



CITY OF West Linn

Memorandum

Date: March 14, 2022
To: Mayor Jules Walters and City Council
From: Darren Wyss, Planning Manager
Subject: AP-22-01 Public Comments

Between noon on Thursday, March 10, 2022 and noon on Monday, March 14, 2022, the City received an additional 24 public comments (attached) regarding the appeal of a denied home occupation permit at 2245 Michael Drive. The public comment period ended at noon on Monday, March 14, 2022. The majority of the comments (16) support the operation of the swim lessons, but do not address the applicable criteria for approval of a home occupation permit. Five of the comments are opposed to the appeal because of the traffic, noise, and parking impacts to the neighborhood. One comment was submitted by the Appellant's Attorney. One comment was an email from the Appellant to Councilor Baumgardner, which was forwarded for the record. Additional comment was submitted by Shannen Knight and addresses applicable criteria found in Community Development Code Chapter 37. Staff did not provide additional responses as Ms. Knight's submittal replicates comments found in the memo sent to Council on March 10, 2022.

Please feel free to contact me at dwyss@westlinnoregon.gov or 503-742-6064 with any questions regarding the materials or process.

3-9-2022

i Dennis Naldwift live at
2279 Micheal Dr. West Linn OR.

i opose a home occupation application
to conduct swim lessons in an
outdoor, above ground swimming pool
at 2245 Micheal Dr.

i live 2 houses from Luan ly
aproximatley 80 ft. from Luan ly House.

the noise i hear from the swimming
Pool is very loud in my Back yard &
Patio. Business is conducted 7 days a week.

there is also alot of extra
traffic on our quiet street.

this Business of a swimming Pool would
take away the quiet livability
i & my wife enjoy on our quiet street.

thank you for my consideration
of this letter

From: [Jirapa Joy Vlcko](#)
To: [Wyss, Darren](#)
Subject: Letter of Support Regarding file AP-22-01
Date: Thursday, March 10, 2022 3:03:54 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

3035 Sabo Lane
West Linn, OR 97068
March 10, 2022

Dear Darren,

Hello, my name is Joy Vlcko, and I am a resident of West Linn with two young children, ages 9 and 11. This past summer, we were desperate to get the kids back into swim lessons after missing all of 2 summers ago (2020) due to the Covid-19. My kids were just getting comfortable in the water 2 years ago and I was sad and frustrated to not be able to have them continue their progress. This past year, we researched several places where we have had lessons in the past, including Stafford Hills and Bay Club (formerly Club Sport), but they were not accepting non-members and other programs had limited capacity.

My kids and I feel so lucky that Coach Luan was offering swim lessons in her backyard, since the City of West Linn does not currently have a facility to accommodate that. I am happy to say that after a summer of lessons with Coach Luan, my children are confident swimmers in a pool all by themselves, when they were not at the beginning of the summer.

Whenever we were at lessons at her residence, we did not find them to be disruptive or chaotic. She was very accommodating and made us feel welcomed.

With the amount of water presence in the surrounding areas where we live; rivers, creeks, lakes, ocean, ponds; I think that all children should be educated in water safety as a lifesaving skill. I am grateful that Coach Luan recognizes that and has taught so many young children this skill. Until the City of West Linn can realize the importance of water safety and build a facility for its residence, I'm hoping that The City will continue to let Coach Luan fill the void that is so badly missing.

If you do not allow Coach Luan to operate a business that offers life saving skills on her property, then many families will be in the same situation as mine, not able to offer swim lessons to my young children because all other pools in other cities are private or have maxed capacity due to their own residents. Please support our own residents and community.

Please let me know if you have any questions.

Sincerely,

Joy Vlcko


From: [Shalie Reay](#)
To: [Wyss, Darren](#)
Subject: MISC-22-01
Date: Thursday, March 10, 2022 8:49:13 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello!

My name is Shalie and I am writing this to state my stance on this ongoing situation with Luan Ly. I am NOT in agreement with her continuing or being able to continue teaching her lessons. All through the summer. The noise and the traffic were a major issue. It made it hard for the people who actually live there to go about their days. Kids not being able to safely play in the streets with all this traffic coming in and out in and out all day everyday. Cars racing up and down the road, parking in front of wherever they wanted. The noise was constant. Didn't matter what time. They were up and swimming early mornings (I know this because my sister would go and walk over and start teaching at 8 am or 9am). It disturbed the peace of the neighborhood. It's one thing to have a pool and have people over. Or on occasion have lessons. It's another to post about it on Facebook and bring all sorts of cars and people into a neighborhood that doesn't want this. We have lived here since I was 5 and never had any problems like this until now. We have had no problems with our neighbors until now. If she had come to us asked and made sure we were all aware. Or at least had the respect of not doing it everyday, things could be different. There were several neighbors who confronted her and she was confrontational and basically told them she'd do whatever.

There were two times Luan was gone on vacation and she left children under the care of other staff (my sister included) who were NOT trained or certified and some random man who would show up to teach his own lessons. Again twice she did this. And I have photo proof of when he was there and they were gone as well as email and phone calls with an officer who has been speaking with me. So she left children (regardless if parents were there or not) with my sister at times who was NOT certified nor trained in CPR to teach kids. In my opinion it is in no way safe nor is it ethical to run a business when you don't have your employees certified or taking safety measures with this type of business. Not to mention she wasn't even given the permits to do this. And continued to do so once she was told to stop. Our household plus some other neighbors are furious and do not want these swim lessons to continue. The ones who want it? Either don't live there or are never there to see the constant disruption. I can't safely take my child outside to play ride bikes or be in our front yard without worrying about the constant flow of traffic or the fact that NOW there is a huge deck and no top to the pool. There are way too many red flags and concerns that I have and I am NOT in favor of her being approved.

This whole ordeal has disrupted the peace of the neighborhood.

I don't believe this is right or ok. I understand she will have many people backing her up. But again. These are people who don't live directly next or across from her. Who don't have to deal with the constant cars flying up and down the road, the yelling and screaming. The fact that my own sister was not safely certified and teaching young children. This is not safe what so ever and I stand with the planning department on not allowing her to do what she wants.

I will be speaking during the virtual hearing and stating my case. I know a few neighbors will write or be on the call as well. Please consider the neighborhood and what's really happening. This has been an ongoing problem the entire summer and into the fall. I don't think this will benefit the community, I don't see it benefiting our neighbors as it has angered many of them. I am asking you to not reconsider and please stand by what the planning department has decided. She did not do what she should have from the start- getting employees certified. Getting permits. Nothing. She tried to go around and it didn't work and in my eyes if this gets approved this will show others not to adhere to certain rules our city puts into place.

I appreciate your time and I hope you have a wonderful weekend.

Shalie Reay
2240 Michael drive

From: [Peggy Bauer](#)
To: [Wyss, Darren](#)
Subject: Swim lessons with Luan Lierman
Date: Thursday, March 10, 2022 6:13:39 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Mr. Darren Wyss

Good afternoon. This correspondence is to let you know I am shocked that the City of West Linn is giving Luan Lierman such a hard time for offering swim lessons at her home. She and her husband installed the pool with the intention of giving public swimming lessons with permission of the City, in advance, of paying a good sum of money for all it took to build.

We need places around here to learn to swim and there are very few public options. I have a one year old who started swim lessons only for the Omicron surge to shut those down. We don't belong to any clubs or have a neighborhood pool. I'm a terrible swimmer (afraid of water). I didn't live near water growing up, so it wasn't a huge danger for me. We made sure our daughter could swim well and want the same opportunity for our grandkids. They live here with lots of water around. Her parents fish, kayak and go camping on lakefront property.

Please allow Luan the chance to teach our kids. I'm thinking about signing myself up, too. I'm 66 and still want to play on water, but wish to do it safely.

Thank you for your consideration of other WL residents.

Peggy Bauer

Sent from my iPhone

From: [Joanna Esler](#)
To: [Wyss, Darren](#)
Subject: Darren Wyss- in regards to Luan Lierman
Date: Thursday, March 10, 2022 2:41:09 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

To all this concerns,

Coach Lou is one of the most dedicated instructors I have ever met. She's gentle and kind and above all, thorough. My very sweet, incredibly shy, extra attached to his mom (thanks to our pandemic) son, learned how to do things this year, that I never thought would have been possible! Especially with all the heartaches, cancellations, death, destroyed views that we have ALL endured. Everything good that happened this last summer, we owe to coach Lu! Bless her heart!

Before her season was abruptly ended, my son was in the beginning stages of learning how to swim and most importantly, feeling confident in and around the water. My daughter, who is a water baby to her core, learned how to swim within a few sessions of meeting and being instructed by Coach Lu. To take this woman out of our community, to continue to try and take this woman's strength away, not only from her and our (yours too!) community, but away from the kids that are relying on her? Now, that would be one of the most reprehensible, irresponsible, most concerning, abominable acts that one could possibly do; for your city, this community and our children!

Many of the parents I know personally, have sought out for her to teach their child(ren). She is simply one person, dealing with hurdle after hurdle and therefore, cannot. Whether it be due to the fact she was unjustly shut down, due to all of the harassments, restraints, commands and mandatory meetings; or just a simple fact that she is so good and everybody wanted her kids to be taught by her hand.

I will rant and rave about how wonderful Coach Lu is, until our community understands that she and her business is irreplaceable! What she did for my children, especially my son, that is a life altering lesson that will never be tainted. Pools, along with EVERYTHING else being closed, due to covid, parallel with humans being scared to teach our children, let alone touch them and show them any kind of compassion at all, in the midst of all that, we, along with many others, found coach Lu. A saving grace for ALL of us!

My son would not be able to be near the water right now, if it wasn't for Coach Lu. Instead of trying to find ways to make it impossible for Coach Lu to continue her adept, proficient, life teaching instructor skills, how about you find a way to make sure she never leaves your city.

Someone with this much dedication and God given talent, is sought after, not torn down at every crinkle in the page. Shame on anyone making it harder for her to teach our children safety and respect around water!

Those who have witnessed her ability to guide a child, would tell you it is astronomical. I can

remember her neighbors reaching out, seeking her abilities, while walking by and literally walking into her backyard, trying to get the chance for her to teach their children.

We need more people like coach Lu! Not more people trying to suck the life from her and her business! Especially in a time where small businesses, minority owned, women dominant businesses, are having the most horrific time even trying to survive. Let's figure out a way to help her build and reach more people! Minority Woman that are business owners, with this kind of passion, often get passed up or they get pushed off. NOT anymore! We are ALL passionate about saving coach Lu's business, but even more for preserving her strength in the community. We will help build her up, not tear her down in any community.

We cannot continue with the wild accusations and ferocious neighbors that are taking advantage of her kindness and her ability to follow the rules. Coach Lu is a Godsend and was even more so during this pandemic!! Anyone that has something else to say, well, it is just pure evil.

Thank you for your time. I speak for many, if not all, when I say, we hope to book our lessons with Coach Lu as soon as possible!

Joanna Esler

[Sent from Yahoo Mail on Android](#)

From: [Teresa Jansen](#)
To: [Wyss, Darren](#)
Subject: Please consider neighborhood pool.
Date: Thursday, March 10, 2022 8:50:01 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Darren Wyss,

Please reconsider the neighborhood pool owned by Luan Ai Lierman. I am a WL resident and a mental health counselor. Seeing the division in politics and ideologies across our city and state in the past few years has been devastating. Approving this neighborhood pool would be (at least) a threefold benefit that could make big news:

1 - saving lives. Drowning disproportionately impacts the marginalized in our community. Create more safe places to learn swimming and safe practices benefits all of us. <https://www.cdc.gov/mmwr/volumes/70/wr/mm7024a1.htm>


2 - offers an Avenue for peacemaking and public reparative justice. By several accounts, Luan may have been unjustly targeted by one angry neighbor, and this may become a larger legal battle (if not certainly an ethical one) against Asian hate. If she presses action against the neighbor, yet the city upholds the denial based on this neighbors hateful comments, where does that leave public sentiment for our city and leaders?

3 - making positive strides toward better physical and mental health in our community and families. With so many kids wrapped wholly up in screens and isolated since the pandemic, encouraging any positive physical and outdoor social activities I'm for it, 100% counselor approved.

On a personal note: I have a full sized basketball court, but we moved in late September 2021, when the weather turned cold. I fully plan to offer this court (free of charge) to our neighbors and friends, and youth groups and clubs were affiliated with, just as the previous owners have done for decades. While we are still the "new" neighbors, I understand that our other neighbor to the south offers her pool to local teens in the summer, and we all share each others phone numbers for safety, fire pits, events or whatever. This is the type of neighborhood I believe West Linn can be. I believe Luan and her neighbors also deserve this chance, and for her business to continue to bless our city.

Let's do better.

Thank you.
Teresa



Dear Council,

After getting further information on this home occupation, I would like to amend my testimony slightly. It sounds like all permits for outside businesses have been denied in the past which I did not know. I also did not know that farming and daycare were allowed by state law. But I still believe this use is allowed by the current code. CDC 37.020(A)(4) allows for business to take place in accessory building. CDC definitions say a building is a "structure intended for use " and a pool is an "accessory structure". In this instance, since it is a pool, even though outdoors, it does fit the code.

Knowing that the city has denied all other outdoor permits, though, makes me feel better about the bias claims. In my original testimony I did say I didn't think there was a bias issue but could see how it could be an optics issue --especially the part about the heater and pump. Calling her heater/pump "commercial equipment" when the pool's primary use is for the family could seem as if she is being treated differently than anyone else who has a pool. But consistently denying any outdoor use confirms for me there is no bias here.

If I look at our commercial code, this use is not permitted in the commercial zone either. The only place in the code I see it as allowable is campus industrial zoning. The only place zoned CI is basically PGE property or papermill property. As usual, our code and zoning makes it difficult to bring much needed businesses into the community. Thus, we have a situation where home occupation may make sense. How different is this from a daycare in the yard, or a neighbor having a pool that all the local kids come to? The whole neighborhood went to my house after school every day because we had a pool and I'm sure it wasn't quiet.

Is there an option for a temporary approval, with conditions to control the biggest pain points for neighbors and see how it goes after a few months? Adding some conditions such as how many people per day or at a time, business hours, perhaps a tent canopy over and/or fencing to reduce noise, etc. I'm always for the compromise. I don't like seeing what seems to be a needed business not being allowed. But I get that neighbors expect a level of acceptable noise.

Either way, I think this brought forth more proof that our code needs to be fixed. I looked at other cities. Their code specifically says "inside home or garage" or "no outdoors", or has two types of permits, with outdoor uses requiring a more in depth approval process. Our code is not clear and concise nor does not make it state outdoors is prohibited specifically within Chapter 37. Strangely Chapter 37 doesn't deal with any noise issues either other than from equipment. Your ruling on this case could set some precedence, though I still think the accessory structure part is what makes this fit the code where other outdoor activities may not. Since we lack commercial and industrial zoned land for needed businesses, my personal opinion would be to allow outdoor use through a public hearing process. This would allow for conditions of approval to be added on a case-by-case basis with a process to revoke a license if complaints are not mitigated.

Thanks for putting up with more testimony from me. My original testimony did not all have all the facts, and I always try to keep an open mind, and hear all the sides. I still think the code allows for this business, but I have a better understanding on why it was denied. As usual, our code and zoning issues need to be addressed to prevent these issues in the future.

Shannen Knight
West Linn

From: [Baumgardner, Mary](#)
To: [Luan Lierman](#)
Cc: [Wyss, Darren](#)
Subject: RE: [POSSIBLE SPAM] Hi Mary! My name is Luan
Date: Friday, March 11, 2022 10:30:55 AM

Hello Ms. Ly,

I read your email today and am sorry for the stress you have experienced.

I understand that the council is holding a quasi-judicial hearing Monday regarding this matter. For that reason I have cc'd Planning Director Darren Wyss here since a person sitting on a quasi-judicial panel must declare all contact with individuals directly related prior to a decision being made.

Hopefully council can reach a resolution on this matter that will be acceptable to all involved parties.

Best regards,
Mary

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

From: Luan Lierman [REDACTED]
Sent: Thursday, March 10, 2022 3:57 PM
To: Baumgardner, Mary <MBaumgardner@westlinnoregon.gov>
Subject: [POSSIBLE SPAM] Hi Mary! My name is Luan
Importance: Low

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

My friend Margie told me to reach out and share my story with you...I'm sure you've already heard the news. My name is Luan Ly (Lierman married name) and my students call me Coach Lu.

West Linn is a beautiful and safe place to live. I commend the leaders of our city for their dedication to keeping West Linn a place to we call home and feel safe to raise our children.

I'm up early today @4am, mind full of thoughts. Do you know I dream of teaching swim? I wish I didn't cause who likes think of work outside of work but you can't control your mind when it wanders sometimes. I dreamt of teaching kids the starfish float, kicking with straight legs and reminding my students, children and adults that when they feel afraid or incapable, tell yourself "I will try and I can do it."

I pray you never have to witness a child's lifeless body, turned blue and trying to rescue them back to life after they have been underwater. I lost a friend and she turned 18, excited for her future but one fatal day on the lake ended her life. When you witness these incidents, it changes you forever. If I have a gift that can help better someone's life, I will not hesitate to offer it. Friends that know me say I'm the "water whisperer" that I can get kids to try something they are afraid of like putting their face in the water for the first time. I've always been a "do er", not a fan of taking the back seat and watching things happen. I've been emotional this past week when I got this denial letter from the city. Please allow me to share my heart...

If the city has phone records, they will see I called multiple times back in May of 2020 when the pandemic started shutting everything down, gyms, parks and pools included. Did you know backyard pools, hot tubs and playgrounds were the first items to sell out? Families were desperate to find places for their children to spend summer, play, learn

how to swim, etc. My next door neighbor with 3 kids bought an outdoor play structure and I bought I pool. I knew my own children would love to play and swim in it but I also thought about all the children that didn't know how to swim. Before I ordered this \$20,000 pool (from my savings) I called the city and asked them if this size pool in my backyard was ok to have and ok to host swim lessons? I received positive responses and the green light to do so. The pool arrived in August of 2020 and we built it. The city inspector came out and inspected the pool and property and gave us the green light. Fast forward to Spring of 2021, I knew I couldn't teach all the children on my own so I hired and trained highschool students that happen to be my neighbor's kids and students at West Linn highschool. They loved teaching and are exited to come back to teach again this summer 2022.

My husband who was reluctant to build this pool at first cause it was A LOT of work and expensive, said "Luan, you have a gift and you are making a difference." These young highschoolers trained beside me, watched and learned how I communicated with the little ones and were eager to learn. They passed my water safety training and became amazing swim instructors. They were excited to come to work because when you work with kids, it's very rewarding. You watch them grow in front of your eyes like a flower bud blossoming. I am proud of each one of my instructors and if you talk to them or their parents, you'll hear some fun stories. Back to the city...

When I realized my business license needed to be renewed (all West Linn licenses expire on the same day no matter when you apply) I included on my license that I teach Chinese and Swim Lessons out of my home. I had been teaching for WLWV school district for the past 8 years and tutor kids afterschool so I've always had a business permit. When I added that I teach swim lessons, the city saw it and asked some questions. I was happy to come in and answer their questions. I sat down with the planning department for over an hour going over every single code in detail. After all that, I was told to make sure I accommodate parking with my families as that was the biggest issue. My neighbor across the street called the police multiple times, dragging his elder daughter and extended family members to complain so on public record, I had 3 callers that called the police on the same day. When I have an issue, I was taught to address the issue with the person you have issues with. I didn't know my neighbor was upset until the cops showed up. I tried to talk to him but he yelled and called me names. I even tried talking to the elder sister but she said I was harassing her. I hosted a neighborhood meeting end of August 2021 and asked my neighbors left and right, up and down the street if they had any concerns, please voice them so I can adjust and offer solutions. My neighbor's were supportive, some didn't realize I had a pool or that there was anything different in the neighborhood. My next neighbor did address some concerns with traffic and I told her my solution is to offer my program at more pools, community pools in West Linn and beyond. She supports my program and I'm grateful for her willingness to communicate with me. I'm helping Oregon city pool with their program so they can stay open. They have hired me to help train new swim instructors. I listen to my neighbors and made sure I modified my schedule so there was enough time between lessons for families to come and go without the bottleneck period. I adjusted when I knew that was an issue.

In December 2021, I sat down with the city manager Jerry, planning department John and chief of police. Imagine this meeting, me (small Asian lady) and 3 much bigger men. I asked my husband if he could take a longer lunch break from work to sit in my corner and support me. I wasn't intimidated but definitely felt I needed some more muscle. After this lengthy meeting, my husband took notes throughout and said "I think that went well." In front of us, the city leaders showed support and had apologized for not handling the situation with the complaining neighbor well. They requested that I apply for two separate licenses, one for teaching Chinese and another one for teaching swimming. Sure, no problem! This was the first time the city had requested this. I submitted that new application the next day, December 2021.

Now March (almost 3 months of deciding and me anxiously waiting) is when I receive this denial letter with their main point of denial is that my backyard pool isn't connected to my house, therefore, can NOT be considered part of my home business. I was shocked and hurt. I've gone back and forth trying to do the right thing and instead of working with me, the city threw me under the bus. I felt alone in this battle so that's why I'm here, reaching out, shining light on this issue. My last post was emotionally driven because I was angry. I am a teacher trying build our community up but I was being treated like a criminal. I was being singled out, and their decision that my pool isn't connected to my house felt like discrimination. Their response to this issue is this? It goes back to my neighbor who had shown animosity towards me, calling the police on me daily, calling me names, pointing his middle finger at me...the city and the police made their decision based on his complaints. Is this not discrimination? That's why I am appealing and standing up for my rights.

Thanks for reading through this long message as I want to share with you my heart behind this. I pay property taxes

on my entire property. If pool is connected to my house! We have dug down for the electrical wires from our house to the pool to keep it heated and warm. The water to fill up the pool comes from our home. My children and students that swim in it, come inside my house to use the bathroom. No "potty" in the pool please. My pool is very much a part of our home and family. I don't know what else to say...I'm disappointed in our city leaders. The men I met with, powerful men but what are they using their power for? If this appeal on 3/14 next Monday @6pm, doesn't turn out, the city has taken away another pool for children to learn how to swim. Do they have a solution? If you don't belong to a fancy club or HOA community pool, where do you go? This matter is an Oregon issue. West Linn had the biggest number of children (check school statistics) but our children don't have access to water safety instructions and that's on our leaders. I'm just one person so I need your help and support.

Peace,

Luan Ly (Lierman)

From: [Lindsay Z. Blake](#)
To: [Wyss, Darren](#)
Subject: Luan's pool and home business
Date: Saturday, March 12, 2022 7:42:04 AM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello Darren and the city of West Linn,

Our town has no options for the majority of people to teach their children to swim. If you don't have your own pool or live in one of the few HOAs with a pool, there is nowhere in West Linn to go for swim lessons. Luan is doing all she can to follow the permit rules, and is providing a very important and much needed public health and public safety service to the children in our town. Learning to swim should be a life skill for all, not just the privileged. One upset neighbor should not ruin this for the entire community.

Please allow Luan to continue her home business of teaching swimming lessons to our kids!

Thank you,

From: [beth byrne](#)
To: [Wyss, Darren](#)
Subject: Lu"s swim school
Date: Saturday, March 12, 2022 1:39:48 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello,

I am writing this letter on behalf of Luan Ly's swim school. Our son, David Halpern, began taking swim lessons with Coach Lu last summer. In just six months, his confidence and proficiency in the water improved exponentially. Whereas previously, with swim lessons through various facilities like Oregon City and North Clackamas, his lessons had been haphazard and ultimately unhelpful, Luan has had a tremendous impact on his enjoyment, and more importantly, his safety, in the water.

While we have attended lessons with Luan, we have found her to be nothing but friendly, positive, and kind. She has been clear with us about how we should drive and park, given that these lessons do take place at her home in a residential neighborhood, and it has been appreciated and respected. Luan moved her own vehicles from her driveway to allow families coming for lessons to park there and after one lesson as I was backing out of Luan's driveway, the resident across the street raised his middle finger at me and my 6-year-old son. My car was also keyed while parked on her street, however there's unfortunately no concrete evidence of who did that.

I am available for any further questions or statements you may need on behalf of Luan's character and the positive benefits that her program has had for my son, our family, and our friends.

Yours sincerely,

Alex Halpern and Beth Byrne

From: [Tracy Normoyle](#)
To: [Wyss, Darren](#)
Subject: File AP-22-01
Date: Saturday, March 12, 2022 12:32:53 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello Mr. Wyss,

I am writing today in response to the notice I received related to a home occupation application appeal at 2245 Michael Drive.

I am a resident and owner who also lives on Michael Drive. My address is 2288 Michael Drive.

I am disappointed to learn of the tension this matter continues to cause in our neighborhood. Slanderous social media posts on West Linn Community Page and Nextdoor prompted me to provide comment here.

Prior to those posts, I was conflicted about voicing support or detraction on this issue. I have erected a pool in past summers. I also have two children who play in our neighborhood. I hate to impede any homeowners right to use their property or earn a living.

However, I do think it is important for you to have statements from people who are directly impacted by your decision/application of existing codes. I believe that codes exist to serve and protect us all and should be fairly and consistently applied. If a code itself requires review or modification, there is a proper channel/process to do just that.

I don't know if the application or exemption here is that proper channel.

I can tell you that this swim school did dramatically impact our neighborhood, and the livability of our street. The classes seemed to include 2 to 4 kids per hour and operate 9am to early evening, sometimes 8pm. That meant 2 to 4 cars arriving/parking/departing every hour for 8+ hours per day—sometimes 6 or 7 days a week. That added substantial traffic and parking congestion. At least three neighbors had to get traffic cones to try to slow drivers so that their own small children could enjoy playing outside on our street. Signs asking drivers to slow down were also erected. The nature of our "U" shaped street had previously meant mostly only residents and delivery drivers use Michael Drive. That changed substantially when the swim school was operating.

I like the family who owns the property in question. I support swim lessons in general. I have concerns about hours/days of operation and traffic impacts. What, if any, protections do neighbors of these businesses enjoy?

I have concerns after reviewing the documents about the potential for adding additional staff and further expanding operating hours. I'm also very disturbed that this dispute turned personal on social media and strayed from the code and it's merit or lack of merit. I have concerns about the fallout of this decision deteriorating the peace on our street.

I appreciate you weighing my concerns as you consider the situation.

Tracy and Chad Normoyle
2288 Michael Drive

Sent from my iPhone

From: [Alisha Finke](#)
To: [Wyss, Darren](#)
Subject: Luan Lierman's Home Business License
Date: Sunday, March 13, 2022 10:24:04 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Mr. Wyss,

I'm writing to you this evening in consideration of you and the city council to overturn the denial of Luan Lierman's license application for her home swimming lessons business. The Community Development Code of the City of West Linn states the purpose of it is "promoting the general health, safety and welfare of the public," which is exactly what her swimming lessons do. All three of my children have had the opportunity to learn from Mrs. Lierman and because of this, they have undoubtedly increased their water safety awareness, gained a love and appreciation for physical activity, and ultimately grown confident in themselves as they become better swimmers under her guidance. She has taught my kids both at Club Sport and out of her own swimming pool, and I can say that having the lessons at her home pool creates a more relaxing, inclusive, and fun atmosphere for the children. Allowing her to continue her business would be exponentially valuable to the community. Again, I ask you to consider approving Luan Lierman's home business application for swimming lessons. I am happy to answer any questions you may have.

Thank you for your consideration.
Alisha Finke

Sent from my iPhone

From: [Rosalba Goffena](#)
To: [Wyss, Darren](#)
Cc: [Rosalba Goffena](#)
Subject: City Council Hearing File No AP- 22-01 Appeal by Luan Ly of MISC-22-01
Date: Sunday, March 13, 2022 6:00:07 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Tualatin, OR March 13, 2022

To: Darren Wyss
Planning Manager
City of West Linn, OR

I'm writing this email to give my support to Luan Ly and the swimming lessons she provides at her house located at 2245 Michael Drive, West Linn, OR 97068.

I have known Luan since the Summer of 2015 when she was teaching swimming lessons at Bay Club (previously known as Club Sport). I noticed right away the easiness of her teaching approach and the rapport she had with her students.

My son Mateo, who is now 11 years old and was diagnosed at age 3 with high functioning Autism and generalized anxiety disorder, had been taking swimming lessons at Club Sport that Spring and Summer of 2015.

We first tried group lessons with different instructors and it didn't work. Then we moved to private one-on-one lessons with no success either. It was a struggle to get him in the Club Sport's pool as his anxiety paralyzed him, made him yell, throw temper tantrums, and run away from the pool.

His swimming instructors there would quit and refuse to teach him. They did not know what to do with him. It was devastating for me as a mother to witness the struggles of my kid knowing that he had no awareness of water safety and that he could jump in any pool and drown at any moment!

While at Club Sport, Luan started playing with him in the shallow part of the outdoor kids pool and occasionally bringing her two own kids to play with Mateo. After a couple of weeks he started to feel comfortable in the pool and around Luan. Then gradually she moved Mateo to the indoor pool and started teaching him swimming lessons in the form of "playing", she even invented some fun vocabulary and games to engage him. The treat was always bringing her kids at the end of the lesson to play with him.

Moving fast forward, it has been 7 years that Luan has been giving my son Mateo swimming lessons. Today, he is an advanced swimmer and adores Luan and her kids. He even got invited to join a swim team! Luan is not only an exceptional, qualified swimmer, but also a true

teacher at heart. She knows how to engage kids of all levels and skills in the water. She takes them to the next level and beyond! Luan uses teaching approaches that are not intimidating to the kids. She knows how to teach kids the importance of water safety and make them feel confident in the water. I will follow Luan to the end of Earth for her teaching expertise, swimming and people's skills.

Having the pool in her house is very convenient for me as a client as it gives me scheduling flexibility. Luan has her own carport in front of her house that is her own private property and I always park there. I'm the only one there when I go to my son's lesson. I never park on the street. The Pool is located behind the house far away from the street. The only noise I hear when I'm in the backyard is Luan giving instructions to my son. There is no yelling, screaming, or any other kind of loud noise. The noise is similar to taking online lessons over Zoom. Luan provides a familiar and safe environment that makes it relaxing for kids and families to go to swimming lessons. It also has a bonus: trampoline for after swimming, playing with her kids and their toys, and looking at the nice aquarium in the kids playroom.

Having Luan's pool open during COVID was a blessing for my son, as swimming relaxes and helps with his anxiety. I can never thank Luan enough for the patience, creativity, and expertise she has with Mateo.

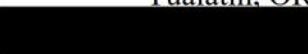
I ask the city of West Linn to support Luan Ly. We need more people like her, that builds community, finds creative solutions, and truly understands the needs of the people around her. I just don't understand the reason her neighbors are complaining as her pool is in her private property, and her swimming lessons don't impact them in any way.

I'm willing to bring evidence of my son medical diagnosis or any other document that supports my testimony.

Sincerely,

Rosalba Goffena

Address: 22185 SW 106th Ave
Tualatin, OR 97062




Sent from my iPhone

From: [Sarah Karim](#)
To: [Wyss, Darren](#)
Subject: Luan Lie Lierman
Date: Sunday, March 13, 2022 8:40:56 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Good evening Sir,

I am writing you to let you know that I am supporting Luan Lie and her request for her small business of teaching children to swim at her home pool. She has carefully thought out, researched the rules and regulations of owning a home business and is doing everything she can to make this business run smoothly. Unfortunately there is one neighbor close by her that is complaining about her business with no grounds. Luan is very responsible, and only started this business after she received her business license and the green light from the city. She put blood sweat and tears into her business, only to get turned down for a license renewal. I respectfully request that she be granted her business license be renewed so she can continue to keep the children water safe. Thank you for your consideration.

Sarah Karim


Sent from my iPhone

From: [Jestina Mills](#)
To: [Wyss, Darren](#)
Subject: Fwd: Mills Statement
Date: Sunday, March 13, 2022 8:58:11 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Begin forwarded message:

From: [REDACTED]
To: [REDACTED]
Subject: Mills Statement

To whom it may concern:

My almost 3 year old son has been taking swim lessons with Luan, affectionately known as “Coach Lu” at our house, since May of this year almost every week, twice a week. Prior to swim lessons with Coach Lu, my son was enrolled in two other swim programs, but neither one of them proved to be as successful in teaching my son the confidence and skill set he needs to have around bodies of water, which is extremely important to us as we live on the Tualatin River. We recently took a family trip to Arizona and because of Coach Lu and her instructors, my son was able to enjoy the pool multiple times a day (pic attached).

With regards to her neighbor, Randy, while our interactions have been brief and mostly in passing, my husband and I actually both stopped parking on his side of the public street after he once glared at both of us and shook his head upon arriving to swim class. All we did was get out of the car and say “good morning”, to which he had no response except the glare and head shake, but it was enough to not feel comfortable leaving our car parked on his side of the public street.

We hope this issue is resolved for Coach Lu so that she can continue providing us with an invaluable service of teaching our little ones to swim.

Best,
Jestina Mills



From: [Karen Toste](#)
To: [Wyss, Darren](#)
Subject: Letter of support for Luan Lierman
Date: Sunday, March 13, 2022 10:41:47 PM
Attachments: [Doc - Nov 16 2021 - 9-42 PM.pdf](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi Darren,

Pleased find attached a letter of support for Luan Lierman's pool & swim lesson business.

Please let me know if you have questions or need additional information.

Thank you,
Karen Toste
Neighbor, 2280 Ostman Rd.

November 15, 2021

To Whom It May Concern:

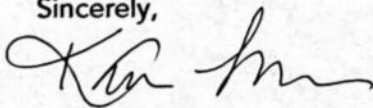
I am writing this letter in support of Coach Luan Lierman's swim school at 2245 Michael Drive in West Linn.

My family and I moved to the area in June of 2020 and my kids – Mia, age 10 and Jake, age 8 – began swim lessons with Coach Lu and her team in June of 2021. We found her school to be wonderful for a couple of reasons –

- First, our kids learned water safety. As parents, the comfort we feel knowing that our kids can be near a pool and be safe is invaluable. They took swim lessons for several months prior to moving to the area and we saw very little progress. In a very short amount of time with Coach Lu and her team, however, the kids were transformed into very confident and capable little swimmers.
- Second, moving with elementary school-aged kids is hard. Moving with elementary school-aged kids during a global pandemic was really hard. After more than a year of virtual play dates and more screen time than I care to think about, they were in desperate need of outdoor, physical activities and a sense of community. Coach Lu's provided that.

Coach Lu and her team have been a gift for our family and our community is lucky to have them here. I hope she is able to continue providing the same valuable service to families for many years to come.

Sincerely,



Karen Toste



From: [Heather Anderson](#)
To: [Wyss, Darren](#)
Subject: Letter in Support of Luan Ly
Date: Monday, March 14, 2022 9:53:18 AM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

To the West Linn City Council,

I'm writing in response to the matter regarding Luan Ly and the swimming pool in her backyard. I am a neighbor that lives across the street and four doors down from her. I spend a lot of time outside in my yard during the summer. I see the comings and goings on our street. Our street doesn't get a lot of traffic and having two families arriving every so often for swimming lessons hasn't affected the traffic. The people who come are quiet, get out of their cars, and go straight to Luan's backyard for swimming lessons. The noise from swimming lessons is very minimal. It's even less noise than normal kids playing outside. The kids are in the pool learning for most of the lesson time. Of course, there will be some noise as kids are kids. It's summer and they should be outside having fun!

I have had the pleasure of getting to know Luan over the past 9 months. She is kind, friendly, fun, encouraging, helpful, generous, resourceful, and a problem solver. Luan hired my daughter and equipped her with the skills to teach swim lessons to kids. She was patient, encouraging, and continually teaching my daughter to be a better swim instructor and person. While working for Luan, I've seen my daughter's self-confidence grow as she learned a new skill and put it into action. She has made new friends, learned how to communicate clearly with the parents of her swim students, earned money and learned how to manage it. She thoroughly enjoys teaching lessons as can be seen by the stories she tells when she comes home each day. Luan has encouraged her to better herself by taking a water safety instruction course through the American Red Cross to further her knowledge as a swim instructor. Luan is a person who wants each person to be the best that they can be.

I've watched and listened as the city has asked Luan to do certain things to maintain her business. When her license expired and she didn't realize it, she stopped lessons until it was renewed. When parking was an issue because one neighbor complained, she found a solution so that wasn't an issue. She has gone in to talk with the city to try and figure out how to make this situation work. Our community doesn't have a swimming pool. Every time it is brought up, it gets voted down. Luan is offering a resource that our community needs. Swimming is a lifelong skill that everyone should have the opportunity to learn. We have access to many lakes, rivers, streams, and the ocean here. It makes sense to offer lessons to teach the skills needed to survive when put in a situation where you are around water. Families are busy with parents working and kid activities. It makes sense to have convenient, local options for swim lessons. The parents and students that have taken lessons from Luan love her and love the convenience of her being located in West Linn. It would make sense for the city to let Luan know exactly what she needs to do to make holding swimming lessons in her backyard possible instead of giving her obstacles.

Heather Anderson

2205 Michael Dr.

Dear West Linn City Council,

My name is Hannah Anderson and I am currently a senior at West Linn High School. Last summer I was employed by Luan Ly. Teaching swim lessons was my first paid job and it has enormously expanded my knowledge and view on teaching. I am more of an introvert than an extrovert but having to constantly interact with kids has pushed me beyond my comfort zone. Being outside of my comfort zone by trying something new pushes me to work harder. It has taught me that I can do things that I was once afraid of trying.

I know many families who fear their children will drown because they don't know how to swim. Allowing their children near water can seem terrifying, but allowing them to learn in a safe and supervised environment is beneficial for both the parents and children. Thanks to Luan many families are able to have this fear lifted knowing their children are water safe. If we stop teaching swim lessons now many children won't have access to swim lessons that could save their lives. Luan has taught me how to teach in a way that is engaging, fun, and efficient. We make our lessons specific to the needs of each and every child. This is even easier because we only teach 1 to 2 kids at a time. The most children I have taught at once was 3 and that was a rare occasion. Having small private lessons is both a safety precaution and allows for each coach to be focused on every child. These types of lessons are more one on one which allow for kids to learn more effectively and efficiently.

Recently I discussed the importance of trying something new with Luan. When you put yourself in a new situation you never know how you are going to feel about it unless you try. Becoming a swim instructor was completely new to me. I had never even considered teaching swim lessons before Luan reached out to the community for high schoolers interested in coaching swim lessons. It sounded like the perfect job for me. I have volunteered in my church's Sunday school program for over 6 years and one of my favorite hobbies is swimming. Now it seems like being a swim coach would be the obvious choice for a job but it truly never occurred to me. That's how I knew I should try to be a swim coach when the opportunity presented itself. Little did I know I was in for an impactful journey filled with relationships, fun, stress, and growth.

Throughout the process of becoming a swim coach Luan has constantly been by my side encouraging me to become better and more effective in teaching. I remember after having been teaching for a while Luan pulled me aside and told me something she had noticed. She gave me feedback on how I could improve so that I could help kids progress further in their swim lessons. This made me question how I could most effectively teach lessons to each specific student with different strengths and weaknesses. I feel like I have improved so much from my first day because of the things Luan has taught me and the ways she has pushed me.

Swimming is something that is supposed to be fun but it is also dangerous. At first some kids tilt more one way or the other on how they view the water, but our goal is for it to be a balance of understanding the dangers while being confident around bodies of water. One little girl, who always made me smile, named Vivian started out timid and afraid of the water. Even though she was afraid she continued to keep trying and by encouraging her I hoped to instill a confidence in her that she could swim. After lots of hard work Vivian was ready to take her swim test. We threw her into the water and told her she had to swim. She passed with flying colors.

After that day she had so much confidence in the water and was constantly smiling and laughing. Through hard work and perseverance Vivian was able to learn how to swim confidently and effectively.

Our community does not have a public swimming pool, yet everyone is faced by the dangers of water everyday. There isn't a safe place in West Linn for kids to learn how to swim other than Luan's pool. According to the CDC for children ages 1-14 drowning is the 2nd highest cause of death from unintentional injury. One way we can eliminate this danger for the children in our community is by offering swim lessons that are effective and encourage enjoyment around water rather than fear. Without swim lessons that are provided in a safe environment many parents will become more worried about their children when they are near bodies of water.

I have loved teaching swimming lessons this past summer. I have felt so blessed by the amazing community of swim instructors God has given me. Without teaching swim lessons I wouldn't be able to grow alongside some of the most hilarious and kindest people I have ever met. I won't get to laugh alongside them and the children we are teaching or ask them for advice when I'm not quite sure which technique to use with a certain child. I will miss it all because I still remember the very beginning. I am so thankful for Luan and everything she has taught me and the time I have spent with her in conversation about life. She doesn't just invest in the children and the pool, but she also invests in the lives of her coaches and those around her. I hope to take all I have learned with me into the next chapter of my life as I head towards college in hopes of pursuing a degree in elementary education. No matter what happens I know that I will always have Luan to support me because of the love and kindness she has invested in my life and every child who enters her pool.

Thank you for your time,
Hannah Anderson

From: [REDACTED]
To: [Wyss, Darren](#)
Subject: Neighbor comment 2245 Michael Dr
Date: Monday, March 14, 2022 11:55:32 AM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello,

I live within the neighborhood of 2245 Michael Dr. When this address was hosting swimming lessons. I would like to appeal to the city to not allow this house to continue swim lessons. Michael Drive does not have sidewalks in this area. It was pretty common to have cars speeding around corners due to the assumption of being late to their appointments and both corners of Michael Drive to reach 2245 are blind corners. The clientele had no regard for driving a safe speed in a residential neighborhood and only seemed interested in making it to their destination as fast as possible. Allowing the business to operate makes the area unsafe.

I have separately decided to remain anonymous as Luan Lierman decided to post on the Nextdoor app (social media) Sunday evening around 9:50pm one of the neighbors emails to the city of West Linn which included the entire email that at the end included the writer signing her email with her address. I understand Luan feels that she is a victim and has posted significantly of the fact, however, in my opinion it is irresponsible to post someone's email and home address that disagrees with her opinion, especially after organizing support on a large social platform.

With the summary of issues:

1. With the experience of high volume of cars with lack of care of speed driving to 2245 Michael Dr
2. Two curves which don't allow for full view of what is in front of them
3. The lack of sidewalks to safely walk down the street
4. The amount of people that use this area to walk/exercise
5. The knowledge of the intense demand of swim lessons and lack of supply due to the pandemic which means full classes

I ask that the city of West Linn do not allow this business to continue within a neighborhood and recommend that it be suggested to use a business district where parking lots are built to handle the demand of cars and traffic and keeping pedestrians safe.

Sincerely, Anonymous.

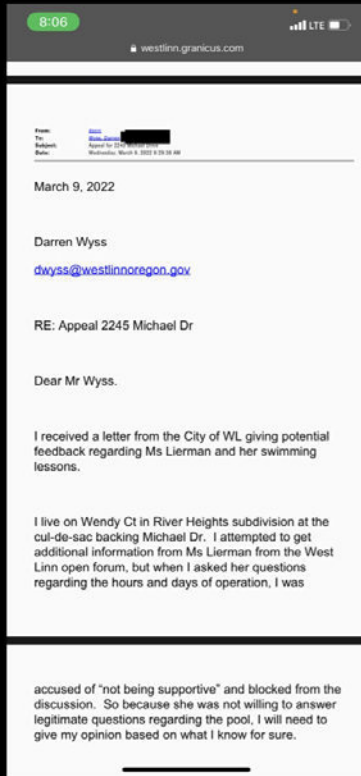
9:50



Luan Lierman
Willamette · 41m



Just because I wouldn't answer this lady Debbie's question on the West Linn community page... See more



Be the first to react



9:50



Luan Lierman
Willamette · 41m



ceived a letter from the City of WL giving potenti:
dback regarding Ms Lierman and her swimming
sons.

re on Wendy Ct in River Heights subdivision at th
-de-sac backing Michael Dr. I attempted to get
ditional information from Ms Lierman from the We
n open forum. but when I asked her questions

Just because I wouldn't answer this lady Debbie's question on the West Linn community page because she was being rude. She decides to assume and falsify facts, twist the story and submits this letter to the city. There is a hearing tomorrow held virtually with the city of west linn council members @6pm. The city will not allow me to teach swim lessons in my backyard pool when they have initial approved it and now denying it saying my pool isn't connected to my home. Please email your support to Darren Wyss, planning director: [Dwyss@westlinnoregon.gov](mailto:DWyss@westlinnoregon.gov)

More support will silence this lady Debbie who doesn't even live on Michael dr. and is complaining when she has no idea what's going on. This is her letter...full of false information and assumptions. Thank you for everyone who have supported me...you are amazing and I'm grateful for you. You are always going to have haters in life...shame on you for being a hater and not supporting children in having swim lessons. Here's my website for more information: www.luswimschool.com

Posted in **General** to **Anyone**

Be the first to react



Add a reply...



Luan Lierman

Willamette · Edited 5d



My neighbors left and right of me, up and down the street all support me. They bring their children to my pool for lessons. Kids nearby walk or ride their bikes for swim lessons. I've created parking spaces and try to limit the amount of lessons at my home by finding more pools. There's one neighbor who has shown animosity towards me and my family. My sons are afraid of him and unfortunately his hatred towards me has given the police and the city of west linn reason to single me out and and treat me this unjustly. West Linn is trying to shut down swim lessons for children which is sad. My

From: [Jessi Hatch](#)
To: [Wyss, Darren](#)
Subject: Full Support for Luan's Swim School
Date: Monday, March 14, 2022 8:22:23 AM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Good Morning!

Teacher Lu and her swim school are a very important part of West Linn and I urge you to strongly reconsider your decision on prohibiting her home swim business here in our town.

My husband and I both grew up here in West Linn and now we are raising our 3 boys here. We absolute love our town but we all know that we lack a community pool, which makes it hard to find good swim lessons. Teacher Lu brought us a safe and fun program and all 3 of my boys have been taught by her.

With Covid last year, it was such a joy to still be able to get my boys into swim lessons and safely in an outdoor pool. They truly looked forward to it because they love her but also because it was their only real chance to be social and see friends in their lessons.

Please support Teacher Lu, it's important for our community to see that sometimes city leaders can admit they made a mistake and right the wrong. We all know that West Linn needs this kind of leadership now more than ever.

Thank you for your time,

Jessi Hatch

Sent from my iPhone

From: [REDACTED]
To: [Wyss, Darren](#)
Subject: Pool at 2245 Michael Dr
Date: Monday, March 14, 2022 11:20:42 AM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

To whom it may concern,

This letter is in reference to the "public" pool located on the property at 2245 Michael Dr in West Linn Oregon. I would like to note that we don't have any issues with the residents, our issue is with the noise that comes from the swim lesson business conducted on the property.

The constant noise that comes from this pool and swim lessons is not acceptable for a residential area. It mimics a public pool/park. The swim lessons seem to be run during all daylight hours and days of the week. Often there are several lessons occurring at once, at least based on the noise levels. It doesn't seem like to owner is aware of the levels of noise or impact it is having on the surrounding homes.

We appreciate the resident's desire to provide a service to the community however the noise/traffic it brings does not belong in a neighborhood.

If the city grants the resident the ability to continue to operate full time swim lessons from their home, we respectfully ask that hours and days of the week be limited.

Thank you for your time, consideration, and service to our community.

March 14, 2022

RE: 03/14/22 Agenda, item #7, Appeal of Permit for 2245 Michael Dr.

Dear Mayor Walters and Councilors, and West Linn City Staff:

My name is Rebecca Regello and I reside in the Willamette neighborhood. I am a client and neighbor (a couple blocks away) of Luan Ly. My son, age 7, started private swimming lessons with Ms. Ly when she first opened last season and remained in twice weekly lessons with her until the season ended in October 2021.

It will be a disservice to our community if Ms. Ly's private swimming lessons/water safety are made to be discontinued by the City. Please grant Ms. Ly's appeal. **To not allow a path forward for necessary licensing/permitting for swimming lessons is unreasonable.**

Ms. Ly offers a greatly needed service, swimming lessons/water safety, for our community. Before I learned of Ms. Ly's swimming lessons, I searched for available lessons near West Linn and I could not find any options outside of joining an expensive county club. My child has gained tremendous skill and confidence in swimming/water safety through his lessons with Ms. Ly and her staff, and I've been counting down the months until the 2022 swim season opens, and my son can start lessons with Ms. Ly again.

Ms. Ly offers a well-organized, professional, courteous home-business. When concerns were raised by immediate neighbors about an increase in traffic and street parking, Ms. Ly immediately notified me, and her other clients and problem solved. I am thrilled to have swimming lessons/water safety accessible locally, in a neighborhood setting. This is a great benefit to our community!

Thank you for your consideration,

Rebecca Regello
2130 River Heights Cir.
[REDACTED]

To the City Of West Linn,

Re: Lu's Swim School.

Couch Lu is an amazing teacher and person. Her swim school is a great place for the kids in the community. She is very mindful of the neighbors. When we attended last summer there were only 2 cars parked in front of her house. She also asked us to park only in front of her house.

We support her. Please don't shut down her business over a grumpy old neighbor.

Thank You,

Wendy Summers

A handwritten signature in black ink, appearing to read 'Wendy Summers', written over the printed name.

2615 Couer D ALene Dr

West Linn, OR 97068

APPELLANT'S
SUBMISSIONS

MISC-22-01

March 14, 2022 Hearing

Appeal Hearing Process

Appeal hearings in the City of West Linn are de novo, meaning new information can be submitted for consideration (CDC 99.280). An application for appeal also does not require the Appellant to identify the grounds for appeal or the applicable criteria that were misapplied. (CDC 99.250) These are the rules this appeal hearing must follow, but the Council may wish to revisit the rules in the near future. The current process has inefficiencies in that the Council, and staff, is placed in a position of potentially not knowing why an appeal has been filed until the public hearing has been opened and testimony taken. This eliminates the ability of staff to prepare a report outlining the information that is important for the Council to consider.

The Appellant's appeal application (Attachment 2) alludes to the swim lesson business previously operating and being in effect terminated by the denial of a home occupation permit. Below is a summary of the activity by the Appellant and the City responses that has led to this appeal hearing.

- The Appellant has obtained a valid home occupation permit for several years to teach language tutoring lessons at 2245 Michael Drive.
- The Appellant purchased and installed an outdoor, above-ground swimming pool in 2021.
- The Appellant began teaching swimming lessons in the pool in 2021.
- In August 2021, the City received complaints regarding the swim lessons and discovered the Appellant did not have a business license or home occupation permit to operate the swim lesson business.

- The City directed the Appellant to apply for a business license/home occupation permit for the swim lesson business.
- The Appellant tagged the swim lesson business onto the language tutoring business license.
- The updated business license/home occupation permit was routed to Planning staff for review with the intent of researching whether an outdoor business was allowed under the home occupation rules.
- In the meantime, City Code Enforcement issued citations for operating without a license.
- The updated business license was issued, although the Planning review for compliance with home occupation rules did not occur. This led to confusion on whether only the language tutoring business was approved or both were approved.
- This led to additional citations, which were eventually revoked after conversations between City staff and the Appellant and a path forward was agreed upon.
- The City revoked the existing business license that contained both the language tutoring business and the swim lesson business. The Appellant applied for a separate license for each business.
- The language tutoring business/home occupation was renewed.
- The swim lesson business/home occupation was evaluated and denied (MISC-22-01).
- The Appellant has appealed the denial to City Council.

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

From: Luan Lierman <luanly@gmail.com>
Sent: Wednesday, August 18, 2021 1:03 PM
To: Myers, Chris <CMyers@westlinnoregon.gov>
Subject: Ly/Lierman Enterprise license

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi Chris!

Just want to say thanks again for meeting with me on Monday. I know you're working on resending me the license so I can add on the description my solution for parking.

I've checked my email and haven't received anything yet so I'm just checking in...I've like to resubmit the license to you this week so we can get it approved by next week. Thank you!

Peace,
Luan Lierman

Chris Myers
Associate Planner
Planning

22500 Salamo Rd.
West Linn, Oregon 97068
CMyers@westlinnoregon.gov
westlinnoregon.gov
503-742-6062

[https://westlinnoregon.gov/sites/all/themes/aha_responsive_2016/logo.png]-<<http://westlinnoregon.gov>>
Click to Connect! <<http://go.usa.gov/XYZC>>

Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public.

Appellant's Exhibit 2



VIEW LICENSE

Home / Services / Business Licenses / View License

Edit my license

License #: BL19-000140
Status: Issued
Issue Date: 07/01/2021
Expiration Date: 06/30/2022
Balance Due: \$0.00
Name: Ly & Lierman Enterprise
Address: 2245 MICHAEL DR



- License
- Reviews
- Documents
- Inspections

License #:	BL19-000140
License Type:	Business Based in West Linn
Sub Type:	Home Based Business
Application Type:	Renewal

License #: BL19-000140
License Type: Business Based in West Linn
Sub Type: Home Based Business
Application Type: Renewal

General Information

Is this a business being operated out of a home physically located in West Linn: Yes

Is the property owner aware and agreeable to the business operating onsite?: Yes

Business Type: Educational Services/Tutoring

Doing Business As (DBA) Lu's Academy For Life

(This is the name that will appear on your license):

Operation Start Date: 09/11/2019

Is a state or federal license required for your business?: No

State/Federal License

Number, if applicable:

Will you Sell Liquor?: No

Sign?:

Will you be remodeling?: No

Business Description: I am a Chinese teacher for WLWV school district. I tutor students in Mandarin Chinese, cooking, cultural arts and acrobatics. I also offer swim lessons in my backyard pool during the summer season. I have made adjustments to the swimming schedule to allow vehicles to park in my driveway. I have included breaks in between lesson times to allow families to leave promptly and allow time for families to arrive with parking availability in my driveway. There are no more then 3 families per lesson.

Will this business engage in door to door sales or activity within the city?: No

Business Mailing Address: 2245 michael dr

Business City: West Linn

Business State: OR

Business Zip: 97068

Business Phone Number: 2067437425

Business Email Address: Luanly@gmail.com

Business Website URL:

Contacts

Business Owner: Ly & Lierman enterprise - Luan Ly

Information:

Contacts

Business Owner Ly & Lierman enterprise - Luan Ly
Information:

Primary Contact Ly & Lierman enterprise - Luan Ly
Information:

Emergency Contact - Debby Espinor
Information (Cannot be the
same as Business Owner
or Primary contact):

Home Occupation Authorized Vehicles

Vehicle 1 Year: 2019
Vehicle 1 Make: Mazda
Vehicle 1 Model: CX
Vehicle 1 License Plate
Number: 211LFF

Vehicle 2 Year:
Vehicle 2 Make:
Vehicle 2 Model:
Vehicle 2 License Plate:

Vehicle 4 Year:

Vehicle 4 Make:

Vehicle 4 Model:

Vehicle 4 License Plate

Number:

Chamber of Commerce Catalog Free Advertising

Include in Business Yes

Directory:

Business Directory Name Use Name Doing Business As in the business directory

Selection:

Business Directory Use the business mailing address in the business directory

Address:

Fee Computation

Is this is a 501c3 nonprofit
organization? No

Is this business owned by a
minor under the age of 18?: No

Number of Employees 3-5

Working in West Linn
(Including Owner):

Number of apartments,
hotel rooms, trailers in the

From: webmaster@westlinnoregon.gov

Date: August 27, 2014 at 12:13:58 PM PDT

To: luanfy@gmail.com

Subject: Home Occupation Approved - License Number: 2015A22292

Reply-To: webmaster@westlinnoregon.gov

License: 2015A22292 ([Download as PDF](#)) - Ly & Lierman Enterprise (DBA: Ly & Lierman Enterprise)

Status: Approved

Thank you for doing business within the city of West Linn. For questions regarding your home occupation license or any conditions of approval that may be listed on the approval, please contact Tom Soppe at tsoppe@westlinnoregon.gov or via telephone at 503-742-8660.

Appellant's Exhibit 4



This entity is licensed to do business in the City of West Linn:

Lu's Academy For Life

2245 michael dr

Renewal

A West Linn Licensed Business Since: 09/11/2019

Permanent Business License Number: BL19-000140

Licensed for: July 1st, 2021 - June 30th, 2022

Expiration: Please renew your business license online by June 30 of each year.

West Linn Municipal Code (See sections 7.000 to 7.080 at <http://westlinnoregon.gov>)

Section 7.025 License Required. No person shall carry on any business within the city without first obtaining a license therefore and without complying with the provisions of sections 7.000 to 7.080.

Section 7.070 Display of Business License. All licenses issued in accordance with sections 7.000 to 7.080 shall be openly displayed in the place of business or kept on the person or on the vehicle of the person hereby licensed and shall be immediately produced and delivered for inspection to the chief of police, chief of the fire department, and their agents or subordinates, when requested by such individuals to do so. Failure to carry such license or produce the same on request shall be deemed a violation of sections 7.000 to 7.080.

A handwritten signature in blue ink that reads "Lauren Breithaupt".

Lauren Breithaupt
Finance Director

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not be Filed ORS 153.045 or 153.060

CRIME(S) OR VIOLATION(S) Type: OTHER

STATE OF OREGON
CITY/OTHER PUBLIC BODY: WEST LINN
COUNTY OF: CLACKAMAS
Case No:
COURT: WEST LINN MUNICIPAL

DEFENDANT The undersigned certifies and says that the following person:

ID Type: DL ID No: A122768 Date: OR In
Name: LAST LY First LUAN MI AI
Address: 2245 MICHAEL DR
City: WEST LINN State: OR Zip: 97068 Passenger
Sex: F Race: A DOB: 07/11/1986 Hgt: 5'01" Wgt: 130 Hair: BLK
Eye: BRO Lic. Exp: 2022 Juv: Lic. Class: c Emp to Drive:

TIME/PLACE At the following time and place in the above mentioned state and county:

On or About Date/Time: 10/15/2021 01:08 PM
At or Near: 2245 MICHAEL DR City: WEST LINN

NB: SB: EB: WB:
Highway: Premise Open to Public: Other: RESIDENCE

VEHICLE Involving the following:

Year: Make: Type: Model:
Color: State: OR
Regis/Vol/Car: Accident: Prop. Damage: Injury: Endanger Other:
Conf/Veh: Haz Mat: Driver Not Reg. Owner:
Other: Conf Pass:

OFFENSE(S) Did they and they commit the following offense(s):

HWY Work Zone: School Zone: VBR: Safety Corridor:
Radar: Pace: Laser: Other:
Alleged Speed: Designated Speed: Posted Limit:

Offense # 7.025 FAILURE TO OBTAIN /DISPLAY BUSINESS LICENSE

Warning:
Presumptive Fine 1: MUST APPEAR
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Offense #:
Warning:
Presumptive Fine 2:
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Offense #:
Warning:
Presumptive Fine 3:
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

OTHER

WLPD CASE #21-005329
Exp:

SIGNATURE

I certify under ORS 153.045 and 153.090 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.

Signature of Officer: *Nichola Higbee*

Officer name 1: HIGBEE, NICHOLA, B. Officer ID: 00423
Officer name 2: Officer ID:
Agency Name: WEST LINN POLICE DEPARTMENT
Issue Date: 10/15/2021

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:

11/18/2021 10:00 AM
Location: WEST LINN MUNICIPAL
22500 SALAMO RD #400
WEST LINN OR 97068
503-658-4263

00090026
COURT ADMINISTRATOR
TOD A. OWA

COURT CLERK

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not be Filed ORS 153.045 or 133.069

30090027
COMPLAINT QUESTIONS
For O.A. Use

CRIME(S) OR VIOLATION(S) Type: OTHER
(See A below) (Not Both) (See B below)

STATE OF OREGON
CITY/OTHER PUBLIC BODY: WEST LINN
COUNTY OF: CLACKAMAS
Case No.:
Court: WEST LINN MUNICIPAL

DEFENDANT The undersigned certifies and swears that the following person:

ID Type: DL ID No: A122769 State: OR Ph:
Name: LAST LY MI AJ
First: LUAN
Address: 2245 MICHAEL DR
City: WEST LINN State: OR Zip: 97068 Passenger:
Sex: F Race: A DOB: 07/11/1986 Hgt: 5'01" Wgt: 130 Hair: BLK
Eye: BRO Lic Exp: 2022 Juv: Lic Class: c Emp to Drive:

TIME/PLACE At the following time and place in the above mentioned state and county:

On or About Date/Time: 08/31/2021 04:50 PM
At or Near City: 2245 MICHAEL DR
WEST LINN
NB: SB: EB: WB:
Highway: Premise Open to Public: Other: RESIDENCE

VEHICLE Involving the following:

Year: Make: Model:
Color: Type:
Regis/Vin/Dir: State: OR
Accident: Prop. Damage: Injury: Endanger: Other:
Com'l Veh: Haz Mat: Driver Not Reg. Owner:
Other: Com'l Pass:

OFFENSE(S) Did then and there commit the following offense(s):

HWY Work Zone: School Zone: VBR: Safety Corridor:
Radar: Pace: Laser: Other:
Alleged Speed: Designated Speed: Posted Limit:

Offense #: 37.050
HOME OCCUPATION PERMIT VIOLATION
Warning:
Presumptive Fine 1: \$440.00
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Warning:
Presumptive Fine 2:
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Warning:
Presumptive Fine 3:
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

OTHER

WLPD CASE # 21-005329
Exp:

SIGNATURE

I certify under ORS 153.045 and 153.090 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.

Signature of Officer: *Nichola Higbee*
Officer name 1: HIGBEE, NICHOLA, B. Officer ID: 00423
Officer name 2: Officer ID:
Agency name: WEST LINN POLICE DEPARTMENT
Issue Date: 10/15/2021

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:

11/18/2021 10:00 AM
Location: WEST LINN MUNICIPAL
22500 SALAMO RD #400
WEST LINN OR 97068
303-656-4263

A COMPLAINT WILL BE FILED AGAINST YOU IN THE COURT SHOWN ON THE FRONT OF THIS CITATION. READ CAREFULLY

Appellant's Exhibit 6

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not be Filed ORS 153.045 or 153.089

30090028
COMPLAINT NUMBER

CRIME (C) OR VIOLATION (V) Type: OTHER
(See A below) (See B below)

STATE OF OREGON
CITY/OTHER PUBLIC BODY: WEST LINN
COUNTY OF: CLACKAMAS
Case No:
Court: WEST LINN MUNICIPAL

DEFENDANT The undersigned certifies and swears that the following person:

ID Type: DL ID No: A122768 Date of Birth: _____
Name: Last LY First LUAN MI: AJ
Address: 2245 MICHAEL DR
City: WEST LINN State: OR Zip: 97068 Passenger
Sex: F Race: A DOB: 07/11/1986 HT: 5'01" WT: 130 Hair: BLK
Eye: BRO Lic. Exp: 2022 Juv: Lic. Class: g Emp. to Drive:

TIME/PLACE At the following time and place in the above-mentioned state and county:

On or About Date/Time: 09/04/2021 02:00 PM
At or Near: _____ City: _____
2245 MICHAEL DR
WEST LINN
NB SB EB WB
Highway: Premise Open to Public Other: RESIDENCE

VEHICLE Involving the following:

Year: _____ Make: _____ Model: _____
Color: _____ Type: _____
Regis/Vin/IDR: _____ State: OR
Accident Prop. Damage Injury Endanger Other
Com1 Veh: Haz Mat: Driver Not Reg. Owner:
Other: _____ Com1 Pass:

OFFENSE(S) Did then and there commit the following offense(s):

HWY Work Zone School Zone VSR Safety Corridor
Radar Pace Laser Other
Alleged Speed: _____ Designated Speed: _____ Posted Limit:
Offense #: 37.050
HOME OCCUPATION PERMIT VIOLATION

Warning
Presumptive Fine 1: \$440.00
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Warning
Presumptive Fine 2: _____
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Warning
Presumptive Fine 3: _____
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

OTHER

WLPD CASE #21-005329
Exp: _____

SIGNATURE

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.

Signature of Officer: Nichola Higbee
Officer name 1: HIGBEE, NICHOLA B. Officer ID: 00423
Officer name 2: _____ Officer ID: _____
Agency Name: WEST LINN POLICE DEPARTMENT
Issue Date: 10/15/2021

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE

11/18/2021 10:00 AM
Location: WEST LINN MUNICIPAL
22500 SALAMO RD #400
WEST LINN OR 97068
503-858-4283

A COMPLAINT WILL BE FILED AGAINST YOU IN THE COURT SHOWN ON THE FRONT OF THIS CITATION. READ CAREFULLY

Appellant's Exhibit 6

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not be Filed ORS 153.045 or 153.069

CRIMES (see A below) OR VIOLATIONS (see B below) Type: OTHER

30090029
Cover: JAN 1 12:40:00 PM
Bureau: 01 A 104

STATE OF OREGON
CITY/OTHER PUBLIC BODY: WEST LINN
COUNTY OF: CLACKAMAS
Case No:
Court: WEST LINN MUNICIPAL

DEFENDANT The undersigned certifies and says that the following person:

ID Type: DL ID No: A122789 Date OR Ph: 204-743-7425
Name: Last LY First LUAN MI AJ
Address: 2245 MICHAEL DR
City: WEST LINN State: OR Zip: 97068 Passenger
Sex: F Race: A DOB: 07/11/1986 Hgt: 5'01" Wgt: 130 Hair: BLK
Eye: BRN Lic. Exp: 2022 Juv: Lic. Class: Emp to Drive:

TIME/PLACE At the following time and place in the above mentioned state and county:

On or About Date/Time: 09/03/2021 03:30 PM
At or Near City: WEST LINN
2245 MICHAEL DR.

NB: SB: EB: WB:
Highway: Premise Open to Public: Other: RESIDENCE

VEHICLE Involving the following:

Year: Make: Model:
Color: Type:
Regis/Vin/ID#: State: OR
Accident: Prop. Damage: Injury: Endanger: Other:
Com'l Veh: Haz Mat: Driver Not Reg: Owner:
Other: Com'l Pass:

OFFENSE(S) Did then and there commit the following offense(s):

HWY Work Zone: School Zone: VBR: Safety Corridor:
Radar: Pace: Laser: Other:
Alleged Speed: Designated Speed: Posted Limit:
Offense #: 37.055
HOME OCCUPATION PERMIT VIOLATION

Warning:
Presumptive Fine 1: \$440.00
Criminal Negligence: Intentional: Knowing: Reckless:
No Culpable Mental State:

Warning:
Presumptive Fine 2:
Criminal Negligence: Intentional: Knowing: Reckless:
No Culpable Mental State:

Warning:
Presumptive Fine 3:
Criminal Negligence: Intentional: Knowing: Reckless:
No Culpable Mental State:

OTHER

WLPD CASE #21-005329
Expl:

SIGNATURE

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do hereby affirm that I have sufficient grounds to and do believe that the above mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.

Signature of Officer: *Nichola Higbee*
Officer name 1: HIGBEE, NICHOLA, B. Officer ID: 00423
Officer name 2: Officer ID:
Agency Name: WEST LINN POLICE DEPARTMENT
Issue Date: 10/15/2021

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:

11/18/2021 10:00 AM
Location: WEST LINN MUNICIPAL
22500 SALAMD RD #400
WEST LINN OR 97068
503-656-4283

A COMPLAINT WILL BE FILED AGAINST YOU IN THE COURT SHOWN ON THE FRONT OF THIS CITATION.

Appellant's Exhibit 6

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not be Filed ORS 153.045 or 133.069

Type: CRIME(S) (see A below) OR VIOLATION(S) (see B below) OTHER

STATE OF OREGON
CITY/OTHER PUBLIC BODY: WEST LINN
COUNTY OF: CLACKAMAS
Case No.: 21-005329
Court: WEST LINN MUNICIPAL

DEFENDANT The undersigned certifies and says that the following person:

ID Type: DL ID No: A122768 State: OR Pt:
Name: Last LY First LUAN MI: AJ
Address: 2245 MICHAEL DR
City: WEST LINN State: OR Zip: 97068 Passenger:
Sex: F Race: A DOB: 07/11/1986 Hgt: 5'01" Wgt: 130 Hair:
Eyes: BRO Lic. Exp: 2022 Juv: Lic. Class: Emp to Drive:

TIME/PLACE At the following time and place in the above-mentioned state and county:

On or About Date/Time: 10/20/2021 04:40 PM
At or Near: 2245 MICHAEL DR, WEST LINN
NB: SB: EB: WB:
Highway: Premise Open to Public: Other: RESIDENCE

VEHICLE Involving the following:

Year: Make: Model:
Color: Type:
Regis/Mv/Dir: State: OR
Accident: Prop. Damage: Injury: Endanger Other:
Com'l Veh: Haz Mat: Driver Not Reg. Owner:
Other: Com'l Pass:

OFFENSE(S) Did they and there commit the following offense(s):

HWY Work Zone: School Zone: VBR: Safety Corridor:
Radar: Pace: Laser: Other:
Alleged Speed: Designated Speed: Posted Limit:

Offense #: 37.050 HOME OCCUPATION PERMIT VIOLATION

Warning:
Presumptive Fine1: \$440.00
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Offense #:
Warning:
Presumptive Fine2:

Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Offense #:
Warning:
Presumptive Fine3:

Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

OTHER

SIGNATURE

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.

Signature of Officer: *Nichola B. Higbee*
Officer name 1: HIGBEE, NICHOLA B. Officer ID: 60423
Officer name 2: Officer ID:
Agency Name: WEST LINN POLICE DEPARTMENT
Issue Date: 10/21/2021

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE

11/18/2021 10:00 AM
Location: WEST LINN MUNICIPAL
32500 SALAMD RD #400
WEST LINN OR 97068
503-856-4263

30090031
Reserved for Court Use



City of West Linn

October 15, 2021

Case # 21-005329

Luan Ly
2245 Michael Dr.
West Linn, OR 97068

RE: Cease and Deist Order

Dear Mrs. Ly,

This letter is being sent to inform you of complaints that have come to the attention of the City regarding the business that is operating on your property. The City of West Linn Planning Department, Finance Department, Police Department and Code Enforcement have all been working on this issue.

We have been made aware of additional violations of the West Linn Community Development Code occurring on your property, specifically regarding Home Occupation and not having a current home occupation permit or business license for swim lessons.

I first became aware of your home occupation 08/06/21 and spoke to you on 08/09/21 and you told me that you did have a business license. Later that day you told me that it had expired and that you renewed it and sent me a screen shot of a receipt. I told you to send me the updated license when you received it. I never received it.

On 08/11/21 I was informed by Planning Department and Accounting Department that you had added a new business by typing in swim instructor on to your renewal for the Language Teaching business license.

On 08/13/21 I came to your house at 2245 Michael Dr. and provided you with an ordinance Violation letter and told you to stop the swim school until you receive a business license.

You met with the City of West Linn Planning Department on 08/16/21 and discussed the business license and that the renewal was approved for the language school but NOT for the Swim lessons and that license was under review.

On 09/01/21 I was informed that you had resumed swim lessons at your house on 08/31/21.

On 09/01/21 I spoke with the Planning Department who was confused about the business license because there were two businesses on one license.

On 10/06/21 Planning and West Linn Police and Code Enforcement had a meeting about your home occupation. I was informed that you were never issued a business license to teach swim lessons. You received approval for only the Language Teaching Business. The City of West Linn and Code



City of West Linn

Enforcement are aware that you have continued to operate the swim lesson business since 08/31/21 due to complaints that we have received since 09/01/21. The second business; swim lessons is without a Business License or Home Occupation permit.

It is reported that the lessons have continued most days, from witness statements and photographs the dates of August 31, 2021, September 3, 2021, September 4, 2021, and September 10, 2021.

You are in Violation of West Linn Community Development Code 37.050 Permits, Community Development Code 37.020 General Standards, Municipal Code 7.025 License Required, and Municipal Code 5.487 Sound Levels and Noise.

Within this letter is a copy of the mentioned West Linn Municipal Codes and Community Development Codes that are mentioned above. Complaints that we have received and/or observed have been highlighted.

West Linn Community Development Code 37.050 Permits

- A. A home occupation permit shall be required for a home occupation, subject to the provisions of this chapter, prior to issuance of a business license.
- B. A copy of each home occupation permit, including the permit number, shall be kept by the Planning and Building Department and on the premises of the business.
- C. A home occupation permit is non-transferable to any other person or any other property, and shall expire upon discontinuance of the home occupation by the person to whom it is issued. (Ord. 1463, 2000; Ord. 1604 § 39, 2011)

West Linn Community Development Code 37.020 General Standards

- A. A home occupation shall comply with all the following operating standards:
 - 1. The home occupation shall be a secondary use to the primary use of the house as a residence.
 - 2. In no way shall the appearance of the residential structure or yard be altered, or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than a sign as permitted per subsection (A){9} of this section.
 - 3. There shall be no outdoor use or storage of material or mechanical equipment that is not part of the residential use.
 - 4. An accessory building which meets the provisions of Chapter 34 CDC may be used for the home occupation.



City of West Linn

5. Any parking generated by patrons shall be accommodated on site.
6. Off-street parking areas with three or more spaces shall be screened by a fence constructed per Chapter 44 CDC specifications, topography, vegetation, or a combination of these methods. Screening vegetation must be in place by the time the applicant submits a home occupation application, or be reasonably expected to provide effective screening within one and one-half years of approval of said application.
7. No equipment or process shall be used in a home occupation which creates noise, odor, smoke, fumes, fallout, vibration, heat, glare, or electrical interference resulting detectable to the normal senses off the lot.
8. No more than three employees, other than the residents, shall be engaged in service on the premises at any given time.
9. The use of signs shall meet the requirements of Chapter 2 CDC unless modified by this chapter.
10. Occupied or unoccupied vehicles associated with the home occupation shall not have engines idling at any time, except during the immediate loading or unloading of cargo, mail, packages or passengers. Vehicles associated with the home occupation shall not be loaded or unloaded between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday, or between the hours of 6:00 p.m. to 9:00 a.m. on Saturday and Sunday. Other noise-generating machinery associated with conducting a home occupation shall also follow these guidelines.
11. The owner of the business must reside in the primary structure on the premises.
12. Only one vehicle no larger than a three-quarter-ton truck may be used by the occupant, directly or indirectly, in connection with a home occupation. An off-street parking space shall be provided for this vehicle.
13. The use creates no more than eight total vehicle trips per day including employees, all deliveries, and customers. One trip is equal to one vehicle entering the site and exiting the site. Home occupations with pupils or students, such as, but not limited to, dance, music or language classes, are exempt from the vehicle trip limitation. (Ord. 1463, 2000; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1606 § 1, 2012; Ord. 1675 § 35, 2018)

West Linn Municipal Code 7.025 License Requirement

It shall be unlawful for any person to carry on any business within the City without first obtaining a license and maintaining compliance with the provisions of Sections 7.000 to 7.080.



CITY OF West Linn

West Linn Municipal Code 5.487 Sound Levels and Noise

4. Prohibited Noises. The following acts are declared to be per se violations of this chapter. This enumeration does not constitute an exclusive list. It shall be unlawful for any person to commit, create, assist in creating, permit, continue, or permit the continuance of any of the following:

(e) **Yelling, Shouting, and Similar Activities.** Yelling, shouting, hooting, whistling, singing, or creation of noise in residential areas or in public places, between the hours of 9:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities, unless a special permit is granted by the City Manager. This section is to be applied only to those situations where the disturbance is not a result of the content of the communication but due to the volume, duration, location, timing or other factors not based on content.

In order to abate these conditions, the highlighted items above will need to be addressed. Due to the nature, extent and number of violations you must discontinue the unlicensed home occupation until the items above are remedied.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Higbee'.

Officer N. Higbee
Community Service Officer
West Linn Police Department
(503) 742-6112



City of West Linn

November 10, 2021

Luan Ly Lierman
2245 Michael Dr.
West Linn, OR 97068

Dear Ms. Lierman,

The City of West Linn has reviewed your case regarding a home occupation permit and business license at 2245 Michael Drive. It has been determined that you were provided a business license for both a language school and a swim lessons school although the latter was in error.

When the language school home occupation permit and business license was renewed, a second home occupation use for a swimming lessons school was added to the renewal application. In turn, this resulted in the swimming lessons school being permitted as a local business, but without that use being subjected to the required comprehensive land use review. This should have been a new and separate business license along with a revised home occupation permit application.

The City of West Linn Police Department has determined the best course of action is to dismiss the following citations, # 30090027, # 30090029, # 30090028, # 30090030, # 30090026 and # 30090031 and to proceed with requiring a revised home occupation application and review.

After dismissal of the citations, business license # 19-000140 will be rescinded, and a new and approved business license for the language school will be sent to you. The City politely requests that you apply for a new business license and home occupation permit for the swimming lessons school. Once that application has been received, the City will review the land use and applicability to determine whether approval of a home occupation with a swimming lessons school may be approved under applicable City code.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry Gabrielatos", is written over the typed name and title.

Jerry Gabrielatos
City Manager

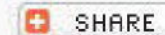
37.030 SPECIFIC HOME OCCUPATION USES PROHIBITED

A. *Repealed by Ord. 1635.*

B. Any home occupation involving the on-site sale or resale of automobiles, trucks, boats, trailers, or other motorized vehicles. (Ord. 1463, 2000; Ord. 1635 § 21, 2014)

Appellant's Exhibit 9

7.040 Denial or Revocation of License – Appeal.



- (1) The City may deny or revoke a license upon finding that:
 - (a) The applicant fails to meet the requirements of Sections 7.000 to 7.080, or is doing business in violation of this chapter, zoning regulations, or applicable Federal, State, County, or local law.
 - (b) The applicant has provided false or misleading information, or has omitted disclosure of a material fact on the business license application, related materials, or license.
 - (c) The information supplied for review of the business license application does not indicate that the applicant has the special knowledge or skill required to perform the licensed activity.
 - (d) The licensed activity would constitute a public nuisance, endanger property, or endanger the public health, safety, or welfare.
 - (e) The applicable business license fee has not been paid by the due date.
- (2) The City Manager shall provide written notice to the applicant of a denial or revocation. The notice shall state the reason for denial or revocation and shall inform the applicant of the right to appeal pursuant to the administrative appeals process in Section 1.400 et seq.
- (3) Notices of revocation shall be given at least 30 days before the revocation becomes effective. If the violation ends within the 30 days, the City may discontinue the revocation proceedings.
- (4) A person whose application for any business license has been denied or whose license has been revoked may, after 90 days from the date of denial or revocation, apply for a license upon payment of the application fee and submission of an application form and required attachments.