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March 2, 2022

Via E-mail sammy.egbert@ci.coburg.or.us and First Class Mail

Received by
City of Coburg
MAR 02 2022

Coburg City Council
c/o Sammy Egbert, City Recorder
City of Coburg
PO Box 8316
Coburg, OR 97408

RE: Request for Materials, Reopened Record and Postponed Meeting
City File No. ANX 01-20/ZC 01-20 (Ordinance A-200-J)
Our Client: Diamond Ridge Water Association
Our File No. 13912

Dear Council Members:

On behalf of my client, the Diamond Ridge Water Association, I hereby formally request that the City Council:

1. Provide copies of materials introduced into evidence by the applicant at the public hearing on February 22, 2022;
2. Reopen the public record to allow interested parties the opportunity to respond to the evidence received into the record at the public hearing on February 22nd; and
3. Postpone the second reading of Ordinance A-200-J presently set for the meeting on March 8, 2022 to allow the Council to consider the interested parties' responses.

At the public hearing on February 22, 2022, the Coburg City Council reopened the public record in ANX 01-20/ZC 01-20 and allowed the applicant's representative to present additional testimony and evidence in support of the application to the Council.

This information, including a Powerpoint presentation and other materials, was not part of the application materials and had not been made available to the public in advance of the hearing. As such, substantial rights to present and rebut evidence at a full and fair hearing have been prejudiced.

ORS 197.763(2)(h) requires that "all documents and evidence submitted by or on behalf of the applicant be available for inspection at no cost" in advance of the hearing. To date, I am advised that the City staff have not yet made these materials and evidence publicly available. Accordingly, we respectfully request that the Council instruct staff to make this new evidence publicly available for inspection.

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ORS 197.763(7) provides that, “[w]hen a local governing body...reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue.” As my clients have not been afforded a meaningful opportunity to present new evidence, arguments, or testimony related to the new materials introduced at the February 22nd, we respectfully request that the City Council reopen the public record after the new evidence is made available for a period of ten (10) days to allow my clients an opportunity to present additional testimony that is responsive to the evidence received on February 22, 2022.

As the second reading of Ordinance A-200-J is presently set for a meeting on March 8, 2022, we respectfully request that the Council postpone that second reading, so that it can make a decision with the benefit of the responsive testimony.

Very truly yours,

HUTCHINSON COX



Zack P. Mittge

ZPM/gcc