



Legislation Details (With Text)

**File #:** PC 18-031    **Version:** 1    **Name:** Appeal of HRB Decision for PW Operations Facility  
**Type:** Planning Item    **Status:** Passed  
**File created:** 2/26/2018    **In control:** City Commission  
**On agenda:** 3/7/2018    **Final action:** 3/7/2018

**Title:** AP 17-01 and AP 17-02: Appeal of the Historic Review Board’s June 27, 2017 Approval with Conditions of HR 17-04: Historic Review for a New Public Works Operations Facility in the McLoughlin Conservation District

**Sponsors:** Laura Terway

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. AP 17-01 AP 17-02 Staff Memo, 3. Exhibit 1 AP 17-01, 4. Exhibit 2 AP 17-02, 5. Exhibit 3 Applicant’s Response Matrix, 6. Exhibit 4 HR 17-04 Notice of Decision, 7. Exhibit 5 Revised Staff Report, 8. Exhibit 6 City Attorney Letter, 9. Exhibit 7a Jerry Herrmann Comments, 10. Exhibit 7b Combs Comments, 11. Exhibit 7c MNA Comments, 12. Exhibit 7d Trent Premore Revised Comments, 13. Exhibit 8a Gordon Wilson Comments, 14. Exhibit 8b Applicant’s Presentation, 15. Exhibit 8c Staff’s Presentation, 16. Exhibit 9 Staff Report, 17. Exhibit 9a Vicinity Map, 18. Exhibit 9b Public Comments, 19. Exhibit 9c Applicant’s Submittal, 20. Exhibit 10 SHPO Tribal Email for PA 17-60, 21. Exhibit 11 Design Guidelines for New Construction

Date	Ver.	Action By	Action	Result
3/7/2018	1	City Commission	approve	Pass
3/7/2018	1	City Commission	adopt	Pass

AP 17-01 and AP 17-02: Appeal of the Historic Review Board’s June 27, 2017 Approval with Conditions of HR 17-04: Historic Review for a New Public Works Operations Facility in the McLoughlin Conservation District

**RECOMMENDED ACTION (Motion):**

1. Resolve the McLoughlin Neighborhood Association fee waiver request (AP 17-02) by making a tentative decision to grant, in whole or part, the requested reduction in the appeal fee.
2. Staff recommends that City Commission deny AP 17-01 and AP 17-02 and affirm the Historic Review Board’s decision approving Planning File HR 17-04 with conditions.

Staff will return on April 4, 2018, with findings for adoption consistent with the Commission’s deliberation and decision.

**BACKGROUND:**

On June 27, 2017, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted to approve the design of Phase I of the proposed Public Works Operations Facility in the McLoughlin Conservation District. This decision was appealed by the McLoughlin Neighborhood Association (AP 17-02 ) and Mr. Charles Combs (AP 17-01).

The City Commission should resolve this waiver request for AP 17-02 first in a separate public hearing before moving on to consider the substance of the appeal. The City Commission should

open the public record to hear new evidence limited to the fee waiver issue. Please refer to the staff report outlining the issues and options for resolving the fee waiver request.

Regarding the merits of the appeals, the City Commission is to review the evidence in the record, including the Historic Review Board's findings, Appellants' grounds for appeal, public testimony, the staff report and memos to determine if the proposal meets the requirements of Administration and Procedures are set forth in Chapter 17.50, Historic Overlay District in Chapter 17.40, "R-6" Single Family Dwelling District, and "I" Institutional, Chapter 17.39 of the Oregon City Municipal Code and make a decision.

The City Commission will hold a public hearing where it will consider arguments limited to those issues raised in the notices of appeal by those individuals and entities who participated in the proceeding before the Historic Review Board. All testimony must be limited to facts already contained in the record; no new evidence will be allowed.

#### 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:

- o Remand the matter back to the HRB with instructions to take additional evidence and respond to particular Commission concerns; or
- o Uphold the appeal and deny the application, reversing the HRB decision.