the valance or "edge" of the awning G. or marquee only.

Secondary Elevations Commercial Standard 10:

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

- 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 "facade" 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 facade in addition to the primary facade.

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Commercial Standard 11: Additions to Existing Buildings

Additions to existing commercial buildings in the Old Town Sherwood 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-ofway will continue the existing character of the resource or return to the documented
original character in scale, design, and exterior materials. The creation of nondocumented 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 Sherwood
"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/facade of a structure, even when creating a joined internal space, shall be treated as a new and separate building facade 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.

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- 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.

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III. RESIDENTIAL STRUCTURES

Historically, the Old Town District 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.

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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.
- B. 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.
- C. Height: No building may be greater than 40 feet in overall height. Major roof ridges shall be no lower than 16 feet in height. [Note: this lower limit is designed to encourage steeper gables as opposed to low-pitched roof forms]

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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.

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Residential Standard 3: Siding/Exterior Cladding

Generally, vertical appearance of historic volumes in Sherwood 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:

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• 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 Sherwood's architecture. Formatted: Indent: Left: 0.25", Bulleted + Level: 1 + Aligned at: 0.5" + Tab after: 0.75" + Indent at: 0.75", Tabs: Not at 0.75"

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- 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 or fiberglass
- 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 Sherwood 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

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Old Town Smockville Design Standards v 1.0

October 18, 2005

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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.

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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)
- Arched windows and fanlights, 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') Truedivided lights are preferred. "Pop-In" or fake muntins are not historic, nor appropriate within <u>Sherwood</u>'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 ½" 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 Sherwood'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 facade.
 - Simple window "hoods," mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material

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- · 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 facade 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 facade 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 Sherwood's residential areas. Please refer to Section 5.200 of the SZCDC 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.

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- A. Materials: The following fencing materials are permitted in the Old Town Area:
 - 1. Brick
 - 2. Concrete, including concrete block, "split faced" concrete block and similar
 - 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 <u>Sherwood's vernacular tradition</u>.
- 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 that 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.

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Residential Standard 8: Additions to Existing Buildings

- 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.

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III. APPLICABILITY

Except in specific situations described in Section 9.300, these Standards shall apply equally to all projects within the Smockville Plat of 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 Section 4.400 of the SZCDC. These standards are not required for the "Old Cannery Area" portion of the Old Town District, but may be used in lieu of Section 9.200. The Old Cannery Area portion is still subject to the design standards in Section 9.200.

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APPROVED MINUTES

City of Sherwood, Oregon Planning Commission Minutes October 25, 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).

Commission Members Present:

Staff:

Patrick Allen

Kevin Cronin, Planning Supervisor

Jean Lafayette Dan Balza Rob Dixon, Community Development Director

Todd Skelton Russell Griffin Gene Thomas, City Engineer

Commission Members Absent:

Adrian Emery Matt Nolan

- 1. Call to Order/Roll Call Vice Chair Allen called the meeting to order at 7 PM.
- 2. Consent Agenda Minutes for August 9th & August 23, 2005 were reviewed by the Commission except for Commissioner Allen, who abstained from approval of 8/23 minutes and Commissioner Lafayette, who abstained from approval of 8/9 minutes due to absences at the sessions. Commissioner Skelton recommended a change in the text on Page 2, Paragraph 4, to more accurately reflect the intent of testimony given by resident Tony Honer, regarding his purchase of a furnace and its relation to development. Commissioner Skelton stated his recollection of the testimony was that Mr. Honer's comment was not meant literally and that the comment was to reflect the opposite meaning. Commissioners agreed, the change was noted and minutes were approved.

3. Agenda Review

4. Brief Announcements – [inaudibility] Kevin Cronin reminded Commissioners that tomorrow evening the SE Sherwood Neighborhood Open House would be held at the police facility at 7PM, and that Commissioners Lafayette and Nolan have volunteered to also attend. Kevin asked the Commission if they planned on having just one session in December on 12/13 due to the holidays. Commissioners confirmed by consensus.

5. Community Comments —

Chair Emery asked if any members of the community wanted to provide comments on topics not appearing on the agenda.

Eugene Stewart, PO Box 534, Sherwood, OR 97140 – Mr. Stewart stated that the new street design that includes a gutter in the center of streets did not occur on his street and asked for clarification. Mr. Stewart stated the gutter is near the sidewalk in front of his house.

Russell Griffin stated the same design has occurred at Railroad and Main streets in front of Commissioner Griffin's business. Russell said that he asked the Streetscapes project manager, Tom Pessimier, P.E. about this and was informed that the gutter alteration was required to maintain an accurate slope for drainage in these locations.

Rob Dixon stated that Tom Pessimier is the project manager and would have the most current details. Rob said he is certain that the explanation Tom gave Commissioner Russell would have been accurate, and encouraged anyone to contact Tom directly for concerns or questions.

Vice Chair Allen asked if there were any further community comments. There were none.

Vice Chair Allen opened the hearing at 7:20 PM.

6. Public Hearing: Chapter 9 Plan Text Amendment (PA 05-04) - Jean Lafayette read the Public Hearing Rules and Disclosure Statement.

Vice Chair Allen asked if the was any conflict of interest, exparté contact, or bias.

Russell Griffin stated that he resides and works in the affected area, but that this will not impair his ability to make decisions based on findings and testimony.

Kevin Cronin [inaudible] said the task is to review and make determinations about restructuring or eliminating Landmarks Advisory Board (LAB) process as it exists in Chapter 9 of the Code. Kevin asked Commissioners if they wanted to begin the overhaul and audit process by subject or the review of each attachment.

Vice Chair Allen asked if there were any questions of Staff.

Russell Griffin asked to clarify the differences between a Sub-committee and a Super-committee, as described earlier by Staff.

Kevin Cronin stated that a Sub-committee would potentially report to the Planning Commission on separate meeting nights, and a Super-committee would meet prior to the Commission on the same night and follow-up during the Commission session. Kevin said that the committee may consist of 3-4 professional members, including an architect.

[inaudible] Discussion ensued regarding Page 13, Item A of the Chapter 9 Draft Revision, regarding the member composition of such a committee, and the highlighted section, "LAB members may also serve in absence of a Planning Commission member to make a quorum if needed."

Vice Chair Allen asked Staff for clarification and stated that the language regarding the LAB in the draft document does not appear to accurately reflect the intent, as Staff has described.

Kevin Cronin [inaudible] asked to come to agreement on intent and discussion to assist in clarifying the language, which occurred.

Vice Chair Allen asked Staff to clarify if State Historical Preservation Organization (SHPO) certification provides access to funds, and if so, if funds were available.

Kevin Cronin confirmed.

Vice Chair Allen asked for a dollar amount and from where funds are allocated.

Kevin Cronin said his understanding is that funds are generated from lottery dollars that are distributed as part of the Oregon Parks and Recreation fund. Kevin said funds are also generated from the U.S. Department of Interior.

Vice Chair Allen stated that although the programs mentioned exist, it is uncertain whether funds have actually been distributed, and asked Kevin if he had any dollar amounts that were distributed by SHPO in the last biennium.

Kevin Cronin said he did not have a dollar amount available.

Vice Chair Allen said that the decisions made by the Commission should be made on the best thing to do and not for possible funds, which often do not materialize.

Kevin Cronin agreed that making a decision from a policy standpoint should be the focus.

Jean Lafayette asked to clarify the design guideline document and policy differences between those relating to the Old Town Overlay District, the Cannery site, and the Smockville area.

Kevin Cronin stated that the Old Town Design Guidelines apply to all areas in Old Town including the Cannery site.

Jean Lafayette asked for clarification of the Design Standards for the Smockville area, and asked Staff if this refers to an area greater than the 9 square blocks in Old Town.

Kevin Cronin confirmed.

Jean Lafayette asked Staff to clarify the governing rule when these areas overlap, particularly on Oregon St.

Kevin Cronin reviewed the Old Town Overlay, by stating that it includes the Cannery and the Smockville portion. Kevin said the Smockville portion is part of the original plat, consisting largely of the area on the other side of the railroad tracks.

Jean Lafayette clarified that the entire Old Town Overlay District contains the Smockville portion, and within the Smockville portion Section 9.202.08 of the Code is specifically for the Cannery site. Jean further clarified that the remaining Smockville portion is governed by the new Smockville Design Standards, as proposed.

Kevin Cronin confirmed.

Jean Lafayette asked Staff if there is a conflict between the two, such as if the Old Town Standards in the Code specifies porches 6' deep, and the Smockville Standards specifies 5' deep, which standard applies.

Kevin Cronin stated that the interpretation would be for the Planning Commission based on location and other information.

Jean Lafayette suggested that some language regarding this should be incorporated in the Code.

Vice Chair Allen asked to clarify comments made by Commissioner Lafayette and Kevin Cronin and the proposed changes, and stated; the existing Old Town Standards are applying new standards to the Cannery portion outlined on Page 7, and instead of referencing in the Code that the remaining portion complies with the Smockville Standards, a reference has been created in Item M to reference another document. Patrick suggested amending the Code instead of referencing another document.

Kevin Cronin stated that is an option, but his thought was to keep it separate as an appendices.

Vice Chair Allen said this may lead to confusion on which document(s) are the Code.

Jean Lafayette said although it is clear that design standards in the Code are required, it is generally unclear if Old Town Guidelines are recommendations or requirements and that various separated documents add to confusion.

Vice Chair Allen stated this issue has been established and will be revisited, and asked if there were other questions for Staff.

Jean Lafayette referred to Page 5 of the draft revision of Chapter 9 regarding the 40 foot maximum height standard, and compared this to Page 8 of the Old Town Design Standards, and said there is a 5 foot bonus height allowed, changing the maximum to 45 feet. Jean also referred to the Old Town Design Standards that requires 6" average variations in height between the buildings, which conflicts with design standards in the Code. Jean referred to Page 10 for the previous example given on conflicting porch standards between the Code and Old Town Design Standards. Jean cited additional conflicting information on Page 11, Item G, of the draft revision of Chapter 9 regarding roof mounted equipment and cited the Sherwood Lofts example, "must be screened using one of the methods below, versus the Old Town Guidelines, "must be setback and screened." Jean stated she would like the requirement to contain both standards. Jean also referred to Page 22 of the draft revision, Chapter 9 document regarding incentives, and stated that in this section incentives are listed for secondary landmarks, but previously in the same document incentives are allowed for contributory landmarks as well. Jean recommended the text be the same in both sections.

Kevin Cronin confirmed.

Vice Chair Allen referenced the Smockville Design Standards regarding the remodel of structure exteriors, and asked if the recent façade improvements to the insurance building, Rainbow Market, and Stitch in Time, and asked if those improvements would have complied with these standards. Patrick cited the Rainbow Market changing the siding of the store as an example.

Kevin Cronin asked what exterior material was originally used.

Vice Chair Allen stated it was painted cinder blocks and the change was a real improvement. Patrick said he is concerned that the way the text in the Old Town Design Standards currently reads, the Rainbow Market changes appear to have been in violation of the standards.

Kevin Cronin [inaudible] reviewed some of the exteriors not allowed such as, dry-vit and stucco, and that exteriors must be historically compatible.

Vice Chair Allen recommends that the Code allows a change to a structure that is 50 years or older. Patrick stated that under the current standards the Rainbow Market would have been required to replace the old cinder blocks with new ones.

Kevin Cronin stated that would not be the case as cinder block does not comply with the Code.

Jean Lafayette reiterated that in this example the standards require the owner would have to use cinder blocks in lieu of another material.

Vice Chair Allen asked to clarify the exact language being reference, and stated that in the current Old Town Design Standards, top of Page 2, Remodeling of Existing Structures states, "elements that are original to a vintage, traditional, or historic structure (defined in this standard as primary or secondary, contributing, non-contributing-historic, or any structure 50 years old or older), and said that according to this standard the Rainbow Market would have been required to preserve the historic cinder blocks. Patrick asked Staff if there presently is any provision in the Code that would have allowed the Rainbow Market to change the materials.

Kevin Cronin said that the standard is designed to protect primary and secondary historic resources, and agreed it is all encompassing.

Russell Griffin referenced the latter part of the same paragraph on Page 2 that Patrick had referenced, that states exceptions are few, and "the Secretary of the Interior's Standards for Rehabilitation should be consulted in situations not covered by these standards."

Vice Chair Allen asked Staff to confirm that the portion read by Commissioner Griffin applies to landmarks on the National Historic Registry.

Kevin Cronin confirmed.

Vice Chair Allen cited examples of historic hammered tin sheds across from the old feed store, and off Sunset Blvd., and asked Staff if the Code should require property owners to recreate hammered tin sheds.

Kevin Cronin said the feed store is also an example of architectural and economic significance in addition to its historical significance in the community.

Vice Chair Allen agreed and recommends that the standards need to have language that makes allowances for similar determinations. Patrick said the Gerrigos Building would have qualified

for this standard. Patrick also stated that a building would not have to be 50 years old to be historic, but that it can automatically be considered historic if it is at least 50 years old.

Kevin Cronin stated he would not interpret the criteria for historic designation in that way.

Jean Lafayette said that it is possible that someone else would.

Kevin Cronin confirmed.

Vice Chair Allen also confirmed, and suggested the new applicable language addressing this issue should be moved closer to the front of the document, or addressed in each applicable section.

Vice Chair Allen asked if there were any further questions of Staff.

Jean Lafayette referred to the height standards and the bonus information appearing in Exhibit F, Page 8 of the Old Town Design Standards, and asked Staff to confirm if a building has an awning on the front of their building they receive an additional 5 feet bonus in building height.

Kevin Cronin confirmed, as proposed. Kevin stated that the bonus incentive is to encourage developers to utilize urban design elements.

Jean Lafayette stated she approves of incentive process, but that her concern was that building height standards do not become too tall. Jean referenced Page 9, Item DD, of the Old Town Design Standards, and suggested changing the language "excluded", to "prohibited".

Kevin Cronin confirmed.

Jean Lafayette referenced Page 12, Item C, regarding roofing, and asked Staff to clarify if the prohibited materials language was to protect from the use of inferior materials, and cited metal roofing as an example.

Kevin Cronin said the popular trend currently is to use corrugated metal and stated [inaudible] it is the application of the materials that can be of concern.

Vice Chair Allen asked if this standard would apply to a green roof.

Kevin Cronin stated it would not. Kevin said there is not currently a green roofing standard.

Vice Chair Allen opened the hearing to the public.

Eugene Stewart, PO Box 534, Sherwood, OR 97140 - Mr. Stewart said that there should be more notice to property owners for meetings. Eugene said he did not know about his meeting. Eugene first spoke about parking in Old Town. Eugene then referenced Page 15 of the draft revision Chapter 9 document, and stated that the LAB should not be removed from the Code. Eugene also stated that if there is not going to be a LAB, there should be a citizen's advisory committee that includes interested residents of the community to take on the process of a LAB, and that this committee could report to the Planning Commission.

Jean Lafayette asked Mr. Stewart if it was his recommendation to replace the LAB with a committee.

Eugene Stewart confirmed, and stated their used to be a citizen's advisory committee that served on historical preservation and he isn't certain how or why it was dissolved. Eugene also stated that is appears residents are not permitted to be members of such committees.

Dan Balza said that this was not the case and cited examples by stated there are members of the community on the Area 59 citizen's advisory committee, and residents on the SE Sherwood Neighborhood committee.

Vice Chair Allen asked if Mr. Stewart had further testimony regarding historical preservation.

Eugene Stewart had nothing new to add.

Vice Chair Allen asked if there was any further public testimony. There was none.

Vice Chair Allen closed the public hearing at 8:10 PM.

Kevin Cronin addressed the issue raised by Mr. Stewart regarding public notice process for Commission meetings and public hearings, and stated that according to the Code public notice for tonight's session was posted in 5 public places, including City Hall, and an article has appeared in the Archer section of the Sherwood Gazette. Kevin stated that the Code does not require mailed notice to property owners or published notice in a weekly newspaper (Tigard Times) for Planning Commission sessions. Kevin also stated that the issue of parking was not on the agenda tonight and should not be addressed. Kevin said the issue of creating a citizen's advisory committee is a possibility if the Commission chooses to do so.

Vice Chair Allen asked Staff if the text in the public notice states that the Planning Commission is considering amendments to Chapter 9, or if it provides more detailed information.

Kevin Cronin reiterated the description on the posted agenda notice.

Vice Chair Allen read the description on the agenda regarding Chapter 9, and suggested that future notices indicate the title of the Chapter being reviewed to better clarify to the public what the subject material covers.

Kevin Cronin confirmed.

Jean Lafayette asked if there was no parking detailed in Chapter 9.

Kevin Cronin stated that the City has not done a comprehensive parking study.

Vice Chair Allen stated that SURPAC suggested taking an inventory and doing an analysis of parking to make determinations on the amount of the parking needed.

Dan Balza referred back to Commissioner Lafayette's comments earlier in the session regarding the differences between the Old Town Design Standards and Chapter 9 of the Code on Historic Resources, and agreed it was confusing. Dan agreed that it needs to be determined whether or not the appendices stand as they are or need to be integrated into the Code.

Jean Lafayette stated that she likes Exhibit F, Old Town Design Standards and that they reflect what the Commission was looking for when they previously reviewed Old Town Design Standards.

Kevin Cronin agreed and stated that they are form-based standards.

Jean Lafayette asked Staff if a proposed change would be required to go through legislative review.

Kevin Cronin confirmed, and stated it would require a plan text amendment and would follow the same Type V legislative process.

Jean Lafayette asked Staff to clarify if there would be any loss of the public hearing process on the draft revision Chapter 9 document, by amending the attached appendices.

Kevin Cronin [inaudible].

Jean Lafayette asked Staff what the process would be to make the Old Town Design Guidelines standards and integrate the Old Town Design Standards and Smockville Standards into Chapter 9 of the Code.

Kevin Cronin asked Commissioner Lafayette was suggesting imbedding the Old Town Design *Guidelines* pictures into Chapter 9.

Jean Lafayette said she meant that the Old Town Design *Standards* document would be integrated into Chapter 9.

Kevin Cronin said that presently the Old Town Design Guidelines are referenced in Chapter 9.

Vice Chair Allen stated that all standards and requirements should be in the Code and located so that anyone can go to one source for reference. Patrick also stated that an illustrated guideline which supports the standard should be referenced in the Code, but be a separate reference.

Kevin Cronin confirmed, and [audible difficulty] suggested that he codify the Smockville Design Standards in the same format and make one document with the Old Town Design Guidelines.

Commissioners agreed.

Vice Chair Allen reiterated that the Old Town Overlay standards protect Old Town, and there are standards that apply to the Cannery, and the Smockville Standards – and asked if the intent is to protect a larger area or to set standards for specific structures.

Kevin Cronin [audible difficulty] stated that protecting structures requires identifying them as primary or secondary resources.

Vice Chair Allen stated the coverage areas include both residential and commercial structures, but that the standards appear to apply to commercial resources.

Kevin Cronin stated that Page 12 of the draft revision Chapter 9 document includes residential.

Vice Chair Allen asked to confirm that Page 12 addresses the use of a residential structure as a commercial building.

Kevin Cronin confirmed.

Vice Chair Allen stated that he would like a copy of the list of primary and secondary resources.

Kevin Cronin stated that he would send it to Commissioners via email.

Jean Lafayette asked for clarification and recapped that the City has the Old Town Overlay District design standard within the Code, there are 152 properties in the primary and secondary inventory which are covered under the LAB, and there is also another set of more restrictive guidelines –

Vice Chair Allen stated that it is too much review.

Kevin Cronin stated that he recommends the super-group option of qualified members to assist in administering the Code. [audible difficulty]

Dan Balza stated that he supports creating one document and obtaining a historic preservation consultant. Dan asked if a vote was required.

Kevin Cronin stated that a consensus voice vote would be adequate. Kevin said he would need the support of the management team and confirm the fees.

Jean Lafayette asked what the fee requirements would be.

Kevin Cronin said \$250 currently exists in the fee schedule.

Russell Griffin asked to clarify the consultant would specifically be a professional consultant in historical preservation.

Kevin Cronin confirmed.

Todd Skelton supported the creation of one document and obtaining services of a consultant.

Russell Griffin also confirmed.

Vice Chair Allen stated that at least one more Commission meeting would be required before recommendations could be forwarded to the City Council. Patrick recapped issues requiring follow-up prior to the next meeting including: structural issues of the Code; applicability issues of the language; and engage Friends of Old Town (FOOT) and the Chamber of Commerce in

future discussions or a work session. Patrick stated the latter had not been discussed, but he feels is important in the process.

Kevin Cronin confirmed, and stated he would make the appropriate contacts at that point.

Jean Lafayette suggested meeting with those two groups after the next revision, and prior to the point at which the Planning Commission takes a vote.

Russell Griffin also reiterated the request that the text regarding subject content on future public hearing notices be more clearly defined. Russell said more detailed text goes above what the City is required to do according to the Code, but may provide more public outreach and generate response.

Kevin Cronin confirmed. Kevin stated that if the Commission would like to continue the hearing to a date certain, that the November 8th session will be the continuance of the Sherwood Oaks application.

Commissioners discussed schedules and suggested December 13, 2005.

Jean Lafayette moved to continue the public hearing on PA 05-04, Chapter 9 – Historic Resources to December 13, 2005.

Dan Balza seconded.

Vice Chair Allen asked if there was any further discussion. There was none.

Vote: Yes - 5 No - 0 Abstain - 0 Motion carried.

7. Comments from Commission –

Russell Griffin said he had a copy of the Downtown Streetscapes CD for Commissioners to review. Russell also said he would like the Commission to take a tour of the new Civic Bldg. and asked Kevin if that could be arranged.

Kevin Cronin confirmed he would check with Jenni Lipscomb and arrange a tour.

Dan Balza said the new Sunset Park looks great.

Rob Dixon [inaudible] stated that the ribbon cutting ceremony for Sunset Park is this Thursday, October 27th at 5:30.

Vice Chair Allen asked if there were any further comments. There were none.

- **8.** Next Meeting November 8, 2005 Sherwood Oaks (PA 05-03; SP 05-09); Public Fiber Optics Standards (PA 05-05): Hunter's Ridge Modification (SP 04-09-A).
- 9. Adjournment Vice Chair Allen adjourned the meeting at 8:45 PM. End of Minutes