

AP 17-01 & AP 17-02

AP 17-01 and AP 17-02: Appeal of HR 17-04 -Historic Review Board's conditional approval of Construction of a new operations facility for the Oregon City Public Works Department

City Commission March 7, 2017



Scope of Tonight's Hearing

- The appeal hearing will be confined to the issues raised in the appeal statement. No new evidence or arguments.
- Only the applicant and those persons who participated in writing or orally before the Planning Commission can participate tonight.

Appeal Process

1. Open the Public Hearing Limited to Appeal Issues and No New Evidence
2. Legal Disclosures
3. Staff Report (15 Min)
4. Appellant Testimony AP 17-01 Combs (15 Min)
5. Appellant Testimony AP 17-02 MNA (15 Min)
6. Applicant Testimony (15 Min)
7. Public Testimony: *(3 Min for Individual/5 Min for Recognized Group)* Limited to Those Who Participated in the Planning Commission Decision and are not appellants
8. Appellant Rebuttal AP 17-01 Combs (5 min)
9. Appellant Rebuttal AP 17-01 MNA (5 min)
10. Applicant Rebuttal (5 Min)
11. Close the Record, Deliberate, Make a Tentative Decision, and Continue to April 4, 2018 for Adoption of Findings

Commission Options

- **If the City Commission agrees with the Historic Review Board's findings** and decision, the City Commission should deny the appeals and may provide staff additional findings or conditions, as necessary, to supplement the final order.
- **If the City Commission determines that the Historic Review Board erred**, it has the following options:
 - It may remand the matter back to the HRB with instructions to take additional evidence and respond to particular Commission concerns; or
 - It may uphold the appeal and deny the application, reversing the HRB decision.

After the City Commission makes a tentative decision, staff will return at the April 9, 2018 City Commission meeting asking for adoption of additional findings and final order for approval.

Timeline

HR 17-04 Historic Review

On June 27, 2017- Oregon City Historic Review approval of Phase I of the proposed Public Works Operations Facility.

Appeals

Mr. Charles Combs (Planning file AP 17-01)

McLoughlin Neighborhood Association (Planning file AP 17-02).

Next steps if application is approved: Amendments to CP 09-01, Detailed Development Plan of Phase I, as a Type III decision before the Planning Commission and Geologic Hazards Review, as a Type II decision that is appealable to the City Commission, right-of-way permits, building permits.

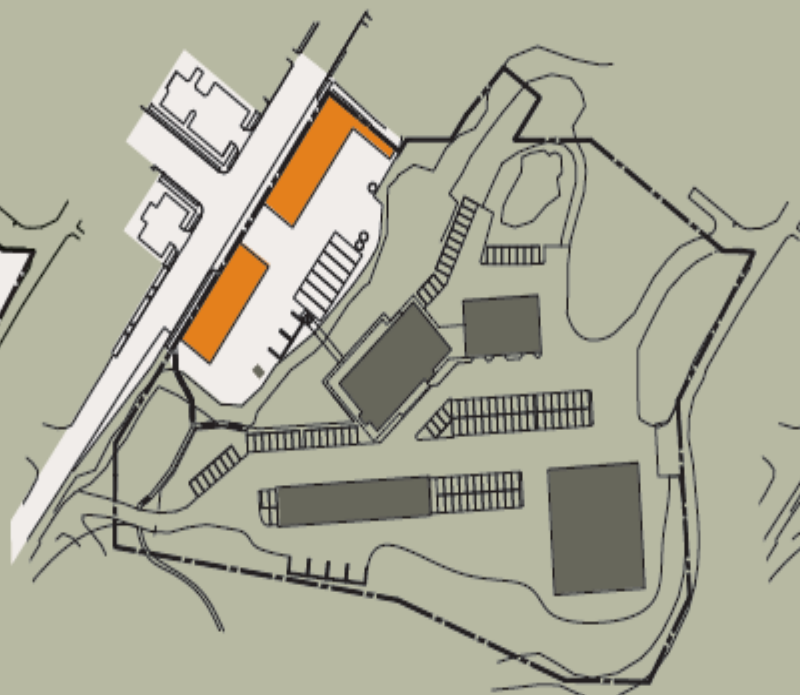






PHASE I

EXISTING STRUCTURES
NEW BUILDING CONSTRUCTION
NEW PARKING CONSTRUCTION



PHASE II

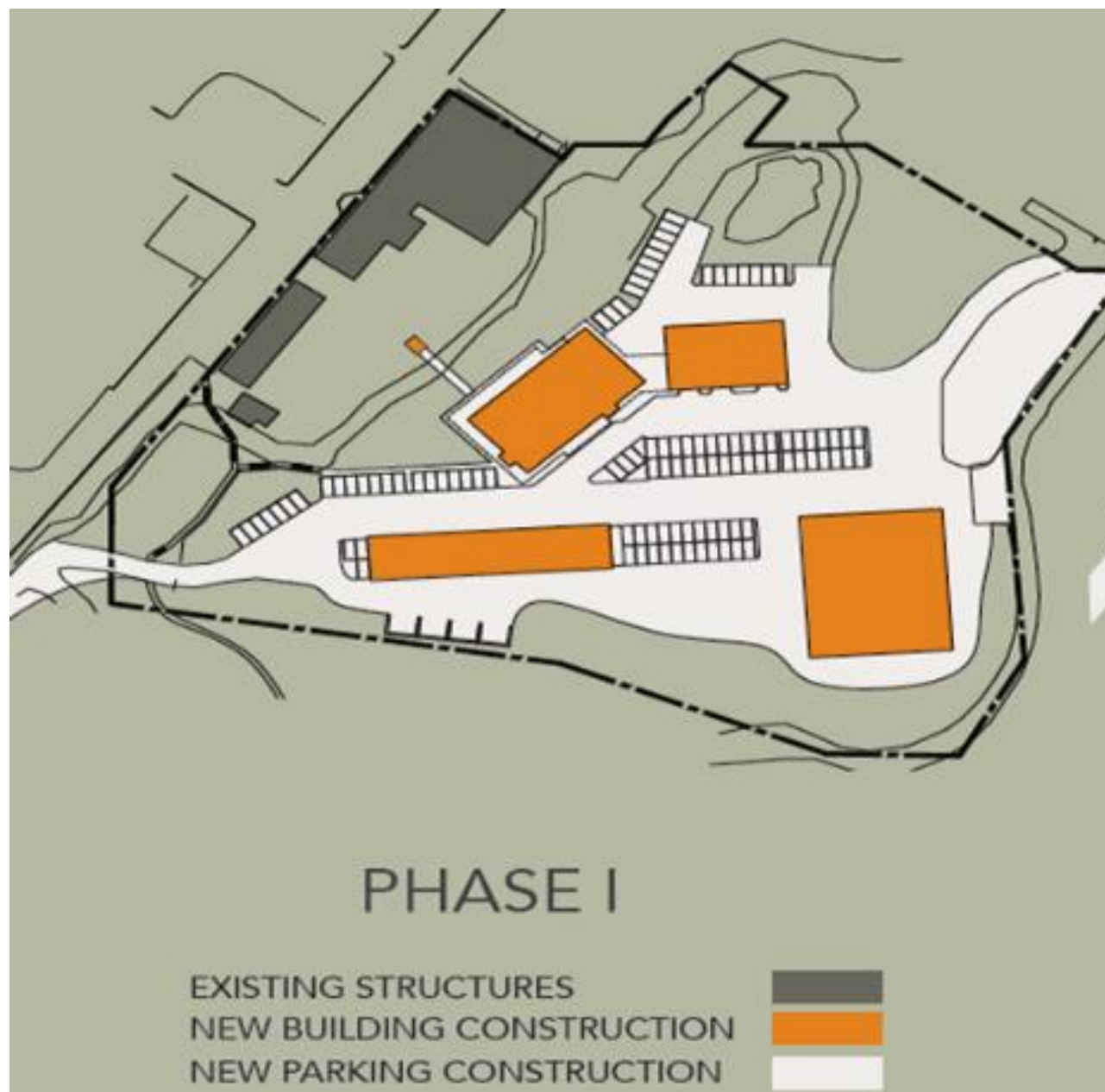
EXISTING STRUCTURES
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NEW PARKING CONSTRUCTION



PHASE III

EXISTING STRUCTURES
NEW BUILDING CONSTRUCTION





OCMC 17.40- Exterior alteration and new construction.

F. For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

1. The purpose of the historic conservation district as set forth in [Section 17.40.010](#);
2. The provisions of the city comprehensive plan;
3. The economic effect of the new proposed structure on the historic value of the district or historic site;
4. The effect of the proposed new structure on the historic value of the district or historic site;
5. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;
6. Economic, social, environmental and energy consequences;
7. Design guidelines adopted by the historic review board.

Historic Review Board's Findings

The HRB analyzed the proposed development, consisting of Phase I of a multi-phased development, for compliance with the applicable sections of the Oregon City Municipal Code as well as the Design Guidelines for New Construction, which includes an analysis of the overall impact of the proposed design on the McLoughlin Conservation District.

Phase I, the only component of this project subject to the HRB-issued certificate of appropriateness, includes:

- Acquire armory, perform deferred maintenance
- Move materials and equipment from upper site buildings into armory
- Regrade site, add underground utilities
- Building storage building on upper site
- Move materials and equipment from armory into storage building
- Remodel armory, move fleet shop from lower yard into armory
- Construct office building, covered parking, paving, bin, etc.
- Build elevator
- Provide stormwater improvements
- Provide trail access parking near Armory to Waterboard Park

Historic Review Board's Findings

1. Limited to evaluating a request for a certificate of appropriateness
 - Demolition review and exterior alteration of structures that have not been designated for historic significance
 - New Construction within the McLoughlin Conservation District.
2. Comments relating to the consideration of the use of the redeveloped site, such as transportation, trail, parks and general livability are not within the scope of the HRB review. These question should be directed to the Planning Commission during review of any amendments to CP 09-01.
3. Future phases were not considered by the HRB as part of this review.

Appellants' Grounds for Appeal

1. Failure to Protect Historic Resources – Failure to consider how non-structural activities such as regrading, undergrounding of utilities, and closure of access will impact the historic district. Staff and HRB response: None of the non-structural related features identified by the appellants were designated for protection under OCMC 17.40.

2. Notice Issues – Notice content and posting was defective. Staff and HRB response: The notice properly summarized and identified the applicable approval standards and posting was adequate to put the public on notice.

3. Additional Criteria and Comprehensive Plan Policies – HRB failed to consider plan policies related to transportation, neighborhood livability, open spaces, scenic views, natural resources, water quality, parks and recreation. Staff and HRB response: These plan policies do not relate to the preservation and protection of designated historic resources and therefore, are not germane to this review.

4. Design Issues Raised by Trent Premore Staff and HRB Response: Historic Review Board found that the design is compatible, as conditioned. The applicant has provided a response in Exhibit 3 and will further respond during their presentation tonight.

5. Parkland Designation – The site has been designated parkland under the Oregon City Comprehensive Plan. Staff and HRB Response: The elements of the Comprehensive Plan that are “applicable” are the ones that directly relate to historic preservation objectives set forth in OCMC 17.40.

Options for Motions

To Approve the Appeal (*and Deny the Application*):

Tentative approval of the appeals filed by Charles Coombs and the McLoughlin Neighborhood Association, Planning file AP 17-01 & AP 17-02, thereby denying Planning file HR 17-04 and continuing the matter (with a closed record) to April 4, 2018 for Adoption of Findings consistent with this decision.

To Remand Portions of the Appeal to the Historic Review Board:

Tentative remand of the following portions of Planning file AP 17-01 & AP 17-02 to the Historic Review Board within instructions to re-open the record for the limited purpose of considering and resolving the following issues:

To Deny the Appeal (*and Approve the Application*):

Tentative denial of the Appeals submitted by Charles Coombs and the McLoughlin Neighborhood Association, Planning file AP 17-01 & AP 17-02 , thereby approving Planning file HR 17-04 as approved by the HRB and continuing the matter (with a closed record) to April 4, 2018 for Adoption of Findings consistent with this decision.

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