



# City of Oregon City

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## Staff Report

File Number: PC 18-014

**Agenda Date:** 2/7/2018

**Status:** Public Hearing

**To:** City Commission

**Agenda #:** 6a.

**From:** Community Development Director Laura Terway

**File Type:** Land Use Item

### **SUBJECT:**

AP-17-0006: Appeal of the Planning Commission Approval of Planning Files CP-17-0002, DP-17-0003, and NR-17-0004 Including a Request to Waive or Otherwise not Impose the Appeal Fee

### **RECOMMENDED ACTION (Motion):**

1. Resolve the fee waiver request by making a tentative decision to grant, in whole or part, the requested reduction in the appeal fee.
2. Depending on how the appeal waiver request is resolved, confirm that the Appellant agrees to pay the appeal fee, as determined by the City Commission, and proceed with the appeal.
3. Assuming that the Appellant wishes to proceed with review, deny the appeal and uphold the Planning Commission's decision to approve Planning Files CP-17-0002, DP-17-0003, and NR-17-0004 with Conditions.
4. If the Appellant decides not to proceed with the appeal, the City Commission need not take any further action regarding the substance of the appeal.

In any event, staff will return at a subsequent meeting with final findings for the Commission's consideration and adoption.

### **BACKGROUND:**

The Planning Commission reviewed a request for a General Development Plan and Detailed Development Plan in two phases located close to the intersection of 17th Street and Washington Street directly across from the End of the Oregon Trail Interpretive Center. Phase 1 which is the subject of the Detailed Development Plan consists of a 5-story hotel with approximately 99 rooms with associated parking lot, site improvements and street frontage improvements. Phase 2 consists of 131 apartment units, 9,500 square-feet of retail space, a 2,500 coffee shop and associated parking and site improvements. The project proposal includes preservation and retention of the Hackett House, a designated historic landmark which is currently used for offices. The application requested six adjustments to the development code pursuant to OCMC 17.65.070.

After considering the testimony and information in the record, on November 13, 2017 the Planning Commission approved the application with amended Conditions of Approval by a vote of 5-0.

This appeal was submitted as well as a separate request for an appeal fee waiver from the City

Commission.

The City Commission should resolve this waiver request 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. After hearing from the Appellant, the Applicant and any other interested parties, the City Commission should make a tentative decision. If the Commission denies the fee waiver, in whole or in part, the Appellant should be asked to state on the record whether he wishes to proceed with the appeal fee, committing to payment of the appeal fee, including the reimbursement of actual city attorney fees.

If the fee waiver is granted or the Appellant decides to proceed with the merits of the appeal, the City Commission will proceed with considering the appeal, on the record, limited to the issues raised in the notice of appeal. Please refer to the attached staff memorandum with proposed findings regarding how each of the 15 issues raised by the appellant was addressed in the record for the Planning Commission decision.

A memorandum on the requested fee waiver as well as a staff report on the appeal, appeal documents, final findings and conditions of approval adopted by the Planning Commission and the entire record prepared for Planning Files CP-17-0002, DP-17-0003, and NR-17-0004 are attached.