



CITY OF
West Linn

HISTORIC REVIEW BOARD

Minutes of June 9, 2015

Members present: Chair Adam Petersen, Vice Chair Jon McLoughlin, Chris Sherland , Jim Mattis, and Christine Lewis

Members absent: James Manning and Samantha Higbee

Others: John Boyd, Planning Manager
Megan Thornton, Assistant City Attorney

WORK SESSION

CALL TO ORDER

Chair Petersen called the work session to order at 6:05 p.m. in the Rosemont Room of City Hall, 22500 Salamo Road, West Linn, Oregon.

DISCUSSION

Mr. Boyd and Ms. Thornton presented dates for a potential special meeting to approve findings, depending upon the outcome of the HRB's decision at the public hearing to follow. Staff and the HRB discussed the possibility of needing additional findings, or alternative findings if new approval conditions are adopted or the HRB decision changes. Staff and the HRB also discussed procedural and administrative items for the public hearing.

ADJOURNMENT

There being no other business, Chair Petersen adjourned the work session at 6:18 p.m.

BUSINESS MEETING

CALL TO ORDER

Chair Petersen called the meeting to order at 6:31 p.m. in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, Oregon.

APPROVAL OF MINUTES

Mr. Mattis made a motion to approve the 3/17/15 minutes. Ms. Lewis seconded the motion. The motion passed 5-0.

Public Hearing - Remand ZC-14-02

Mr. Petersen read the protocol for the public hearing and then opened the hearing for ZC-14-02. Ms. Thornton read the legal matters statement, including the burden of proof, criteria and

appeal rights. No conflicts of interest or ex parte contact was reported by HRB members and no one in the audience challenged. Mr. Petersen called for the staff report.

Mr. Boyd presented the staff report and outlined the previous HRB decision regarding the application and the subsequent appeal and remand, at the applicant's request, back to the HRB. Mr. Boyd presented the history of the Willamette Historic District and its associated community development code (CDC) provisions. Mr. Boyd then outlined the criteria listed in the CDC for removal of a property from the Willamette Historic District and the two options before the HRB: recommend approval or denial of the application to the City Council.

Christopher Kovack talked on behalf of Mr. Webb for the applicant's presentation. Mr. Kovack gave the procedural history of his client's case. According to Mr. Kovack, state law and local ordinances conflict and his clients followed state law. State law says that historic designation needs the owners' consent. Every time a local historic designation property changes hands, the local government must get those new property owners' consent. Since the Webbs did not give their consent to be in the historic district, they should be allowed to remove themselves from the district. He then further argues that when the historic district was formed, the original property owner may not have given her consent because there is no record of her consent.

Chair Petersen said that there was no other public testimony, so he opened up discussion to staff and HRB members. Mr. Mattis said that his understanding of the 1995 statute was that it applied to matters going forward from 1995, not backwards. Ms. Thornton said he is correct on the part of the statute the meeting is addressing. Ms. Thornton then addressed Chair Petersen's question by saying that there was never a repeal of the historic district zone, just amendments.

Both Mr. Boyd and Ms. Thornton discussed the city's definition of consent and the procedural history of the Webb case.

Mr. Kovack made a rebuttal of staff's points by contesting whether the Webb's actually gave consent.

Chair Petersen asked staff whether the historic district designation is actually *imposed* on the property. Ms. Thornton stated that there needs to be an objection in the record to show that the designation was imposed.

Mr. Mattis asked whether it is true that a general notice of the historic district is all that is required or whether a personal notice is needed. Ms. Thornton stated that there is no record of what was required in 1983, and there is no record of the notices that were sent.

Mr. Mattis made a motion to deny removing the property from the district under state statute and local code. Chair Petersen seconded the motion. Mr. Mattis argued that ruling in favor of

the Webbs just because of some uncertainty about consent will disrupt the historic district because it will make removal too easy. The motion passed 5-0.

Public Hearing --Appeal AP-18-42

Ms. Thornton read the legal criteria for this hearing. Mr. Boyd gave the staff report by presenting the codes that regulate the changes that the applicants want to make.

Mr. Webb, the applicant, gave a presentation. He explained the process he went through to make changes to his house. He explained the proposed changes he wanted to make.

Chair Petersen said there was no request for public testimony, so he closed the meeting and began deliberations. Vice Chair McLoughlin moved to approve Option B or 2 or Figure 7 as applicant's modified condition of approval. Mr. Sherland seconded the motion. The motion passed 5-0.

Chair Petersen clarified that the garage is not being appealed this meeting, and it will be appealed at a later date.

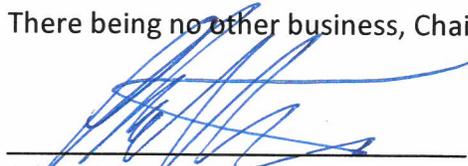
Chair Petersen closed the public hearing.

BUSINESS FROM THE HISTORIC REVIEW BOARD

The HRB decided to draft a letter to Council that states the HRB's support in favor of moving forward with the Arch Bridge Concept Plan.

ADJOURNMENT

There being no other business, Chair Petersen adjourned the meeting at 8:20 p.m.



Adam Petersen

10/20/15
Date