

WEST LINN HISTORIC REVIEW BOARD

FINAL DECISION AND ORDER

MISC-17-11

IN THE MATTER OF AN AMENDMENT/NEW STRUCTURE OF AN INITIAL APPLICATION DR-17-06 IN THE HISTORIC DISTRICT

I. Overview

At its meeting on November 14, 2017, the Historic Review Board ("The Board") held a public hearing to consider the request by Ann Scheuerell, applicant, to approve a proposal to amend a previous land use decision (DR-17-06) to include an increase in the roof height by 18 inches, rebuild exterior walls, and to not replace removed original material at existing single story home at 1744 4th Ave. The approval criteria for Historic Design Review are found in Community Development Code (CDC) Chapter 25, Overlay Zones - Historic District and CDC Chapter 99.120, Amendments. The hearing was conducted pursuant to the provisions of Chapter 99.

The hearing commenced with a staff report presented by Jennifer Arnold, Associate Planner. Ann Scheuerell presented as the applicant. Peter Graves testified neutral to the application. The hearing was closed and after deliberation a motion made by Board Member Troy Inman and seconded by Board Member Jerry Offer to approve the application with the staff recommended condition of approval. The motion passed with a 5-0 vote.

II. The Record

The record was finalized at the November 14, 2017, hearing. The record includes the entire file from MISC-17-11.

III. Burden of Proof

The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards, and a local government is not required to approve a noncomplying development proposal. *Jurgenson v. County Court for Union County*, 42 Ore. App. 505, 510 (1979). The historic design review application requires decisions on land use applications that necessitate compliance with customary land use procedures. Therefore, the applicant is required to carry the burden of meeting each and every criterion for approval.

IV. Incorporation of Staff Report

The Staff Report for November 14, 2017, is incorporated into this Final Decision and Order, and all the facts, findings and determinations in those Staff Reports are adopted except where the findings in this Final Decision and Order conflict with those Staff Reports. Where there is a

conflict between this Final Decision and Order and the findings in the Staff Reports, the findings in this Final Decision and Order shall govern.

V. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The Applicant is Ann Scheuerell.
- 3) The Board finds that it has received all information necessary to make a decision based on the Staff Report and incorporated findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

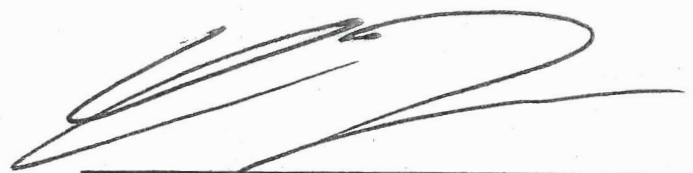
VI. Findings and Determinations

The Board adopts the Staff Report for November 14, 2017. The Board concludes that there is substantial evidence in the record to demonstrate that all of the required approval criteria are met subject to the conditions of approval below. Staff finds the condition of approval is consistent with the Community Development Code.

VII. Order and Conditions of Approval

The Board concludes that MISC-17-11 is approved based on the Record, Findings of Fact, the Findings above, and the following conditions of approval:

1. Site Plan, Elevations, and Narrative. The project shall conform to the plans, elevations, and narrative submitted in Exhibit HRB-4.



CHRISTINE LEWIS, CHAIR
WEST LINN HISTORIC REVIEW BOARD

November 27, 2017

DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below.

Mailed this 28th day of November, 2017.

Therefore, this decision becomes effective at 5 p.m., December 12, 2017.