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November 10, 2015

Via email only

Mayor Russ Axelrod
West Linn City Council
City Hall
22500 Salamo Road
West Linn, OR 97068

Re: Appeal of ConAm Properties, LLC – File No. DR-15-11/LLA-15-01

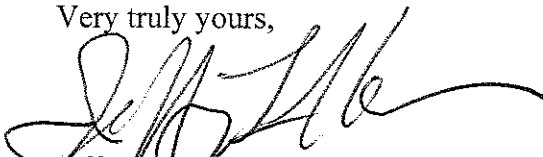
Dear Mr. Axelrod and Council Members:

I represent Concerned Citizens of West Linn (“CCWL”). CCWL objects to the filing of the letter submitted on behalf of the applicant by attorney Michael C. Robinson late yesterday. We received a copy of that letter today. CCWL further moves that said letter be stricken from the record.

I am attaching a copy of the City Council Public Hearing Notice for the November 16 appeal hearing, which included the cancellation notice for the originally set October 26 hearing. The City Council’s original notice stated in boldface type that the deadline for written testimony was 5:00 pm on October 19. The October 26 appeal hearing was postponed at the request of the applicant due to the lack of availability of either of the applicant’s attorneys on that date. However, the new notice did not extend time for submitting additional written testimony, nor was there any reason for such time to be extended. The unavailability of counsel on the initial hearing date did not affect or have any bearing upon the final deadline for submittal of written testimony one week earlier, or the ability of counsel to abide by that deadline.

Accordingly, CCWL respectfully requests that Mr. Robinson’s letter of November 9, 2015 be stricken.

Very truly yours,



Jeffrey L. Kleinman

JLK:cme
Enclosure
cc: client

**WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. AP-15-01**

The West Linn City Council is scheduled to hold a public hearing on **Monday, November 16, 2015**, starting at 6:00 p.m. in the Council Chambers of City Hall at 22500 Salamo Road, West Linn, to consider an appeal by Con Am Properties LLC of the Planning Commission's denial of design review consisting of approximately 180 multi-family residential apartment units and approximately 2,000 square feet of commercial space (DR-15-11) and a lot line adjustment affecting the boundaries of three existing lots (LLA 15-01) for the properties located at 2410, 2422 and 2444 Tannler Drive (Tax Lots 100, 102 and 200 of Assessor's Map 21E35C).

The criteria applicable to an appeal of a denial of a design review and lot line adjustment are found in Chapter 55, 34, 38, 42, 44, 46, 48, 52, 54, 85 and 99 of the West Linn Community Development Code. The City Council will make a decision to approve the application and overturn the Planning Commission's decision or deny the application and uphold the Planning Commission's decision based upon the applicable criteria and the evidence in the record. At the hearing, all written or oral argument must relate specifically to the applicable criteria and refer only to evidence and facts already in the record.

You have been notified of this proposal because City records indicate that you had standing on case DR 15-11/LLA 15-01 or because notice is required by Chapter 99 of the West Linn Community Development Code.

The hearing is limited to the issues clearly and distinctly set forth in the notice of appeal. Con Am Properties LLC (Con Am) asserts that the applicable approval criteria in Community Development Code (CDC) 21.010, 21.020, and 21.050 were misapplied. Therefore, Con Am disagrees with the findings adopted by the Planning Commission for the design review application and asserts that all of the criteria are met requiring the City to approve the Class II Design Review application. Con Am also asserts that the applicable approval criteria for the Lot Line Adjustment in CDC 85.210 are met by the application, requiring the City to approve the Lot Line Adjustment application.

The notice of appeal and the complete application for AP 15-01 is available for inspection, at no cost, at City Hall or via the City of West Linn's website at <http://westlinnoregon.gov/planning/2444-2422-and-2410-tannler-drive-class-ii-design-review-and-lot-line-adjustment>. Printed copies of these documents may be obtained for a minimal charge per page. At least 10 days prior to the hearings, a copy of the staff report will be available for inspection at no cost or copies can be obtained for a minimal charge per page. For further information, please contact John Boyd, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR, (503) 656-4211, or jboyd@westlinnoregon.gov.

The appeal hearing is on the record, and it will be conducted in accordance with Community Development Code (CDC) 99.280(B), Council rules for on the record hearings and those rules in CDC Section 99.170 that are applicable to on the record hearings. **No new facts or evidence may be submitted in an on the record hearing.** If you wish to read material at the meeting, you may do so, but the Council will not be accepting those as written materials. Members of the public may speak for a maximum of three (3) minutes each at the public hearing, but no new evidence or facts are allowed and those speaking should refer to the record for all facts relied upon. At the appeal hearing the Applicant, who is also the Appellant, will be allowed to present the basis for its appeal. The Applicant and members

of the public opposing the application may speak, but no new evidence or facts are allowed and those speaking should refer to the record for all facts relied upon.

The Council may continue the appeal hearing to another meeting if it chooses to open the record on a limited basis pursuant to CDC 99.080(C) to obtain additional evidence or testimony, or close the appeal hearing and take action on the appeal as provided by CDC 99.290.

Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Publish: West Linn Tidings November 5, 2015

RECEIVED

OCT 23 2015

JEFFREY L. KLEINMAN
ATTORNEY AT LAW

**WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. AP-15-01**

There will NOT be a public hearing or public testimony for this appeal application on October 26, 2015.

**The hearing has been rescheduled
to November 16, 2015 at 6:00 pm –
See attached for new notice.**

The West Linn City Council is scheduled to hold a public hearing on **Monday, October 26, 2015** starting at 6:00 p.m. in the Council Chambers of City Hall at 22500 Salamo Road, West Linn, to consider an appeal by Con Am Properties LLC of the Planning Commission's denial of design review consisting of approximately 180 multi-family residential apartment units and approximately 2,000 square feet of commercial space (DR-15-11) and a lot line adjustment affecting the boundaries of three existing lots (LLA 15-01) for the properties located at 2410, 2422 and 2444 Tannler Drive (Tax Lots 100, 102 and 200 of Assessor's Map 21E35C).

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The appeal hearing is on the record, and it will be conducted in accordance with Community Development Code (CDC) 99.280(B), Council rules for on the record hearings and those rules in CDC Section 99.170 that are applicable to on the record hearings. **No new facts or evidence may be submitted in an on the record hearing.** Anyone wishing to present written argument on the issues being appealed may do so in writing by pointing out evidence in the record that is relied upon for the argument. Submitted arguments outside of the issues on appeal, or arguments that include new facts or evidence, will be redacted or will not be submitted into the record. The deadline for submitting argument is **Monday, October 19, at 5:00 p.m.** **Written testimony will not be accepted after this deadline; there will be no written argument accepted at the hearing on October 26th.** If you wish to read material at the meeting, you may do so, but the Council will not be accepting those as written materials. Members of the public may speak for a maximum of three (3) minutes each at the public hearing, but no new evidence or facts are allowed and those speaking should refer to the record for all facts relied upon. At the appeal hearing the Applicant, who is also the Appellant, will be allowed to present the basis for its appeal. The Applicant and members of the public opposing the application may speak, but no new evidence or facts are allowed and those speaking should refer to the record for all facts relied upon.

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Publish: West Linn Tidings October 15, 2015

CANCELLED