

WEST LINN CITY COUNCIL

DECISION NOTICE

AP-08-06

IN THE MATTER OF AN APPEAL, FILED BY TUALATIN VALLEY FIRE AND RESCUE (TVFR), OF A CONDITION OF APPROVAL IMPOSED BY THE CLACKAMAS COUNTY HISTORIC REVIEW BOARD (HRB) WHEN THEY APPROVED THE DEMOLITION OF A HISTORIC LANDMARK STRUCTURE AT 1850 BUCK STREET

At a regular meeting of February 23, 2009, the West Linn City Council held a public hearing at TVFR's request to review the HRB's condition of approval which was part of their approval of a demolition permit for a historic landmark house at 1850 Buck Street.

The demolition permit had been requested by TVFR to make way for the construction of a fire station at that site. The HRB held a hearing on November 20, 2008. Based upon the approval criteria found in CDC Chapter 28.060, the HRB found that the TVFR application, which is part of the record, met those criteria. The HRB approved the demolition permit but imposed a condition of approval that required the TVFR to go back to the HRB for approval of the demolition.

Thus TVFR continues to support the HRB decision to approve the demolition but appealed the condition that required them to obtain a second demolition permit under condition of approval #3 which stated as follows: *This demolition application (DR-08-02) will be returned to the HRB for a public hearing to decide if a demolition permit shall be issued and under what conditions if condition of approval 1 is not met.*

The City Council hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing was opened by Mayor Galle and commenced with a staff report presented by Peter Spir, Associate Planner. Public testimony for and against the application was heard. Mayor Galle closed the hearing.

Councilor Burgess made a motion to uphold the HRB's approval decision but to modify the conditions of approval and by doing so, eliminate the need to go back to HRB for a further hearing. The vote in favor of the motion was three to one in favor: Mayor Galle, Councilors Cummings, Burgess in favor and Councilor Kovash opposed. Council President Carson was absent from the vote and excused because of the perception of bias. The motion passed. The revised conditions from City Council are:

1. *The applicant shall provide Sue Smith or any other person with a bona fide proposal with 120 days from the original HRB decision date to negotiate and complete the removal of the landmark structure at 1850 Buck Street and any accessory structures from date of this decision. The house will be moved to another lot in the Bolton neighborhood. TVFR may,*

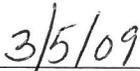
at their discretion, extend the amount of time for Ms. Smith to remove the house from the site if reasonable progress has been made to completing that process.

2. *The City agrees that the System Development Charge credit of 1850 Buck Street shall be transferred with the house to its new location.*
3. *TVFR shall consult with SHPO and the City of West Linn to determine the appropriate mitigation for the demolition of the house at 1850 Buck Street. Once a letter of agreement is signed, the applicant shall carry out the mitigation.*

This decision will become effective 21 days from the date of mailing of this notice as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearing, or signed in on the attendance sheet at the hearing, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the Oregon Land Use Board of Appeals.



PATTI GALLE, MAYOR



DATE

This decision was mailed on March 5, 2009.

Therefore, this decision becomes final at 5:00 p.m., March 19, 2009.