

January 3, 2022

EXHIBIT YY

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VIA E-MAIL

Mr. Stan Pulliam, Mayor
Sandy City Council
Sandy City Hall
39250 Pioneer Boulevard
Sandy, OR 97055

RE: Sandy City Council January 3, 2022 Meeting Agenda Item 8.1; Deer Meadows
Appeal Hearing Scope of Review

Dear Mayor Pulliam and Sandy City Council Members:

This office represents the Applicant in the above-referenced matter. This letter addresses the City Council's consideration of the scope of the appeal hearing.

The City Council may consider this letter because it is argument only and contains no new evidence. City Attorney David Doughman confirmed that the Applicant may submit this letter.

The Applicant requests that the City Council hold an "on the record" appeal hearing as anticipated by Sandy Development Code ("SDC") 17.28.30 for the following reasons:

First, the "good cause" standard in SDC 17.28.30 is not a clear and objective procedural standard and is prohibited by ORS 197.307(4).

Second, while the Applicant generally agrees with the City Attorney's comments in his December 21, 2021 memorandum, the Applicant does not agree that these comments rise to "good cause" in this Application because the evidentiary record is not complex and even if it were, the comments do not show good cause where no application-specific reason for holding a *de novo* hearing has been provided.

Third, a *de novo* hearing prejudices the Applicant's substantial rights to a full and fair hearing by violating ORS 197.307(4).

Finally, ORS 197.522 allows the Applicant to modify the application or to offer a condition of approval, so a *de novo* hearing is unnecessary for the purpose of addressing relevant clear and objective approval criteria.

Thank you for considering the Applicant's arguments.

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Very truly yours,



Michael C. Robinson

MCR:jmhi

cc: Mr. Dave Vandehey (*via email*)
Mr. Alex Reverman (*via email*)
Mr. Carey Sheldon (*via email*)
Mr. Tracy Brown (*via email*)
Mr. Ray Moore (*via email*)
Mr. Mike Ard (*via email*)
Mr. Tyler Henderson (*via email*)
Mr. Garrett Stephenson (*via email*)
Ms. Erin Forbes (*via email*)
Mr. Kelly O'Neill, Jr. (*via email*)
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