

July 9, 2018

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**VIA E-MAIL**

Mr. Dan Holladay, Mayor  
City of Oregon City City Commission  
Oregon City City Hall  
625 Center Street  
Oregon City, OR 97045

RE: City of Oregon City File Nos. PC 18-091; PZ 15-01 and ZC 15-03

Dear Mayor Holladay and Members of the City Commission:

This office represents the Applicant, Historic Properties, LLC. This letter responds to the July 5, 2018 letter from Ms. Sha Spady. Ms. Spady submitted a two-page letter to the City Commission at the July 5, 2018 City Commission public hearing. The City Commission hearing is an on-the-record hearing based on the Planning Commission record and limited to the issue on remand from the Oregon Land Use Board of Appeals (“LUBA”). This letter, on behalf of the Applicant, responds to Ms. Spady’s letter.

Ms. Spady’s arguments regarding referral of the application to the Oregon City Natural Resources Committee is outside of the scope of remand because it was not raised below and is not preserved on remand. The City Commission should not consider this issue further.

Ms. Spady argues that “technical issues” prevented the public from watching the Planning Commission hearing. To the extent Ms. Spady raises a procedural error that prejudices someone’s substantial rights to a full and fair hearing, the City Commission can find that that is not the case. Persons are able to attend the Planning Commission hearing and there is no legal right to watch the Planning Commission proceeding on television. The City Commission should reject this procedural issue.

The third and fourth full paragraphs on Page 1 of Ms. Spady’s letter contain evidence outside of the Planning Commission record. The City Commission should not consider these paragraphs further and should expressly exclude them from the record.

Ms. Spady argues that the City Commission should consider Oregon City Municipal Code (“OCMC”) 2.56.050. This provision was not raised before the Planning Commission and is not preserved for review in this remand proceeding. To the extent Ms. Spady makes arguments about this OCMC provision, the City Commission should not consider those arguments further.

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The second full paragraph on Page 2 of Ms. Spady's letter contains evidence outside of the record. The City Commission should not consider it further and should expressly exclude it from the record.

Ms. Spady argues in the third full paragraph on Page 2 of her letter that the City should have coordinated with various governmental entities. This issue is not preserved and may not be considered in this remand proceeding.

Ms. Spady argues that Newell Creek is a "regional" Goal 5 resource. The issue before the City Commission on remand is the City's Goal 5 designation, not a "regional" designation. Moreover, the "regional" Goal 5 designation of Newell Creek is outside of the record and should not be considered further.

Finally, Ms. Spady's fourth full paragraph on Page 2 of her letter contains evidence that was before the Planning Commission prior to the close of the record. The City Commission should reject this evidence because it is irrelevant to the issue on remand.

The Applicant respectfully requests that the City Commission redact the third and fourth full paragraphs and the second full paragraph on Page 2 of Ms. Spady's letter and not consider further issues not preserved for this remand proceeding.

The Applicant respectfully requests that the City Commission approve the Application as recommended by the Oregon City Planning Commission.

Very truly yours,



Michael C. Robinson

MCR:jmh

Cc Mr. Dan Fowler (via email)  
Mr. Mark Foley (via email)  
Mr. Tom Sisul (via email)  
Mr. Garrett Stephenson (via email)  
Ms. Laura Terway (via email)  
Mr. Pete Walter (via email)  
Ms. Carrie Richter (via email)

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