



## Legislation Details (With Text)

<b>File #:</b>	PC 18-036	<b>Version:</b>	1	<b>Name:</b>	Appeal of Abernethy Hotel and Nicita Fee Waiver Request
<b>Type:</b>	Land Use Item	<b>Status:</b>			Agenda Ready
<b>File created:</b>	3/12/2018	<b>In control:</b>			City Commission
<b>On agenda:</b>	3/21/2018	<b>Final action:</b>			
<b>Title:</b>	Adoption of Findings, AP-17-0006, Denying the 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				
<b>Sponsors:</b>	Laura Terway				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report, 2. Final Findings on Fee Waiver Request, 3. Final Findings on Substantive Appeal Issues, 4. Applicant's 120-Day Extension				

Date	Ver.	Action By	Action	Result
3/21/2018	1	City Commission	adopt	Pass
3/21/2018	1	City Commission	adopt	Pass

Adoption of Findings, AP-17-0006, Denying the 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):

Motion #1: Move that the Commission adopt the final findings denying the requested appeal fee waiver for appeal AP-17-0006.

Motion #2: Move that the Commission adopt the final findings denying the appeal AP-17-0006 and uphold the Planning Commission's decision to approve Planning Files CP-17-0002, DP-17-0003, and NR-17-0004 with Conditions.

### BACKGROUND:

The record is closed for these items. No further testimony shall be accepted unless the record is reopened by the City Commission.

The Planning Commission approved, on November 13, 2017, 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. 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. On February 7, 2018 the City Commission held a public hearing to hear new evidence limited to the fee waiver issue. The City Commission resolved the fee waiver request before moving on to consider the substance of the appeal. After hearing from the Appellant, the Applicant and any other interested parties, the City Commission made a tentative decision to deny the fee waiver in whole.

Next, the City Commission proceeded with considering the appeal, on the record, limited to the issues raised in the notice of appeal. After the fee waiver tentative decision the Appellant wished to proceed with the appeal, committing to payment of the appeal fee, including the reimbursement of actual city attorney fees. Staff's memorandum included proposed findings regarding how each of the 15 issues raised by the appellant was addressed in the record for the Planning Commission decision.

By adopting the attached final findings, the City Commission accepts, adopts and incorporates by reference, the February 7, 2018 Staff Report and the Planning Commission Final Findings adopted by the Planning Commission on November 13, 2017 in their entirety and including all exhibits and recommended conditions of approval, except to the extent that such incorporated documents conflict with these findings of fact and conclusions of law.

Additionally the Applicant has granted an extension of the 120-Day Decision Deadline until March 27, 2018 to allow the City Commission the time to make a final decision, which is attached.