PERKINSCOIE

1120 NW Couch Street
10th Floor
Portland, OR 97209-4128

+1.503.727.2000
+1.503.727.2222
PerkinsCoie.com

September 22, 2017

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264

VIA EMAIL

Ms. Denyse McGriff, Chair
City of Oregon City Planning Commission
221 Molalla Ave, Suite 200
Oregon City, OR 97045

Re: City of Oregon City File Nos. AN-16-004 and ZC-16-0001;

Dear Chair McGriff and Members of the Oregon City Planning Commission:

This office represents Hackett Hospitality Group, LLC, ("Hackett", or the "Applicant"). This letter responds to issues raised at and since the September 11, 2017 Planning Commission hearing.

1. Procedural Status.

The Planning Commission took public testimony at the continued September 11, 2017 public hearing to September 25, 2017. The Planning Commission left the written record open during the continuance. The Applicant extended the 120-day period in ORS 227.178(1) for fourteen days, the period of the public hearing continuance.

2. Response to Issues.

A. Trip Distribution Rates.

Mr. Mike Ard, P.E. of Lancaster Engineering submitted a one page memorandum with five pages of appendices from the Applicant's Traffic Impact Analysis ("TIA") dated September 20, 2017 via separate email to Mr. Pete Walter on September 22, 2017. Mr. Ard's letter explains that 57 percent of the vehicle trips to and from this site will be via I-205, Oregon Highway 213, or US Highway 99E.

B. Soil Permeability.

Mr. Tom Sisul, P.E. of Sisul Engineering submitted a two page letter dated September 19, 2017 via separate email to Mr. Pete Walter on September 22, 2017. Mr. Sisul's letter, relying on two test borings conducted by Geo Design as part of its geotechnical analysis for the site, reported that the test results indicate "negligible" infiltration rates. Therefore, the Planning Commission can find, contrary to Mr. Nicitia's assertion, that the site soils are not permeable.

3. Applicability of Approval Standards Pursuant to ORS 227.173(1) and Oregon City Municipal Code ("OCMC") 17.65.050.C.6 ("The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents".)

Mr. Nicitia asserts that a number of documents are approval standards. The Applicant has previously explained that not every Oregon City Comprehensive Plan (the "Plan") goal or policy is a relevant approval standard for this Application nor are all of the ancillary documents relevant approval document. Whether such goals and policies and ancillary documents constitute mandatory approval standards is dependent upon not only the context of the goals and policies and ancillary documents but their intended use and their language. For the reasons explained below, the Planning Commission may reject Mr. Nicitia's arguments regarding applicability of certain documents as mandatory approval criteria.

A. The 1991 and 1996 Versions of the Master Plan for the End of the Oregon National Historic Trail (the "EEOT Plan").

Mr. Nicitia asserts that both versions of the EEOT Plan are ancillary documents to the Comprehensive Plan. First, the Plan at page 15 lists only the Oregon City Downtown Community Plan (1999) as an ancillary document to the Plan. Neither EEOT Plan is listed as an ancillary document in the Plan. The Downtown Community Plan (1991) at page 45 lists only the "End of the Oregon Trail District Guidelines, 1991" as incorporated by reference. Therefore, the 1996 EEOT Plans are not a relevant approval standard.

Because Mr. Nicitia has not provided the End of the Oregon Trail Design Guidelines and the City has not been able to find them, they are not available for review by the Planning Commission and the public. Nevertheless, the Planning Commission can find that these design guidelines are not approval standards because they implement the 1991 EEOT Plan which, in turn, is relevant only to the development of the End of the Oregon Trail site.

Mr. Nicitia has failed to produce a copy of the 1991 End of the Oregon Trail Design Guidelines nor has he explained how they are relevant to this Application, whether the language of the guidelines has ever been implemented by the City or, if implemented, if the language is mandatory or, as the name suggests, a guideline and not a mandatory approval standards.

Even if the EEOT Plans were ancillary documents, the Planning Commission may find that they are not regulatory documents for the purpose of approval standards under ORS 227.173(1) and OCMC 17.65.050.C.6 for this site. Page iii of the 1991 EEOT Plan states that "the purpose of the Master Plan for the End of the Oregon Trail is to develop the theme and interpretive content, as well as its design concepts, capital construction costs, schedule for implementation, attendance estimates, financial expectations, and a proposed management/operational structure."

Thus, the purpose of the 1991 EEOT Plan is to guide the development of the End of the Oregon Trail interpretive center.

However, the 1991 EEOT Plan does offer support for this application. First, the 1991 EEOT Plan notes the importance of providing nearby lodging accommodations: "In support of the End of the Oregon Trail Center and the local economy, the history residences area would offer opportunities for new uses as inns, bed and breakfast establishments, professional and business offices, and perhaps restored museums for outdoor living history, or for craft demonstration for historic homes restoration projects." (1991 EEOT Plan at page 80). While not expressly noting the possibility of new hotels, it is clear that the 1991 EEOT Plan anticipated the need for supporting lodging opportunities.

Second, the 1991 EEOT Plan goes further. It also states: "Visitor services in the broadest sense involves food and lodging. The services should be largely provided on the west half of the project area. . ." (1991 EEOT Plan at page 81).

Third, Mr. Hammond noted the importance of the hotel being sited so that the visibility between the End of the Oregon Trail Center and I-205 is not impaired. The 1991 EEOT Plan anticipates that. Page 43 of the 1991 EEOT Plan states: "Visitor anticipation will increase if glimpses of white-toped wagons and livestock across the meadow are seen from the adjacent highway."

B. Portland Metropolitan Service District ("Metro") Chapter 3.07, Urban Growth Management Functional Plan (the "Functional Plan").

Mr. Nicitia submitted Metro Ordinance Chapter 3.07, the Functional Plan. Mr. Nicitia has failed to raise issues associated with the Functional Plan. Nevertheless, the Functional Plan is not relevant to this application for two reasons. First, the Applicant is not seeking an amendment to the City's acknowledged plan or land use regulations. The Functional Plan is relevant to such amendments. Metro Ordinance 3.07.810(e). In the case of this application, the Functional Plan is not relevant to this application for this purpose.

Second, the City has complied with the Functional Plan requirements, including Title 13, "Nature in Neighborhoods". The result of compliance with the Functional Plan is that the Metro Chief Operating Officer ("COO") notifies cities of acknowledgment. Following acknowledgement of compliance with the Functional Plan, the Functional Plan does not apply directly to a City's land use permit applications. Metro Ordinance 3.07.810(d) and (e). The City has received a letter from Metro stating that the City's land use regulations are compliant with Metro Ordinance Title 13. (**Exhibit 1**, June 3, 2009 letter from Brian Harper, Metro Assistant Regional Planner, to Mr. Pete Walter, AICP, Oregon Associate City Planner).

C. Oregon City Local Wetland Inventory and Riparian Assessment date June 24, 1999.

Mr. Nicitia submitted the Oregon City Local Wetland Inventory and Riparian Assessment (the "Assessment") into the record. The Local Wetland Inventory does not show Clackamette Cove as a protected Statewide Planning Goal 5 ("Goal 5") resource. Nevertheless, Clackamette Cove is within the City's Natural Resources Overlay District ("NROD") boundary. The NROD incorporates Metro Title 13 sites. Further, Clackamette Cove is subject to the City's regulations regulating stormwater and erosion control.

Because the Applicant will comply with the City's land use regulations implementing Goal 5 and Metro Title 13 resource protections, to the extent Mr. Nicitia's issue concerns an impact on Clackamette Cove from the site's stormwater, the City can find that no adverse impact will be generated because of the Applicant's compliance with the City's relevant stormwater and erosion control measures.

D. Oregon City 2002 Waterfront Master Plan.

Mr. Nicitia asserts that the 2002 Waterfront Master Plan (the "Waterfront Plan") contains relevant approval standards for this application. While the Applicant agrees that the Waterfront Plan is an ancillary document to the Plan, the Applicant disagrees, and Mr. Nicitia provides no contrary argument, that the Waterfront Plan contains relevant approval standards for this application.

Page 1 of the Waterfront Plan notes that it is the City's vision for the waterfront and Waterfront Plan Figure 3 contains a Master Plan diagram. However, simply because a plan is a "vision" does not make it a regulatory document. In fact, pages 39 - 46 of the Waterfront Plan are entitled "Implementation Strategy". The Planning Commission can conclude after reviewing the Waterfront Plan Implementation Strategy that it contains no mandatory language and no language suggesting that the Waterfront Plan itself applies as an approval standard for land use applications. These conclusions are supported by the Waterfront Plan's "Regulatory Analysis and Recommendations" found at Waterfront Plan pages 43 and 44 which call for a further "waterfront plan" and "later design standards". Neither of these documents have been prepared, or adopted, by the City. The most that can be said for the Waterfront Plan is that it is a vision to be implemented by later enactments which have not occurred. The Planning Commission can find that the Waterfront Plan does not contain relevant approval standards.

Finally, Mr. Nicitia's assertion that the Applicant must provide connectivity between its site and Clackamette Cove is without support. Moreover, both this argument and his argument that the Applicant must dedicate a public right-of-way through the site to the Union Pacific Railroad

tracks would require a "*Dolan*" analysis demonstrating that the City has met its burden of proof to show a nexus between the application's impacts and the need for the requested dedication.

Additionally, the Applicant's site plan shows a pedestrian connection between the railroad station to the east of the site and 17th Street to the west of the site. The Planning Commission can find that this provides a pedestrian connection between the railroad station and 17th Street. The Applicant will agree to a condition of approval requiring it to record a non-exclusive pedestrian easement so that the public may use this connection.

E. Oregon City City Commission Minutes from October 23, 1991 and February 1, 2012.

Mr. Nicitia asserts that the minutes and unrecorded declaration of restrictive covenants are relevant approval standards and must guide the Planning Commission's decision on this application. None of the submittals are relevant approval standards under ORS 227.173(1) and OCMC 17.65.050.C additionally, even if they were, the City must prove, as noted above, that it has met its burden of proof to require dedication of its property for public purpose.

The Planning Commission may reject these arguments.

F. OCMC 17.62.015.

Mr. Nicitia's September, 10, 2017 submittal asserts that the Applicant has failed to satisfy OCMC 17.62.015. However, the relevant standard for adjustments are found in OCMC 17.65.070, entitled "Adjustments to Development Standards". OCMC 17.65.070.A is entitled "Purpose" and provides that an Applicant may apply for one or more adjustments to relevant development regulations including but not limited to dimensional standards of the underlying zone, site plan and review criteria, residential design standards and standards for land division approval. OCMC 17.65.070 is much broader than 17.62.015 and is the appropriate adjustment standard as the Applicant determined.

The Planning Commission may reject this argument.

G. Response by Mr. Lloyd Hill to Suggestions for Site Design by Mr. Nicitia.

Exhibit 2 is Mr. Hill's September 12, 2017 email to Mr. Nicitia. The Applicant appreciates Mr. Nicitia's comments on the proposed hotel design but Mr. Hill's email explains why the suggestions are problematic.

H. Plan Policy 5.4.12.

Mr. Nicitia asserts that Plan Policy 5.4.12 is an approval standard for this application. This policy provides: "Use a watershed/scale assessment when reviewing the planning for potential effects from development, whether public or private, on water quality and quantity entering streams."

The Planning Commission can find that this Plan policy is not an approval standard. Rather, it is a direction for the City to undertake implementation so that a development application is subject to standards implementing this policy. These implementations include the City's "Stormwater and Grading Design Standards", the NROD (*see* Plan page 37 stating that "...the City will seek to protect and restore these [water] resources through a variety of means including the application of a water resources overlay district, development standards and civic projects.") and the implementation of Metro Functional Plan Title 3 through the water resources overlay district and erosion and sediment control standards, as well as other provisions of the of the City of Oregon City Municipal Code (Plan pages 44-45). The Planning Commission can find that it would be impossible to conduct a watershed scale assessment of impact on water quality and quantity entering the streams in the context of a single application. Rather, the Policy is implemented through land use regulations and municipal code provisions regulating the impact of development on water quality and quantity.

4. Conclusion.

For the reasons contained in this letter, the Planning Commission can find that the documents submitted by Mr. Nicitia are not relevant, do not contain relevant approval standards and Mr. Nicitia has failed to raise issues with sufficient specificity as required by ORS 197.763. For the reasons contained in this letter, as well as the Applicant's additional oral and written testimony, the Planning Commission can find that the Applicant has met its burden of proof and approve the application with the conditions of approval as recommended to be modified by Applicant and staff.

Very truly yours,

Michael C. Robinson

MCR:rsr
Enclosures

cc: Mr. Dan Fowler (w/encls.) (via email)
Mr. Mark Foley (w/encls.) (via email)
Mr. Lloyd Hill (w/encls.) (via email)
Mr. Robin Chard (w/encls.) (via email)
Mr. Pete Walter (w/encls.) (via email)
Ms. Carrie Richter (w/encls.) (via email)

600 NE Grand Ave.
Portland, OR 97232-2736
503-797-1700
503-797-1804 TDD
503-797-1797 fax

www.oregonmetro.gov

Metro | *People places. Open spaces.*

June 3, 2009

Pete Walter, AICP
Associate Planner
City of Oregon City
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045

Dear Pete:

In our continuing effort to work with Oregon City on compliance with Title 13 of the Metro Urban Growth Management Functional Plan, Metro staff has reviewed the materials you submitted dated May 29, 2009 that responds to our questions on your mapping and protection levels. As you know, Title 13 compliance consists of three major elements: Code protections for established Habitat Conservation Areas (HCAs); mapping of HCAs for the purposes of delineating areas of protection; and the implementation of or removal of barriers to Habitat Friendly Development Practices (HFDP).

Based on our review, we have found that the City's proposed approach to expand and implement existing adopted zoning overlays and the corresponding regulatory framework is sufficient to provide Oregon City with substantial compliance with Title 13.

Specifically:

1. Title 13 requires the removal of barriers to Habitat Friendly Development Practices (HFDP). Your submittal clarifies where and how the City meets the intent of removing barriers to, or will, implement HFDPs.
2. Your proposed code changes incorporating Title 13 language provide clear standards for the process of determining land use decisions in protected areas.
3. Based on review of your recently submitted map changes and corrections, staff concurs that the areas you have mapped as Natural Resource Overlay District (NROD) substantially cover the identified regional HCAs. Upon adoption of your proposed amendments, please send Metro your NROD map changes in a compatible electronic format for inclusion in the regional database of HCAs.

Please submit this letter into the record for the City Council hearing on June 3, 2009. If you have any questions regarding this letter please do not hesitate to contact me at 503-797-1833. On behalf of Metro, thank you for the time and effort spent in helping the region meet its goals of critical habitat protection.

Sincerely,

Brian Harper
Assistant Regional Planner

cc: Councilor Carlotta Collette, District 2
Chris Deffebach, Land Use Planning
Tim O'Brien, Land Use Planning

Robinson, Michael C. (POR)

From: Lloyd Hill <Lloyd.Hill@hillarchitects.com>
Sent: Tuesday, September 12, 2017 12:53 PM
To: 'James Nicita'
Cc: Robinson, Michael C. (POR); 15708 Oregon City Hampton Inn & Suites
Subject: RE: Abernethy Place Hotel

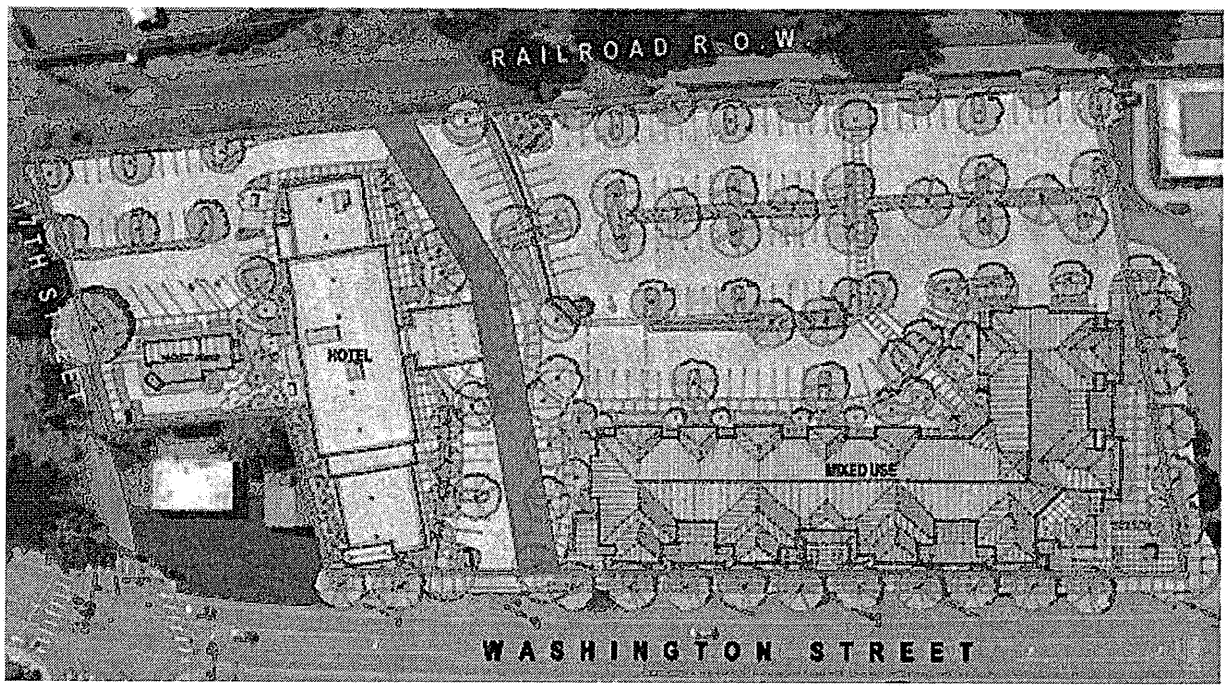
Mr. Nicita,

Thank you for your thoughtful email. You have obviously spent considerable time thinking about the challenges of designing a hotel on the Abernethy Place site.

We are pleased to note that you seem to be in agreement that the Abernethy Place site is an appropriate location for a Hotel. If we are in agreement with that premise then the goal is to develop a hotel design that addresses all of the challenges of this particular site. As we explained during the planning commission hearing, we have been working on master plans for this site now for quite a long time, and have studied many alternative approaches. Based on this thorough analysis, we believe the proposed design does the best job of addressing all of the requirements and challenges.

In your e-mail you note a number of the site constraints and challenges which we have considered as we developed the Abernethy Place Master plan including the 100 year Flood Elevation, the Tri-Cities Sewer Easement, Noise from the adjacent Railroad ROW, and the Hackett House. Please note the following:

1. **Tri-Cities Sewer Easement:** The Tri-Cities Sewer easement crosses the property, and effectively bisects it into two sections, the larger are to the North and smaller are to the South. Some of our earlier design schemes explored the option of developing a structure which would bridge over the easement. Unfortunately when we met with representatives of the Sewer District, we were not successful in convincing them to consider this approach. Consequently, the Hotel building will not be allowed to bridge over the sewer easement.



2. **Flood Zone:** The majority of the site is within the 100 year flood zone. The only location which is above the flood zone is located on the South portion of the property at the SW corner of the property which includes the Hackett House. The only portion of the site which can accommodate an on grade port cochere which provides access to the hotel lobby is on the South side of the sewer easement.

3. **Noise from the Adjacent Railroad :** You note in your e-mail that noise from the railroad could be a problem, and suggest having the hotel provide ear plugs. In fact, noise from the Railroad is a significant consideration, and this is one reason that the hotel is oriented perpendicular to the railroad. The impact of railroad noise goes up exponentially as building location is moved closer to the Railroad. The proposed design has only two rooms located at the end closest to the railroad and these rooms are oriented perpendicular to the Railroad, not directly facing it.. Any design which orients the hotel parallel to the railroad and Washington Street will dramatically increase the number of guestrooms that are impacted by noise from the railroad.

4. **Hackett House:** Before proceeding with the current design for the master plan, we met with city staff and met with the Oregon City historic review board to solicit design advice. We considered several alternatives including moving the Hackett House, leaving the Hackett house where it is with a four story 100 room hotel on the remaining site south of the sewer easement, and leaving the Hackett house where it is with a five story hotel on the remaining site south of the sewer easement. Both the city and the historic review board expressed a strong preference for leaving the Hackett house in it's current location. As we noted at the last planning commission hearing the historic review board strongly preferred the five story hotel alternative since it would not need to wrap around the Hackett house. In addition to not wrapping around the Hackett house, the five story alternative maintains and expands the on-site parking adjacent to the Hackett house making it possible for the Hackett house function as an additional amenity complimenting the adjacent hotel use.

Your e-mail goes on to make a number of site design suggestions including the following:

A. **Move Hackett House:** You propose moving the Hackett House from it's current location to a new location fronting on Washington Street. While this is a creative suggestion, we are concerned that this is not consistent with city policy or the advice provided by the Historic Review board, which both strongly recommend leaving the Hackett house in it's original location. We are also concerned that this site plan option would result in the following problematic conditions:

a. **Elevation above Flood Zone:** Washington Street in this location is at approximately EL 43 or 44. The Hackett house would need to be elevated up to approximately EL 52, or 53 (bottom of wood framing above flood elevation) or 8 or 10 feet above the sidewalk. This will drastically alter the look and feel of the Hackett house and we believe will be unacceptable to both the city and the Historic Review board.

b. **Driveway surrounding the house:** Your design sketch shows driveways wrapping around the Hackett House. We believe these driveways would negatively impact the character of the Hackett House. Furthermore, if constructed, the driveways would need to be very steeply sloped ramps sloped up to the Port Cochere at approximately EL 52'. These steep ramps would be too steep to park on, and would not allow for a sidewalk to connect from Washington Street to the hotel entry. They could also pose safety concerns.

B. **Bridge over Sanitary Sewer:** Your propose a building which bridges over the Sanitary Sewer with vehicular access connecting from the port cochere in the front to parking at the rear of the hotel. As noted above, the hotel will not be permitted to bridge over the sewer easement. In addition, it is critical for the entry and lobby of the hotel to be adjacent to the, other ground floor hotel uses such as the dining area, kitchen, meeting rooms, laundry, etc.. The proposed design with vehicular circulation cutting through the building will not work functionally.

C. **Orient Building Horizontally:** You propose orienting the building horizontally, parallel to Washington Street and Railroad. As noted above the Hotel will not be able to bridge across the sewer easement. The north south length south of the sewer easement, from the easement to 17th street is shorter than the depth of the site form Washington street to the railroad ROW. As a result it is not possible to accommodate 100 guest rooms in the hotel even if it is five stories tall. This Orientation with the long elevation facing Washington street and the railroad will create a much more imposing "wall" which will block off potential view corridors from I 205. Finally with this orientation, approximately ½ of the guestrooms would be impacted by noise from the railroad. The bottom line is that when factors such as the setback from the railroad, parking and vehicular access are addressed, there simply is not enough room on the south side of the sewer easement for a 100 room hotel oriented parallel to Washington Street.

D. **Linkage to Railroad Depot:** You suggest the following:

"Another advantage of a horizontal design is the possibility for linkages. Horizontally, the north wing would likely reach closest to the furthest southern tip of the Amtrak platform. Passengers should be able to walk right off the platform over a footbridge into the hotel."

Unfortunately, as noted above, the hotel will not be permitted to bridge across the sewer easement, and the entire site on the north side of the easement is significantly below the 100 year flood zone making it impossible to design an on-grade port cochere entrance adjacent to the hotel lobby.

E. **East Lake Style:** You suggest the following:

"Regarding OCMC 17.62.050.A(3)(a), "Eastlake" style as referenced in the National Register nomination for the Hackett House holds some real opportunity for a hotel design theme that would well-complement the Hackett House. Within Eastlake style there seems to be a spectrum from the simplicity of the Palo Alto Stock Farm Horse Barn on the Stanford Campus to the perhaps excessively-ornate Carson House in Eureka, CA.(See attached.)

For the proposed hotel, tending far towards the simplicity side of the spectrum is probably appropriate, so as to not dominate or overwhelm the Hackett House, and so as to be affordable. Even with simplicity, some authentic craftsmanship could be achieved. As to a wood exterior, Bob's Red Mill along OR 224 might be an example of the "vibe" or "feel" that a simple wood Eastlake exterior could provide the hotel project, and be very consistent and complementary with the Hackett House, the EOTIC, and the EOTIC master plan."

We have reviewed the requirements of the Oregon City Municipal code, and since the Abernethy Place development is not located in one of the prescribed design districts, there does not appear to be any requirement to design the structures to emulate any particular historic style. Regardless, we are concerned that any attempt to modify the hotel design to emulate the Hackett house could seem forced, and more importantly could distract and detract from the integrity of the Hackett House.

After considering your design recommendations, we respectfully feel that the current design more clearly addresses the requirements of the Oregon City Municipal code, and the recommendations of the Oregon city historic review board, and other relevant design criteria.

Let me know I you have questions, or if you have other observations or suggestions.

Best Regards,

Lloyd W. Hill AIA

HILL ARCHITECTS

1750 BLANKENSHIP ROAD, SUITE 400
WEST LINN, OREGON 97068

LLOYD W HILL AIA

President

tel 503-305-8033
cel 503-781-5197
www.hillarchitects.com
lloyd.hill@hillarchitects.com

From: James Nicita [mailto:james.nicita@gmail.com]
Sent: Thursday, August 31, 2017 8:47 AM
To: Lloyd Hill
Cc: Robinson, Michael C. (Perkins Coie)
Subject: Abernethy Place Hotel

Mr. Hill:

Thank you for getting in touch. I appreciate the kindness. I am cc'ing this email to Mr. Robinson.

It is gratifying to know that a hotel is being planned for Oregon City on the particular site in question. Your client Evergreen Hospitality is to be commended for wanting to join the Oregon City community and make such a significant investment.

If done consistently with the applicable comprehensive plan and code provisions, the hotel could be a significant boost and impetus for the long-term and remarkable vision embodied by the Master Plan for End of the Oregon Trail Interpretive Center. The attached site plan excerpted from the 1996 Amendment, which I have entered into the Planning Commission record, shows the subject property as designated "Visitors Services," an appropriate location for a hotel.

Here are some ideas I hope you and your client might consider. I am including a very crude drawing as illustration. I don't have graphic skills, but I wanted to convey the basic concept. Perhaps you have already considered something similar in your various scenarios; since I am not privy to those, apologies in advance if I am treading over old ground.

Regarding my comments from the first Planning Commission hearing, in order to meet OCMC 17.62.055.D.3, the building could be horizontal along Washington Street. This would allow the primary entrance to face Washington Street.

The Hackett House could serve as the focus of the primary entrance. It could be moved around the corner to front on Washington Street, elevated above flood level to protect it and give it prominence, and have it face the EOTIC to allow all the visitors to view it in its full grandeur. As you probably are aware, Oregon City moves houses like it's a sport. Some of the most significant houses in the city – the McLoughlin House, the Ermatinger House, the Barclay House, the Judge Cross House, to name a few – have been moved from their original sites.

Moving the Hackett House to face Washington Street and the EOTIC would allow it to become an element of the hotel's port-cochere, with a circular driveway surrounding the house, adding to its prominence . The rain roof of the port-cochere could connect the Hackett House to the hotel. Perhaps a walkway could run over it from the Hackett House to the hotel.

The attached excerpt from "Maps of the Barlow Road" illustrates the historic significance of the Hackett House. Facing Abernethy Green, it would become, from an urban design standpoint, the visual endpoint monument of the longest urban design axis in history, the Barlow Road.

The form of the hotel might respond to the design constraints imposed by the irregular angle of 17th St. and by the sanitary sewer easement. As I mentioned at the first Planning Commission hearing, the body of the hotel would be put in the rear as much as possible to take advantage of the part of the site that is above the floodplain. This would allow an architectural treatment where the hotel would form a frame providing focus on the central design element of the Hackett House. There would be a gradual climb of one story (or a brick and iron wall) on Washington Street, then two-story wings, and then a three-storey tower in the middle directly behind the Hackett House. The effect would ideally be the same as the new public library expansion framing but not overwhelming the historic Carnegie Library.

From this base concept variations might be possible. For example, perhaps the two wings could swing forward slightly, giving the three segments of the hotel a "wagon circle" effect" evoking the wagons across the street in the EOTIC. This would also add to the framing of the Hackett House.

Another possibility: the two wings could have extensions reaching further back towards the railroad tracks, which would likely be necessary to reach the target 100 rooms. One option might be to have the north and south wings in the form of blocks surrounding an inner courtyard, with only a wall on the side of the railroad tracks to block noise. Or, the railroad could have rooms looking into the courtyard on only one side of a corridor, with the corridor and a sound wall buffering train noise.

ODOT seems to suggest a 15-foot open space from the railroad ROW, which seems to provide for some room to maneuver. As far as noise, it doesn't seem that rooms closer to the tracks will really differ that much as far as noise exposure than those nearer to Washington Street, since the latter is just not that far from the tracks. In all seriousness, as one who lives directly above the same rail line and who has slept with ear plugs for 30 years, one simple solution to the train noise problem might be to provide ribbon-wrapped packages of pairs of earplugs to guests in the same manner as soap or shampoo is provided.

Regarding the sanitary sewer easement, I don't know the degree to which a floor of rooms could be constructed over the easement after one storey; I doubt it, because Tri Cities or WES maintenance trucks would likely have features that would require greater height. But above two stories I would hope they might allow a rain cover from the roof of the north wing to the central tower, or even a turret echoing the Hackett House turret off of the third storey of the central tower.

Another advantage of a horizontal design is the possibility for linkages. Horizontally, the north wing would likely reach closest to the furthest southern tip of the Amtrak platform. Passengers should be able to walk right off the platform over a footbridge into the hotel. The significant opportunity would be for the hotel to be the architectural linkage between the train station on the north and Abernethy Creek on the south; the south end of the hotel should really provide guests with a direct access to Abernethy Creek and the trail corridors planned just across the bridge, as demonstrated in the excerpt I am attaching from Oregon City's Trails Master Plan. I am not sure I understand Odor's pre-app comments requiring dedicated Amtrak parking in exchange for access to the platform; one would think that the purpose of rail transit is precisely to reduce dependence on the automobile. Nevertheless, hopefully there is still room for discussion with ODOT on the question of access directly from the hotel to the platform.

I wonder if one floor of podium parking beneath the hotel could both a) add to flood storage capacity, and b) provided added elevation above the base flood level for an extra level of safety.

Regarding OCMC 17.62.050.A(3)(a), "Eastlake" style as referenced in the National Register nomination for the Hackett House holds some real opportunity for a hotel design theme that would well-complement the Hackett House. Within Eastlake style there seems to be a spectrum from the simplicity of the Palo Alto Stock Farm Horse Barn on the Stanford Campus to the perhaps excessively-ornate Carson House in Eureka, CA.(See attached.)

For the proposed hotel, tending far towards the simplicity side of the spectrum is probably appropriate, so as to not dominate or overwhelm the Hackett House, and so as to be affordable. Even with simplicity, some authentic craftsmanship could be achieved. As to a wood exterior, Bob's Red Mill along OR 224 might be an example of the "vibe" or "feel" that a simple wood Eastlake exterior could provide the hotel project, and be very consistent and complementary with the Hackett House, the EOTIC, and the EOTIC master plan.

Thank you very much for considering these ideas. Please pass along my thanks and regards to Mr. Patel.

James Nicita

Oregon City

--