



NOTICE OF LAND USE DECISION

This document represents the Staff Decision on a Land Use Application requesting the demolition and removal of two accessory structures of indeterminate age along with the construction of a new accessory garage/shop building on the Historic Landmark property known as the Raujol-Salwson House, SHPO #478.

SECTION 1 – SUMMARY

DECISION DATE: August 1, 2019

CASE FILE NO.: Z0261-19-HL

STAFF CONTACT: Anthony Riederer, (503) 421-9024

LOCATION: 1165 SW Borland Road

APPLICANT: Brandon and Megan Burt

OWNER: same

TOTAL AREA: Approximately 1.96 acres

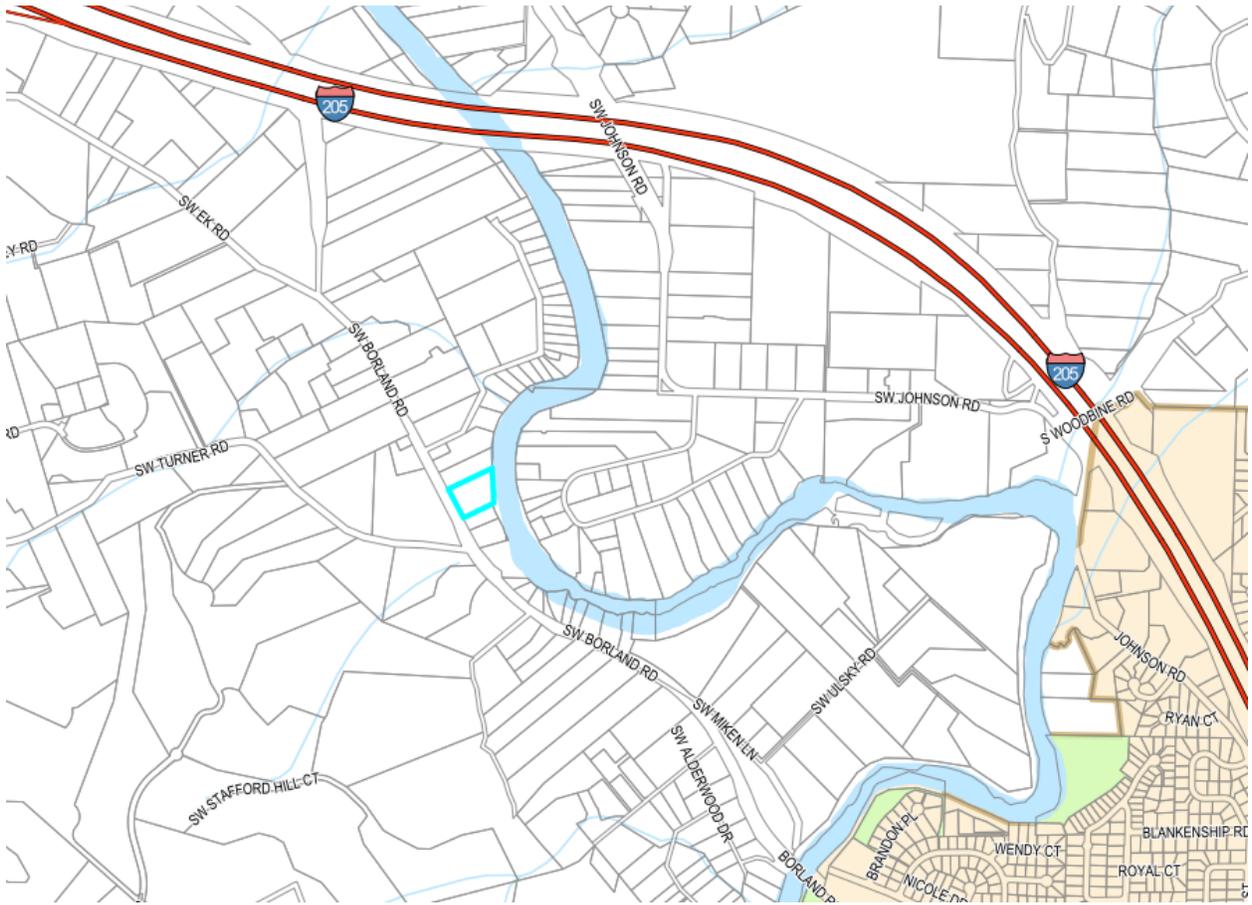
ZONING: RRFF-5/HL, Rural Residential Farm and Forest – 5 Acre/Historic Landmark Overlay

CITIZENS PLANNING ORGANIZATION: Stafford-Tualatin Valley CPO

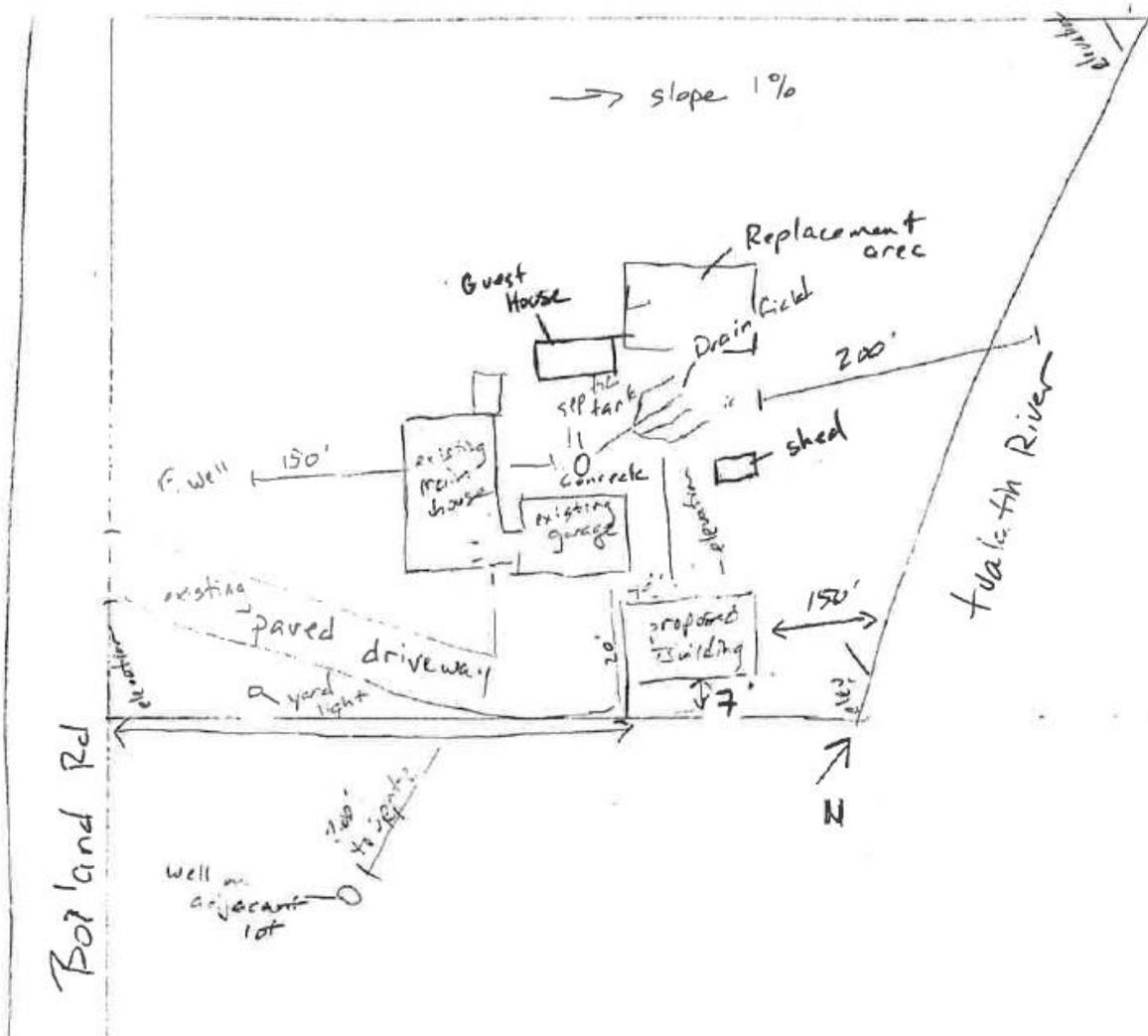
PROPOSAL: Proposed demolition of two accessory structures on a historic designated property along with the construction of a new accessory shop/garage building.

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections(s) 707.06(C)(4), (D)(3), and 1307.

Location Map



Plot Plan



Site Photographs - Shed



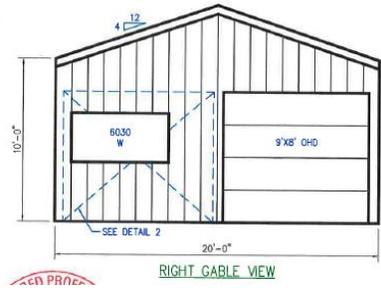
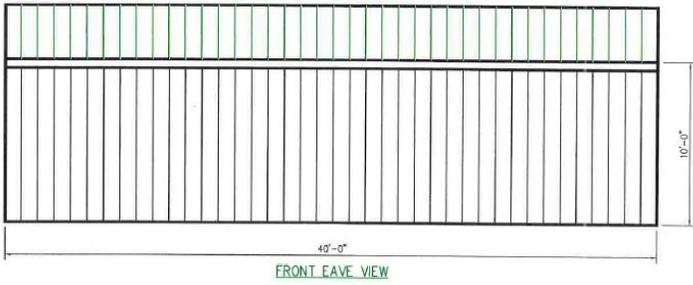
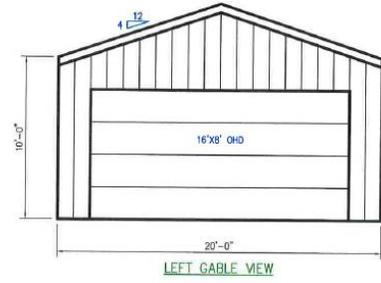
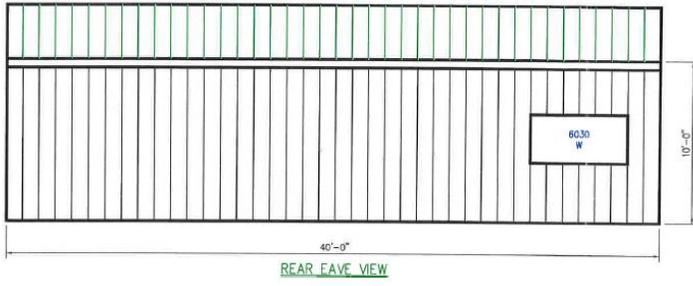


Site Photographs – Guesthouse





New Accessory Building Elevations



BACKGROUND:

This property is known within the Clackamas County's inventory of designated sites as the Raujol-Salwson House, originally designated in the early 1990s as an example of an early 20th century dwelling in the Oregon Rustic style, as well as for its association with local recreational history. This proposal involves the removal of two deteriorated accessory buildings of indeterminate age from the subject property and the new construction of an accessory garage/shop building (see attached plot plan.)

The accessory buildings proposed for demolition and removal are identified in the site inventory and statement of significance as being of indeterminate age. Though they are identified as being on concrete foundations, site investigations demonstrate that this is in error. In point of fact, the buildings are built directly on wooden planks on the ground, greatly contributing to their decay over time. Further, each is significantly impacted by the growth of large trees.

In each case, the façades themselves demonstrate that the steady growth of these trees have pushed the buildings out of alignment, hastening their deterioration. As such, each of them have fallen into significant disrepair and, in the opinion of the property owner, have become a hazard on the property. The applicants have submitted narrative along with property images in substantiation of this claim.

Additionally, the applicants are requesting to construct a new shop/garage building on a separate area of the property, near the historic dwelling at the end of the existing driveway.

Historic Review Board:

This project was presented, along with a staff recommendation, to the Historic Review Board for additional consideration and their recommendation to the Planning Director. At that meeting, the Historic Review Board voted unanimously to recommend that the request to demolish and remove the two deteriorated accessory buildings be approved without additional conditions. Through discussion with the applicant and planning staff, the Historic Review Board voted 3 to 2 in favor of recommending approval of the proposed new garage/shop building subject to the following conditions, each of which is recommended in pursuit of compliance with ZDO 707.06(C)(4)(a) and was approved by the applicant:

1. Prior to the issuance of building permits, the applicant shall submit revised drawings with eave extensions.
2. Prior to the issuance of building permits, the applicant shall submit revised drawing demonstrating adjustments to the windows so that they are vertically proportioned.
3. Prior to the issuance of building permits, the applicant shall submit revised drawings demonstrating that all building openings (windows, doors, garage doors) are to be trimmed with a depth, reveal, and contrasting color matching that of the primary dwelling.
4. Prior to the issuance of building permits, the applicant shall submit paint and/or material samples demonstrating that the proposed garage/shop building will match the color of the primary structure.

5. Prior to the issuance of Final Inspection/Certificate of Occupancy, the applicant shall submit materials/photographs or consent to a site visit by planning staff to demonstrate compliance with conditions of approval.

DECISION:

The Planning and Zoning Staff finds that, as conditioned below, the proposed removal of two accessory buildings and the construction of one new garage/shop building meet the standards of the permitted uses in the RRF-5 district and applicable historic preservation overlay regulations. Based on analysis of the ordinance standards, staff approves this application for the proposed development, subject to the conditions listed.

CONDITIONS:

The following conditions are all related to ZDO 707.06(C)(4)(a):

1. Prior to the issuance of building permits, the applicant shall submit revised drawings with eave extensions.
2. Prior to the issuance of building permits, the applicant shall submit revised drawing demonstrating adjustments to the windows so that they are vertically proportioned.
3. Prior to the issuance of building permits, the applicant shall submit revised drawings demonstrating that all building openings (windows, doors, garage doors) are to be trimmed with a depth, reveal, and contrasting color matching that of the primary dwelling.
4. Prior to the issuance of building permits, the applicant shall submit paint and/or material samples demonstrating that the proposed garage/shop building will match the color of the primary structure.
5. Prior to the issuance of Final Inspection/Certificate of Occupancy, the applicant shall submit materials/photographs or consent to a site visit by planning staff to demonstrate compliance with conditions of approval.

Applicable Criteria And Findings: Section 707.06(C)(4) and (D)(3) relate to new construction on landmark sites and the demolition of a contributing resource on a landmark site, respectively.

Section 707.06(C)(4) – New Construction on a Landmark Site

Clackamas County Zoning Ordinance states that proposed new structures on a Historic Landmark site, or within a Historic District or Historic Corridor shall be subject to the following standards:

- A. The design of the proposed structure is compatible with the design of the landmark building(s) on the site or in the district or corridor considering scale, style, height, and architectural detail, materials, and colors.

The proposed building is set behind and subordinate in scale to the landmark building on site. The applicant has indicated that though it will be made of durable and contemporary materials, the architectural style will be complimentary

to the landmark building and will be painted in complimentary colors. That said, the window proportion, lack of projecting eave, and lack of contrasting trim on the proposed structure creates a secondary building which is less-than compatible with the landmark building on the site. Subject to the above conditions, the standard is met.

- B. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the district or corridor, considering setbacks, distances between structures, location of entrances, and similar siting considerations.

The new accessory building is set behind the landmark building at the end of the driveway approach. This is a common arrangement for this type of building and is in character with the location and orientation of similar contemporary structures on landmark properties of the same era. The standard is met.

- C. Changes to yard areas including planters, fences, ponds, walkways and landscape materials should be compatible with the overall historic setting.

There are not changes to the yard areas proposed, other than the construction of the building on a portion of the yard near the landmark building. This standard is met.

- D. Scale of commercial use: Individual permitted uses shall be of a scale appropriate to serve properties surrounding the historic overlay.

This use is not commercial in nature. The standard does not apply.

Section 707.06(D)(3) – Demolition of a Contributing Site Element

Clackamas County Zoning Ordinance states that the review authority for an application to demolish a Historic Landmark or contributing resource within a Historic District or Historic Corridor shall consider the following:

- A. All plans, drawings, and photographs submitted by the applicant;

The applicant has submitted significant narrative and illustrations demonstrating the state of disrepair of the accessory structures proposed for removal.

- B. Information presented at the public hearing concerning the proposed work; proposal;

One public comment was received, generally in support of the retention of the accessory structures.

- C. The Comprehensive Plan;

Per Page IX-3 of the Comprehensive Plan: “Many historic sites and structures in

Clackamas County are in disrepair and may be expensive to restore and maintain. While many can be adapted to contemporary use, care must be taken not to harm the features which made the structure or site significant.”

The accessory buildings proposed for removal are not the essential resource on this site, forcing their retention and slow decline will only do harm to the primary resource, as it will make the property less desirable and act as a disincentive to future investment.

D. The purposes of Section 707 as set forth in Subsection 707.01;

The purposes of Section 707 are, broadly speaking, to safeguard the County's heritage as embodied and reflected in its historic resources.

These structures have deteriorated to the point that it is not economically reasonable to restore or relocate them. Forcing the retention of these kinds of deteriorated structures, especially when they are not the primary historic resource on a site, acts as a disincentive to the owners of historic properties ‘doing things the right way’ by working with county staff to ensure the long-term success/protection of historic resources in the county.

E. The criteria used in the original designation of the Historic Landmark, Historic District, or Historic Corridor in which the property under consideration is situated

The removal of these accessory buildings will have limited impact of the site’s Architectural, Environmental, or Historic significance. The primary historic resource on the site, that without which it would likely not have been nominated, remains intact and unimpaired by the proposed removal of these structures.

F. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public rights-of-way and to other buildings and structures in the area;

The accessory buildings proposed for removal are of indeterminate age. Their removal will have limited, if any, impact on the historic qualities identifiable from the public rights of way.

G. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value;

The subject property is not part of a district or corridor. The individual site is largely nominated on the basis of the historic dwelling, which remains intact and unaffected by the proposed removal of these accessory buildings.

- H. Whether suspension of the proposed demolition will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of Section 707; and;

The buildings, as they sit, constitute a continuing hazard and legal liability and thus suspension of their demolition would constitute a significant and ongoing hardship to the applicant. The site is privately held and not accessible to the public, thus the removal of these accessory buildings does not constitute a detriment to the public welfare. Though Section 707 has a number of purposes for which it was adopted, these particular accessory buildings have deteriorated to the point that they cannot be economically restored. Further, because they are privately held, their removal does not create a significant impact to the public knowledge of history, or enjoyment of historic resources by the public. This standard is met.

- I. When applicable, the findings of the building official in determining the status of the subject building as a dangerous building under County Code Chapter 9.01, *Uniform Code for the Abatement of Dangerous Buildings*, and the feasibility of correcting the deficiencies to meet the requirements of the building official rather than demolishing the building.

J.

This building has not been formally determined to be a ‘dangerous’ building by the county building official. These findings are not a part of the record and, thus, are not applicable.

SUMMARY OF FINDINGS AND DECISION

The Planning and Zoning Staff finds that, as conditioned herein, the proposed removal of two accessory buildings and the construction of one new garage/shop building meet the standards of the permitted uses in the RRF-5 district and applicable historic preservation overlay regulations.

Based on the above analysis of the ordinance standards, staff approves this application for the proposed development, subject to the conditions listed above.

Opportunity To Review The Record:

A copy of the Planning and Zoning Staff Decision and all evidence submitted with this application is available for inspection, at no cost, at the Planning and Zoning office during normal business hours. Copies of all documents may be purchased at the rate of 11-cents per page. The Land Use Decision contains the findings and conclusions upon which the decision is based along with any conditions of approval.

Appeal Rights:

Any party disagreeing with this decision or the conditions of approval, may appeal this decision to the Clackamas County Land Use Hearings Officer. The cost of the appeal is \$250.00. An appeal must be received by the Planning and Zoning Division by close of business on the last

day to appeal, which is **Tuesday, August 13th, 2019.** Close of business is 4:00 p.m. Monday through Thursday and 3:00 pm on Friday. This decision will not be effective until the day after the appeal deadline provided an appeal is not filed prior. Unless an appeal is received by the appeal deadline, this decision will be final and no additional written confirmation will be sent. Any party or parties appealing this decision may withdraw their appeal at any time prior to the hearing or final decision by the Hearings Officer. A party wishing to maintain individual appeal rights may wish to file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email drenhard@clackamas.us.
503-742-4696: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?*