



## Memorandum

Date: March 27, 2009

To: Chris Jordan, City Manager

From: Tom Soppe, Associate Planner

Subject: Holiday Inn Express Appeal application – AP-09-02: Additional correspondence

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Attached are new comments and their replies from staff. Also attached are other replies (not included in previous memos) from staff to previous comments that were included in previous memos.

**Soppe, Tom**

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**From:** Kerr, Chris  
**Sent:** Thursday, March 26, 2009 5:00 PM  
**To:** kariookee@aol.com; Jordan, Chris; citycouncil@westlinnoregon.gov  
**Cc:** Soppe, Tom  
**Subject:** RE: Holiday Inn Express

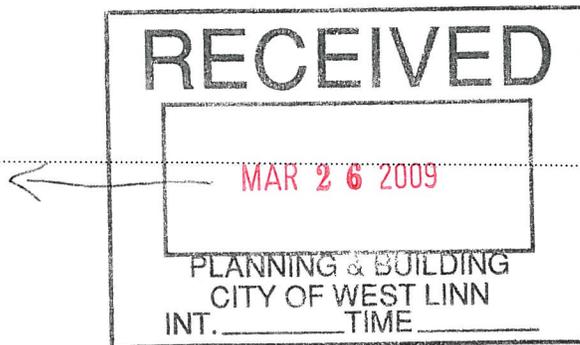
*Karie- thanks, my comments are below. I always welcome your diligent review and comments on the website – (to be frank, we don't get as much feedback on it as I would like) they have helped us improve the site tremendously over the past 6 months. Please keep in mind that the official file is always kept in the planning office, rather than online.*

*Call me with any other comments at 723-2538.*

*Chris Kerr*

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**From:** kariookee@aol.com [mailto:kariookee@aol.com]  
**Sent:** Thursday, March 26, 2009 3:24 PM  
**To:** Kerr, Chris; Jordan, Chris; citycouncil@westlinnoregon.gov  
**Subject:** Holiday Inn Express



Dear Chris Kerr:

Your memo to Chris Jordan recommending denial of the Holiday Inn application should be posted on the City web site in the "Project Files" for ID #AB-09-02: City Council Call Up of Planning Commission Decision of Holiday Inn Express at 2400 Willamette Falls Drive. **[Kerr, Chris]** thanks – I'll have them post it there as well asap.

It is presently found at: [http://westlinnoregon.gov/files/projects/2009-2-18\\_Staff\\_memo\\_to\\_City\\_Manager.pdf](http://westlinnoregon.gov/files/projects/2009-2-18_Staff_memo_to_City_Manager.pdf), in the "Project Files" for when the application was before the Planning Commission as ID #DR-08-01 / VAR-08-01 / VAR-08-09 / WAP-08-01.

It is imperative that the PC files and the CC files for this application be kept accurate. It is also important that the public be given reasonable opportunity to access information regarding this application. It is likely the public is not aware that you recommend denial because the applicant has not satisfied the criteria for a conditional use permit.

Please include my comment and your reply in the public record for ID #AB-09-02. **[Kerr, Chris]** I will.

Also, please confirm that the City Council will hold a public hearing for #AB-09-02, where it will receive public testimony, on March 30, 2009 at 6:30 PM. **[Kerr, Chris]** Yes, they will.

Thank you,  
Karie Oakes

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3/27/2009

**Soppe, Tom**

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**From:** Soppe, Tom  
**Sent:** Friday, March 27, 2009 9:47 AM  
**To:** 'karieokee@aol.com'  
**Subject:** RE: Soppe replys to Applicant and Public Comments

Karie,

I have printed out the email responses that weren't included before, and they will be included in a memo that goes to CC which will be taken upstairs and also put on the web later today. Thanks for pointing those out. We have not responded to the subsequent submittals in your third item below.

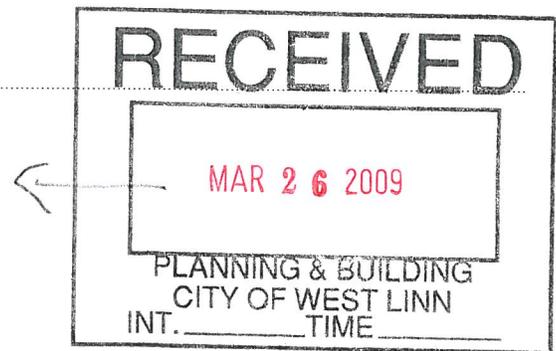
As for the titling, I can definitely see the issue there. We will be most vigilant in making sure that things are titled on the web most accurately and thoroughly, as per the links' contents, in the future.

Thanks!

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

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**From:** karieokee@aol.com [mailto:karieokee@aol.com]  
**Sent:** Thursday, March 26, 2009 3:24 PM  
**To:** Soppe, Tom  
**Cc:** Kerr, Chris; Jordan, Chris; citycouncil@westlinnoregon.gov  
**Subject:** Soppe replys to Applicant and Public Comments



Tom,

In reviewing the public record for the CC review of the Holiday Inn, as posted on the City web site, I find that your replies to the applicant and public comments received by email are not posted. It would be most helpful towards the public understanding of this application if complete correspondence is posted.

See [http://westlinnoregon.gov/files/projects/200-02-27\\_Memo\\_to\\_City\\_Manager\\_AP-09-02.pdf](http://westlinnoregon.gov/files/projects/200-02-27_Memo_to_City_Manager_AP-09-02.pdf)  
Lacks email replies to Brad Kaul, Margaret Matthies, Cathy Aman.

See [http://westlinnoregon.gov/files/projects/2009-03-06\\_E-mail\\_Correspondence\\_AP-09-02.pdf](http://westlinnoregon.gov/files/projects/2009-03-06_E-mail_Correspondence_AP-09-02.pdf)  
Lacks your final email reply to me, Karie Oakes.

See [http://westlinnoregon.gov/files/projects/2009-03-06\\_Staff\\_Memo\\_to\\_City\\_Manager\\_AP-09-02.pdf](http://westlinnoregon.gov/files/projects/2009-03-06_Staff_Memo_to_City_Manager_AP-09-02.pdf)  
Your 3/6/09 memo to Chris Jordon states that staff has not had time to respond to the attached public correspondence (received following your staff report,) from Gary Hitesman(2), Eric and Rita Cedarquist, Teri Cummings and Greg Morse. Have you since responded?

Also, the first and third pages above are listed in the "Project Files" as "Staff Memo to City Manager" but they also include many pages of public comments. Please consider accurately titling what is listed so that relevant documents are not overlooked and can be found when needed.

Thank you,  
Karie Oakes

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**Soppe, Tom**

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**From:** kariooke@aol.com  
**Sent:** Thursday, March 26, 2009 3:24 PM  
**To:** Soppe, Tom  
**Cc:** Kerr, Chris; Jordan, Chris; citycouncil@westlinnoregon.gov  
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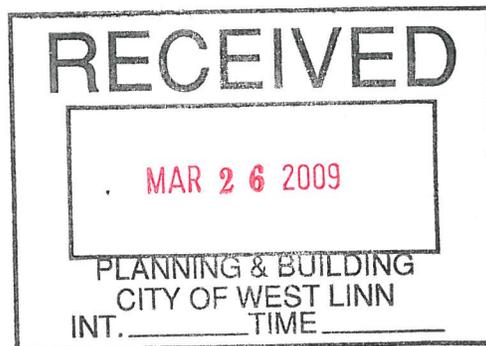
See [http://westlinnoregon.gov/files/projects/2009-03-06\\_Staff\\_Memo\\_to\\_City\\_Manager\\_AP-09-02.pdf](http://westlinnoregon.gov/files/projects/2009-03-06_Staff_Memo_to_City_Manager_AP-09-02.pdf)  
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Thank you,  
Karie Oakes

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## Soppe, Tom

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**From:** Soppe, Tom  
**Sent:** Monday, March 09, 2009 9:34 AM  
**To:** 'Karie Oakes'  
**Subject:** RE: Holiday Inn Express

1. From what I gather it includes everything that is developed, including existing driveway that is already there plus new parking lot, walkways, and building.
2. Where do you see the 21,400? If I look at that hopefully I can answer. I know the numbers have changed a lot as time goes on since the site plan has changed so many times so hopefully I can answer if I see which version the 21,400 comes from.
3. Burden of proof is on the applicant and CC can certainly say that they haven't been able to see the numbers and therefore don't have enough proof regarding the square footage issue, if that is the case.
4. It is unfortunate that these aren't readable and I see how some numbers are muddled in the online version provided by the applicant. Staff has done due diligence to put on the web what was provided by the applicant who has burden of proof. The public is welcome to bring this up at the meeting if they think the applicant hasn't provided burden of proof.
5. Where is it called "Power Point"? I do see "Applicant Power Point Presentation" as a tab in the council packet version of the staff report. Is this what you mean?
6. True. Thanks for letting me know about the issues with this. I haven't heard from council about troubles reading it, but we will be prepared to deal with this should that happen.
7. If staff recalls correctly, the power point was put up in the next day or two after the hearing, but the applicant sent a version that had a few typos (not involving these numbers from what I understand) corrected a few days later. We put that on the web to have the most accurate and new version; this is the 1/12 version you see. So the presentation was there under one name or another pretty much the whole time between the hearing and end of the comment period, if we recall correctly.

Thanks,

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

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**From:** Karie Oakes [mailto:kariookee@aol.com]  
**Sent:** Friday, March 06, 2009 4:35 PM  
**To:** Soppe, Tom  
**Subject:** Re: Holiday Inn Express

Tom,

Please confirm that the copy of the **"Power Point" to which you refer is the same as "1/12/09 Updated Applicant Presentation"** as listed in the project files on the City website. The link to this file is [http://westlinnoregon.gov/files/projects/PRESENTATION\\_WEST\\_LINN1.pdf](http://westlinnoregon.gov/files/projects/PRESENTATION_WEST_LINN1.pdf)

This 53 page document contains three pages, numbered 18, 36 and 52 that contain a "32.060 Site Plan." It is not possible to read the notations on the maps online because the font is so small. Printing the maps produced no better result. There are numerous other notations, beyond the WRA statistics to which you refer, that are unreadable also.

On pages 37-38 of the same document, I found "Site Plan Statistics." It lists the "Disturbed WRA" for each of three lots, totaling 21,569 square feet. This gives me reason to believe the documents are the same.

3/27/2009

My questions/concerns are:

- 1) It is not clear if the "Disturbed WRA" actually includes the disturbed area or the developed area. And if it refers to the developed area, what parts of development does it include?
- 2) How is it that the "Disturbed WRA" is now 21,569 square feet when it was previously 21,400 square feet?
- 3) The CC received a copy of the "Power Point" presentation that includes maps with notations that are not readable.
- 4 Likewise, the public, has access to the same power point presentation with the unreadable maps, but it is labeled "Updated Applicant Presentation."
- 5) The two names for the same document are confusing and make public comment difficult and will make discussion at the CC hearing confusing as well.
- 6) Reading the maps are paramount to understanding the application and making a final decision.
- 7) **The public was not given sufficient time to comment on the 1/12/09 "Updated Applicant Presentation" because the PC allowed the public to submit comments only until 1/14/09.**

Thank you. I look forward to your reply.

Karie Oakes

-----Original Message-----

From: Soppe, Tom <tsoppe@westlinnoregon.gov>  
To: Karie Oakes <karieokee@aol.com>  
Sent: Fri, 6 Mar 2009 12:55 pm  
Subject: RE: Holiday Inn Express

Karie,

In the copy of their Power Point that they gave at one of the PC hearings, and that is part of the full binder for the City Council hearing since it was given at a PC hearing, there is a page called "32.060 Site Plan". This is one of those pages where they are dividing it up into three lots. There are stats about lots 1, 2, and 3 at the bottom of the page. I got this by adding together the "disturbed WRA" numbers for each of these.

You're welcome,

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

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**From:** Karie Oakes [<mailto:karieokee@aol.com>]  
**Sent:** Friday, March 06, 2009 12:38 PM  
**To:** Soppe, Tom  
**Subject:** Holiday Inn Express

Tom,

In your memo to Chris Jordan, dated 2/17/09, you discuss the land developed in the water resource area as being 21,569 square feet. Where can I find this in the application?

3/27/2009

Thank you,  
Karie Oakes

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## Soppe, Tom

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**From:** Soppe, Tom  
**Sent:** Friday, February 27, 2009 8:46 AM  
**To:** 'Brad Kaul'  
**Subject:** RE: Holiday Inn Express

Brad,

I don't know what Councilor Kovash's issues are but I'll see if I can find out.

Mr. Hitesman's email is included in the packet at the location where it is, because by Oregon law we have to include everything in the record in reverse chronological order. At the design review stage no one has to be a licensed architect or even an architect to present the drawings for the building or anything else you have presented (I'm happy to explain to the City Council that this licensing issue isn't relevant in their decision or your ability to present). But thanks for letting me know about the resolving of the licensing issue all the same.

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

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**From:** Brad Kaul [mailto:bradkaul@spe-architects.com]  
**Sent:** Thursday, February 26, 2009 2:53 PM  
**To:** Soppe, Tom  
**Subject:** Holiday Inn Express

Tom,

I just received the packet you sent out. I noticed that councilman Kovash mentioned two issues. Do you know what those two issues are?

I also noticed the message from Gary Hitesman. He insinuates that Steve Elkins is not registered in Oregon. He does not say that but instead states that I (Brad Kaul) am not registered in Oregon (which I'm not and have never claimed to be) and that the firm Steven P. Elkins architects is not registered in Oregon (which it is not and not required to be). There are two different types of licensing firm and person. Since we are a sole proprietorship we are not required to have a firm license. Steve Elkins has been providing architectural services in Oregon for over 20 years. It's unfair that you placed Gary's letter in the front of the binder which slanders our company without seeking the truth.

We have been contacted by the Oregon Department of Licensing in regards to this matter and the matter is being resolved.

Brad Kaul  
Steven P. Elkins Architects  
11000 NE 33rd Place, Suite #101  
Bellevue, WA 98004  
P:425-827-3252  
F:425-889-9174

3/27/2009

**Soppe, Tom**

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**From:** Soppe, Tom  
**Sent:** Friday, February 27, 2009 8:14 AM  
**To:** 'kmatthies@comcast.net'  
**Subject:** RE: Holiday Inn

There is a provision in Ch. 32 of the code for properties that allows properties that are otherwise undevelopable because of water resource areas and their transition setbacks to be developed. This is why it is allowed to develop here in the first place. Because it takes more square footage to develop a site for commercial use (this is General Commercial zone) they have also applied for the variance to develop more of the setback area than is allowed by the hardship provisions in 32 (which allow 5,000 sq ft of the setback area to be developed). The variance allows them to develop more than the 5,000, and the Planning Commission agreed with them that this was the way to make the site economically viable.

The conditions of approval require them to replace the culvert on site to the satisfaction of the engineering department. There aren't many commercial sites in town; there may be some that are good for a hotel. At this point the council will be looking at whether this plan works at this location, and considering all the aspects considered by Planning Commission; I'm sure they will be giving it serious consideration.

Thank you for your comments. They will become part of the record.

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

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**From:** kmatthies [mailto:kmatthies@comcast.net]  
**Sent:** Thursday, February 26, 2009 5:02 PM  
**To:** Soppe, Tom  
**Subject:** Holiday Inn

Dear Tom,

It would be nice to have a Holiday Inn built in West Linn. However, I have to agree with Karie Oakes (*West Linn Tidings*, 2-26-09) in that the proposed location does not make sense.

We saw what happened this winter when we had a landslide in that area. If this is supposed to be a protected WRA, why in the world was the permit granted for a Holiday Inn? Is there another location that would be better suited for the Holiday Inn to build? With the unpredicted weather fluctuations, we must be forward thinking about our storm water retention and treatment.

I do hope this will be given another serious consideration before we allow construction of this kind.

Sincerely,

Margaret Matthies  
1531 11th Street  
West Linn

3/27/2009