

## **Mollusky, Kathy**

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**From:** Roberta Schwarz <roberta.schwarz@comcast.net>  
**Sent:** Thursday, November 09, 2017 9:03 PM  
**To:** City Council  
**Subject:** Please reinstate De Novo Hearings

**THIS LETTER IS MEANT TO BE ADDED TO THE WRITTEN TESTIMONY FOR THE NOVEMBER 13, 2017 HEARING ON ORD. 1663 (RESTORING DE NOVO)**

Dear Mayor Axelrod and City Council,

Please reinstate De Novo Hearings in West Linn. The citizens do not have the money required to fund professional entourages to accompany us to land use hearings. We need to have time to research and educate ourselves after the Planning Commission decides a land use case. We would like new information to be heard at our appeals to the City Council. This is the way it was in West Linn before "Cutting the Red Tape" was rushed through by a previous Council.

Please level the playing field and give us De Novo hearings again.

Thank you and please put this into the public record,  
Roberta Schwarz

## **Mollusky, Kathy**

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**From:** Rebecca Adams <radams014@gmail.com>  
**Sent:** Thursday, November 09, 2017 12:52 PM  
**To:** City Council  
**Subject:** Written testimony to Council for Hearing on De Novo (Ordinance 1663) November 13th, 2017

THIS LETTER IS MEANT TO BE ADDED TO THE WRITTEN TESTIMONY FOR THE NOVEMBER 13, 2017 HEARING ON ORD. 1663 (RESTORING DE NOVO)

Dear Members of City Council,

I think we all can agree that we would like a hearing process that renders the best overall result while honoring the rights of both the applicant and the citizens.

De novo does give citizens, who naturally are not experts in land-use, more of an opportunity to fairly engage in the process since studying the regulations, rallying support for their perspective, raising money to hire technical and legal experts takes much more time for them than such tasks would take a typical applicant who already has a professional team in place.

On-the-Record penalizes those who are not smart enough, quick enough, or rich enough to embed the “right” evidence or questions into the first hearing. This is where the professionals so thoroughly outpace the abilities of the average citizen who face a steep learning curve as they identify relevant truths bearing upon the case.

There is an important, but less obvious reason why returning to the De Novo Appeals Hearings supports this goal of attaining the best outcome all around. I learned this by listening to the Committee for Citizen Involvement tapes and am surprised this reason is not front and center in the discussion, it being so profound. On-the-Record perversely restricts the judging body during the conditioning phase of the proceedings.

Imagine a scientist faced with a real life problem to be solve, but restricting the solution to only those solutions previously presented or those supported by data that had made it into a highly restricted record? In many ways this is what On-the-Record does. By restricting the discussion and evidence on appeal, it to some extent restricts the range of solutions that can be conditioned into the outcome.

Citizens and applicants alike have a vested interest in empowering our judging body members to craft the best real life solutions possible based on the evidence and arguments presented, but also based on the ability of five intelligent persons to craft new solutions to truly resolve the issues of the case. De Novo restores that potential.

Please allow an immediate return to De Novo today, while at the same time affirming your ongoing support of the CCI's long range review of various ways to improve our land-use process.

Thank you,

Rebecca Adams

Address on Record