

October 16, 2017

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**VIA EMAIL (SUBMITTED BEFORE 3:30 PM)**

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. CP-17-0002, DP-17-0003 and NR-17-0004**

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

This office represents Hackett Hospitality, LLC ("Hackett", or the "Applicant"). This letter is the Applicant's final written argument submitted prior to the close of the final open record period on Monday October 16, 2017 at 3:30 pm. This letter does not contain new evidence. This letter has been timely submitted to Mr. Pete Walter via email prior to 3:30 pm.

**1. Introduction.**

This application proposes approval of a two phase Master Plan. The first phase is the first new hotel in Oregon City in over 40 years. After careful review of the approval criteria, staff recommended that the Planning Commission approve the application with conditions of approval with which the Applicant agrees. Virtually all of the witnesses who testified before the Planning Commission explained why they believed that the approval criteria were satisfied. Not only did individuals support the application but organizations active in Oregon City's economic development and the board managing the End of the Oregon Trail Interpretive Center also testified in favor of the application. For the reasons explained by the Applicant, including this final written argument, the Planning Commission can find that the applicable approval criteria are satisfied.

**2. The City Staff and the Applicant have Identified the Relevant Approval Criteria.**

The Applicant has submitted substantial evidence demonstrating that the approval criteria are satisfied. The approval criteria include certain Oregon City Comprehensive Plan Goals and Policies but not the draft 1991 End of the Oregon Trail Design Guidelines. In fact, Mr. Dan Fowler, former Oregon City Mayor, and Planner Christina Robertson-Gardner, both testified that they had no knowledge of the 1991 Draft Design Guidelines ever having been adopted by the Oregon City City Commission. Furthermore, as explained in the staff memoranda to the Planning Commission and the Applicant's submittals, the City's long-time practice has been to evaluate land use proposals in this area without applying the 1991 Draft Design Guidelines. While a long-time practice is not alone sufficient to determine that the 1991 Draft Design

Guidelines are not relevant approval standards, the practice adds weight to the testimony to the Planning Commission that the 1991 Draft Design Guidelines are just that-draft-guidelines- because there is no evidence that they were adopted by the Oregon City City Commission.

The Planning Commission has before it substantial evidence demonstrating that each and every applicable approval criterion has been satisfied.

**3. Response to Issues Raised in the Hearing.**

**A. Stormwater and Environmental Requirements.**

Stormwater and environmental requirements have been satisfied or, as appropriate, can be satisfied at the building permit stage. The Planning Commission may reach this conclusion based on substantial evidence submitted by the Applicant, including the October 6, 2017 letter from Mr. Tom Sisul, P.E., the project Civil Engineer.

Moreover, substantial evidence in the whole record demonstrates that the application satisfies relevant standards of OCMC Chapter 13.12, "Stormwater Management". OCMC Chapter 13 is implemented through the City's Public Works Stormwater and Grading Design Standards pursuant to OCMC 13.12.020 ("The City Commission may establish and modify from time to time by resolution Public Works Stormwater and Grading Design Standards to implement the requirements of this Chapter.")

**B. Vehicular or pedestrian connections.**

No applicable approval criterion requires any kind of a vehicular or pedestrian connection to Clackamette Cove, nor that the 17<sup>th</sup> Street be extended across the Union Pacific Railroad in violation of an Oregon Department of Transportation Rail Division final order which closed that crossing.

**C. No applicable criterion requires that the hotel match the architecture of the historic Hackett House.**

The Applicant's substantial evidence demonstrates that it has gone to great lengths to satisfy relevant approval criteria minimizing the impact of the hotel on Hackett House through materials on the hotel, modifications to the hotel architecture and additional landscaping between the Hackett House and the hotel. Mr. Hill's memoranda explain how the Hackett House is not affected.

**D. The Applicant has demonstrated by substantial evidence that the approval criteria for the requested adjustments are satisfied.**

The requested adjustments allow the hotel to be sited as proposed by the Applicant so that it maintains the existing view corridor from I-205 to the End of the Oregon Trail Interpretive Center.

**E. Accessways are not required through the property.**

Oregon City Municipal Code ("OCMC") 12.04.195.A is irrelevant because the Applicant is neither required to nor has proposed to construct new public streets on the site.

**F. Transportation.**

The only substantial evidence on transportation in the record is the evidence submitted by the project traffic engineer, Mr. Mike Ard, of Lancaster Engineering. The City's Traffic Engineer, Mr. John Replinger, agrees with Mr. Ard's traffic analysis.

**4. Conclusion.**

The voluminous record before the Planning Commission is more than ample for it to find that the Applicant has met its burden of proof by substantial evidence to demonstrate that the requirements for a Master Plan, including a General Development Plan and the Detailed Development Plan for Phase 1, are satisfied. The Applicant respectfully requests that the Planning Commission approve the application with the conditions of approval recommended in the staff reports.

Very truly yours,



Michael C. Robinson  
MCR:rsr

cc: Mr. Dan Fowler (via email)  
Mr. Mark Foley (via email)  
Mr. Lloyd Hill (via email)  
Mr. Robin Chard (via email)  
Mr. Tom Sisul (via email)  
Mr. Mike Ard (via email)  
Ms. Laura Terway (via email)  
Mr. Pete Walter (via email)  
Ms. Carrie Richter (via email)