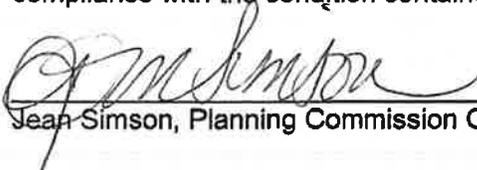


**Kelley House Addition**

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At the June 24, 2014 Planning Commission meeting, the Commission held a public hearing and voted to approve with conditions the proposed Landmark Alteration for the Kelley House Addition. The Planning Commission deliberated and decided to conditionally approve the proposal after considering the public testimony and evidence, and based their decision to approve the development on the following findings of fact. The proposal is approved subject to compliance with the condition contained in this notice.

  
Jean Simson, Planning Commission Chair

**Proposal:** The applicant is proposing a Landmark Alteration for a 1,500 square foot addition to an existing home in Old Town. The property is zoned Medium Density Residential Low (MDRL) and located within the Smockville area of the Old Town Overlay. The applicant's submittal materials are attached to this report as Exhibit A.

**I. BACKGROUND**

**Applicant/Owner:** Rob Kelley  
22455 SW Oak Street  
Sherwood, OR 97140

**Contact:** Rob Kelley  
503-939-7140

- B. **Location:** 22455 SW Oak Street. WCTM 2S132BA tax lot 02900.
- C. **Parcel Size:** 5,000 Square Feet
- D. **Existing Development and Site Characteristics:** The site is fairly flat and currently developed with an existing single-family residence and detached garage.
- E. **Site History:** According to the owner, the home was constructed in the 1930's or 1940's. The most recent historical survey conducted and reported to the Planning Commission in 2012 refers to the home as a minimal traditional style of architecture.
- F. **Zoning Classification and Comprehensive Plan Designation:** The subject property is zoned (MDRL) Medium Density Residential Low within the Smockville area of the Old Town Overlay zone, a designated historic district which seeks to preserve and enhance the area's commercial viability and historic character.

- G. Adjacent Zoning and Land Use: The subject property is surrounded on four sides by properties that are also zoned MDRL. The property directly to the west of the site is vacant. Properties to the south include the parking lot for the Argonne Post of the American Legion. Properties to the north and east are developed with single-family residences.
- H. Review Type: Because the proposed alterations are to a building located within the Sherwood Old Town overlay, the application is subject to a Type IV review which requires review and approval by the Planning Commission after conducting a public hearing. An appeal would be heard by the Sherwood City Council.
- I. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on April 2, 2014 and an open house invitation on April 3, 2014 at the subject site in downtown Sherwood. Nobody attended the meeting or open house.
- Notice of the application was mailed to property owners within at least 1,000 feet of the subject property and posted on the property and in five locations throughout the City on June 2, 2014 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the June 1<sup>st</sup> edition of the Gazette, and in the June 19<sup>th</sup> edition of the Tigard Times (a paper of general circulation) in accordance with Section 16.72.020 of the SZCDC.
- J. Review Criteria: Sherwood Zoning and Community Development Code, (16.12 Residential Land Use Districts- MDRL) 16.162 (Old Town Overlay District), and where applicable 16.168 (Landmark Alteration).

## II. PUBLIC COMMENTS

Public notice was mailed and posted on the property, and in five locations throughout the City on June 2, 2014. Staff received no public comments as of the date of this report. However, comments are accepted until the Planning Commission closes the public hearing.

### III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on June 2, 2014. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: The City Engineer provided comments that indicated that all public services were currently available to the site, and that any new easements for public or private utilities would need to be recorded with Washington County. Any public infrastructure improvements or upgrades would need to be protected with a two-year maintenance bond.

Clean Water Services: Provided written comments indicating that they have no concerns or objections to the proposal.

PGE: Henry English of PGE provided e-mail comments indicating that there were no apparent conflicts to the service provider, and stated that any upgrades or relocation of service would need to be reviewed and approved.

Tualatin Valley Fire and Rescue: John Wolff, Fire Marshall with TVFR provided an e-mail indicating that the district had no objections or concerns to the proposal.

The Sherwood Building Department, Public Works, METRO, BPA, Raindrops to Refuge, Tri-Met, the Sherwood School District, Washington County, PGE, Kinder Morgan Energy, and NW Natural Gas were also notified of this proposal and did not respond or provided no comments to the request for agency comments by the date of this report.

### IV. APPLICABLE CODE PROVISIONS

#### 16.12 Residential Land Use Districts

##### **16.12.020. - Allowed Residential Land Uses**

###### **A. Residential Land Uses**

**The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.**

**FINDING:** Single-Family residences are an outright permitted use within the MDRL Zone. The proposed addition to the home would therefore be an expansion of an outright permitted use.

##### **16.12.030 Residential Land Use Development Standards**

###### **B. Development Standards**

**Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.**

###### **C. Development Standards per Residential Zone**

**STAFF ANALYSIS:** Table 16.12.030.C. outlines the minimum dimensional requirements for development within the residential zoning on properties in the City of Sherwood. The lot that the home sits on is an existing 5,000 square foot lot. The minimum lot size in the MDRL is 5,000

square feet. The minimum lot width at the building line is 50 feet and the minimum lot depth is 80 feet for the MDRL zone. In this case, the lot width at the building line is 50 feet and the lot depth is 80 feet. The maximum height within the MDRL zone is 30 feet or 2 stories whichever is less. As proposed, the addition would be a two-story 25 foot high structure. The existing home does not meet the minimum required setbacks. The existing setbacks appear to be 9-feet to the property line along SW First Avenue. The setback to SW Oak Street appears to be 4-feet to the home and 8-feet to the face of the garage. The rear yard setback appears to be 2-feet to the property line, and the side yard setback to the west property line looks to be 10 feet.

The applicant proposes to add living space between the existing primary home and the garage along the existing building line as it fronts SW Oak Street. The existing home and the expansion would be nonconforming with respect to the setbacks along SW Oak Street, but would not exacerbate any of the existing setback non-conformities to the other property lines. All other development standards outlined by the table in 16.12.030.C are satisfied by the proposal.

Section 16.162.070.F allows the non-conforming use restrictions within Chapter 16.48 to be waived by the Commission when, in their determination, it is fully consistent with the goals and standards of the OT overlay zone and other city guidelines to preserve, restore, and enhance historic resources. All buildings within the existing Old Town Overlay are considered landmarks, and reviewed under the provisions of the landmark alterations chapter. Section 16.48.070.B allows a non-conforming structure to be enlarged if in the Commission's determination, the change will not have greater adverse impacts on surrounding properties, in this instance, with respect to the character and history of development in the surrounding area, the comparative visual appearance, or other factors which tend to reduce conflicts or compatibility with the character or needs of the area.

The approval criteria related to expanding non-conforming structures are subjective, but in staff's view, there are several instances of single-family residences in Old Town with non-conforming setbacks. Many of these cases are the result of construction practices that predate modern zoning. There have been no comments or any information presented to staff to indicate why this proposed expansion would negatively impact surrounding properties or negatively affect the goals and aspirations of the Old Town overlay zone. As mentioned previously, the setback affected by this expansion in no way increases the impacts on surrounding properties. The expansion and existing home along this setback continues to be separated from the nearest structure by the width of the setback on this property, the setback on the other property, and an intervening right-of-way.

**FINDING:** With the exception of the setbacks to property lines, all of the dimensional requirements of table 16.12.030.C are met by the proposal. In reference to the setbacks and the proposed expansion, the only setback affected by the proposal is the setback along SW Oak Street which is currently 4-feet. The proposed expansion is located within the Old Town Overlay, and after review of the proposal there is no evidence presented within the record to suggest that the proposal is inconsistent with the goals and standards of the Overlay zone. In other words, this is a single-family home whose expansion meets the applicable design standards outlined in Section 16.162 (Old Town Overlay District). Therefore, the Planning Commission sees no reason not to allow the proposed structure to be expanded consistent with the proposal simply because the setback is not met.

**A. Division IX – Historic Resources**  
**The applicable provisions of Division IX include:**

## **16.162 Old Town Overlay District (OT)**

### **16.162.060 Dimensional Standards**

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

- A. Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.**
- B. Setbacks - 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 this Chapter, 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 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 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. However, five foot height bonuses are allowed under strict conditions. 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. (Ord. 2006-009 § 2)**

- D. Coverage - Home occupations permitted as per Chapter 16.42 and Section 16.162.030 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot. (Ord. 2002-1128 § 3; 94-946; 87-859)**

**STAFF ANALYSIS:** The property is zoned Medium Density Residential Low (MDRL). The proposed expansion is subject to the dimensions of Chapter 16.12 which have been discussed previously in this report. There are no home occupations associated with this use or request.

**FINDING:** These criteria are not affected by the proposed expansion.

### **16.162.090 OLD TOWN SMOCKVILLE DESIGN STANDARDS**

#### **B. REMODELING OF EXISTING RESIDENTIAL AND COMMERCIAL STRUCTURES**

## Remodeling Standard 1: Original Elements

Elements that are original to a vintage, traditional or historic structure (defined in this standard as primary, secondary, or any structure 50 years or older that is eligible for landmark designation and professionally surveyed) are an important characteristic. These elements enhance appeal and retain the overall historic fabric of a neighborhood. In most cases, buildings with 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 unless the original materials were not historically compatible or traditional at the time of construction. The Secretary of the Interior's Standards for Rehabilitation should be consulted in situations not covered by these standards. Where alterations to an exterior structure 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.

**STAFF ANALYSIS:** The existing home was built in the 1930's-1940's. This particular structure was not surveyed as part of the 1989 historic survey of Sherwood. The proposed alterations appear to include the removal of the door and porch that front SW Second Avenue, and place a primary entrance along the SW Oak Street frontage. According to the applicant, the proposed addition will maintain all door and window designs of the existing structure. In a cursory review by staff, the applicable Secretary of the Interior's Standards for Rehabilitation indicate that preservation is preferred over removing characteristics, but when removal is necessary, "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." And, "New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired." The expansion is proposed in a way that does not appear to compromise the overall characteristic of the home, and will definitely be distinct from the original structure in that it is two stories as opposed to one.

- 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.

**STAFF ANALYSIS:** The proposed alterations appear to retain all of the existing windows with the exception of those located on the northeast elevation of the existing home. The windows would be replaced with the wall of the proposed expansion. The applicant's designer has indicated that the style of the existing windows will be maintained on the street facing sides of the home.

- 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.

**STAFF ANALYSIS:** There are no proposed chimneys with this expansion. The existing chimney does not appear to be made of brick as it is wrapped in tar paper and has a metal cap. The existing chimney would need to be removed for the proposed expansion.

- 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.

**STAFF ANALYSIS:** There are no proposed skylights with this alteration.

- 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.

**STAFF ANALYSIS:** The plans do not include the removal or installation of gutters.

- 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.

**STAFF ANALYSIS:** The applicant's designer indicates that all existing window styles will be maintained with the proposed expansion, but indicates that there are no other existing or proposed unique architectural details.

- 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.

**STAFF ANALYSIS:** The applicant has proposed to maintain the original siding, and repair any damaged areas with matching materials. The expansion would include matching siding and a 10" belly band to break up the street facing façade.

- 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 for additional sun protection.**

**STAFF ANALYSIS:** The applicant has indicated that the proposed expansion will meet the today's building codes for weatherization and energy conservation. Existing windows and doors will be caulked around the inside trim and to seal any leaks that are discovered.

**FINDING:** As proposed, the alteration appears to carry on the same theme and materials as the existing home. Original materials are maintained when feasible, and replaced or repaired with like materials when necessary. The proposed alterations are keeping with the existing exterior design and materials; therefore, these criteria have been satisfied.

## **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.**

**FINDING:** The proposed alteration does not propose to modify the front facing presentation of the building with skylights, roof vents, or plumbing vents. The applicant has indicated that all roof and plumbing vents will be installed on the rear slope of the home opposite of SW Oak Street and painted to blend in with the composite roofing. This criterion is satisfied.

## **16.168 LANDMARK ALTERATIONS**

### **16.168.020 ALTERATION STANDARDS**

**The following general standards are applied to the review of alteration, construction, removal, or demolition of designated landmarks that are subject to this Chapter. In addition, the standards and guidelines of any applicable special resource zone or historic district shall apply. In any landmark alteration action, the Landmarks Advisory Board shall make written findings indicating compliance with these standards.**

**1. 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.**

**STAFF ANALYSIS:** The proposed expansion does not appear to alter the architectural appearance of the main structure, although all structures within Old Town are considered landmarks. There is nothing unique to this structure that would make it stand out.

**FINDING:** The proposed alterations are made in a manner that minimizes the alterations to the original character of the building. This criterion is satisfied.

**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.**

**STAFF ANALYSIS:** There has been no written or visible evidence provided to suggest that the physical or structural integrity of the building is questionable. The home appears to have withstood the test of time, and appears to be soundly on its foundation.

**FINDING:** This criterion is not applicable to the proposed development.

**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.**

**STAFF ANALYSIS:** The outside of the building does not appear to have been significantly altered in the past. As proposed, the expansion would maintain the historic character of the building consistent with the criteria listed in the Old Town Smockville Design Standards as discussed above.

**FINDING:** The proposed expansion is proposed in a manner that is consistent with the existing character of the structure within the historical context of the site. This criterion is satisfied.

**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.**

**STAFF ANALYSIS:** The proposed expansion would maintain the existing use. The Old Town overlay includes a mix of uses and this continues the existing use of the structure as a single-family home that is consistent with the historic character of the area.

**FINDING:** The proposed alterations are compatible with the surrounding land uses, and consistent with the Old Town overlay standards. This criterion is satisfied.

**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.**

**STAFF ANALYSIS:** The home is existing, is not recognized within the 1989 Sherwood Historic Resources Inventory, and despite its age, not a recognizable or unique landmark. The proposed expansion is consistent with the historic character of the building.

**FINDING:** The proposed expansion is in accordance with the historic character of the building, and is consistent with the applicable standards and guidelines within the Old Town Overlay, more specifically the Smockville Design standards. This criterion is satisfied.

**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. (Ord. 2006-009 § 2; 94-990 § 1; 92-946; Ord. 86-851)**

**FINDING:** The proposed expansion of the existing home does not seek to redefine the theme of Old Town or include a style that is different than the historic appearance of the structure. The proposal is consistent with the character of the area. This criterion is not applicable.

## **2. 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.**

**STAFF ANALYSIS:** As mentioned previously, the proposed expansion would maintain the majority of the existing structure and carry forward the original character of the home.

**FINDING:** The proposed expansion is sensitive to the historic character of the house, and does not include the destruction of any distinctive architectural features or materials of the existing home. This criterion is not applicable to the proposed alteration.

**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.**

**STAFF ANALYSIS:** The applicant has proposed to maintain the original siding, and repair any damaged areas with matching materials. They have proposed to caulk the interior windows and door to seal up any leaks.

**FINDING:** The home does not appear to have any deteriorated architectural features. This criterion is not applicable.

**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.**

**STAFF ANALYSIS:** The applicant is proposing to expand the existing structure with architecturally compatible materials utilizing the same dimensions. There are no known missing architectural features unique to this structure.

**FINDING:** This criterion is not applicable to the proposed expansion of the home.

**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.**

**STAFF ANALYSIS:** The applicant has not proposed to sandblast or clean the building with any abrasive material that would damage the building.

**FINDING:** This criterion is not applicable to the proposed development.

**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.**

**STAFF ANALYSIS:** The proposed expansion appears to be sensitive to the historic character of the building and as discussed above, appears to be consistent with the underlying design standards for the Old Town Smockville Overlay.

**FINDING:** The proposed house expansion does not destroy the historical, architectural, or cultural features of the building, and is compatible with the district in which the house is located. This criterion is satisfied.

**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. (Ord. 94-990 § 1; 92-946; Ord. 86-851)**

**STAFF ANALYSIS:** The proposed addition does not affect the structural integrity of the existing building. If the addition were removed in the future, there is no evidence in the record to suggest that the building could not be further rehabilitated and restored to its current state.

**FINDING:** The proposed expansion is consistent with the character of the existing home, and is proposed in such a manner that does not affect the historic integrity of the home. This criterion is satisfied.

#### **DECISION**

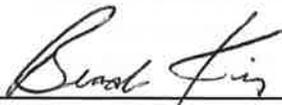
Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of public testimony, the Planning Commission finds that the requested approval fully complies with the applicable standards of the SZCDC. Therefore, the Planning Commission approves File No: LA 14-01 **with the following Condition.**

#### **VI. CONDITION**

1. The applicant shall construct the proposed home expansion in a manner that is consistent with the plans dated May 21, 2014, and shall obtain all necessary approvals prior to final occupancy of the addition.

#### **VII. APPEAL**

Pursuant to Section 16.76.020 of the Sherwood Zoning and Community Development Code (SZCDC), the Planning Commission decision detailed above will become final unless an appeal is received by the Planning Department within 14 days after this decision is mailed. This Notice of Decision for Case No. LA 14-01 was placed in a U.S. Postal receptacle on June 25, 2014, 2014. Any person with standing that wishes to appeal this decision must file their appeal with the City no later than 5:00 PM on July 9, 2014.



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Brad Kilby, AICP  
Planning Manager  
City of Sherwood