

## Memorandum

Date: July 28, 2017

To: West Linn Planning Commission

From: Darren Wyss, Associate Planner *DSW*

Subject: Final Decision and Order Discussion

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At its July 19, 2017 meeting, the Planning Commission (PC) engaged in a discussion regarding the timing of the signed Final Decision and Order associated with a quasi-judicial decision made by the PC. Several PC members had questions regarding the recent withdrawal of a subdivision application subsequent to the PC voting for denial, but before the Final Decision and Order was completed and signed. Current Community Development Code provisions, which allow such a situation to occur, were outlined by City Attorney Tim Ramis. Mr. Ramis also provided an overview of the PC role in cases where this scenario happens and another application is filed on the same property.

After some further discussion, a motion was passed to have a prepared Final Decision and Order ready at the meeting for signature after a quasi-judicial vote is rendered. The concern is to eliminate the potential for a similar withdrawal in the future. The PC agreed to have staff put together some information for a further discussion at the August 2, 2017 PC meeting.

The City Attorney is going to provide a legal analysis for the upcoming discussion under separate cover, but below is additional information for the PC to consider:

- This withdrawal situation is very rare. Staff is aware of this occurring only twice in the past 10 years (2006-2017).
  - SUB 17-01, which just occurred in June 2017 and is the impetus for the discussion
  - ZC 14-01, which occurred in January 2015 after the PC had made a recommendation to City Council (CC) for approval. The CC held a public hearing, deliberated, and tentatively voted to deny the application. The CC scheduled a hearing to adopt findings two weeks later, but the application was withdrawn before the findings were adopted.
- There is no policy/procedure prohibiting an applicant from withdrawing a proposal at the public hearing, even after the vote has occurred.

The information provided above is intended to help stimulate the discussion at the meeting. Please bring your thoughts on these subjects and any additional information you feel will help in the discussion. Staff looks forward to a productive exchange regarding this agenda item.