



## Memorandum

Date: November 22, 2024

To: West Linn Planning Commission

From: Darren Wyss, Planning Manager

Subject: Appeal Authority Discussion

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At the joint meeting with City Council on November 18<sup>th</sup>, the Planning Commission was asked to discuss the appeal authority for staff level decisions. Several jurisdictions in the Portland Metro Region use the Planning Commission as the appeal authority and Council is looking for input on potentially moving towards this arrangement. Attached you will find the appeal authority/process comparison table that was provided to City Council.

If you have questions about the meeting or materials, please feel free to email or call me at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) or 503-742-6064. As always, please submit questions before the meeting to increase the efficiency and effectiveness of the discussion as it allows staff to prepare materials and distribute them for your consideration. Thanks, and hope to see everyone at the meeting.

## Appeal Processes for Metro Area Cities

	Appeal Body	Scope of Appeal	Additional Information
<b>City of Oregon City</b>			
			<a href="#">Muni Code Chapter 17.50.190</a>
Type I	Not Appealable	n/a	
Type II	City Commission	On-the-Record	Limited to Issues Listed in Notice to Appeal
Type III	City Commission	On-the-Record	Limited to Issues Listed in Notice to Appeal
<b>City of Lake Oswego</b>			
			<a href="#">Muni Code Chapter 50.07</a>
Ministerial (Type I)	Not Appealable	n/a	
Other Decisions (II/III)	City Council	On-the-Record	De Novo Exception in Code (50.07.003(7))
<b>City of Wilsonville</b>			
			<a href="#">Chapter 4 - Planning and Land Development</a>
Planning Dir. (Class I/II)	Design Review Board (DRB)	De Novo, but Discretion to Limit to On-the-Record	DRB Decision Appealable to City Council (4.022)
DRB (Class II)	City Council	On-the-Record	Discretion to allow new evidence or Full De Novo
<b>City of Tualatin</b>			
			<a href="#">Chapter 32: Development Review Procedures</a>
Type I	Not Appealable		
Type II	City Council	De Novo	Architectural Review to Architectural Review Board First
Type III	City Council	De Novo	
<b>City of Gladstone</b>			
			<a href="#">Chapter 17.92</a>
Staff Decision	Planning Commission (PC)	Submitted Application	PC Decision Appealable to City Council (17.92.010)
PC Decision	City Council	PC Decision	

	Appeal Body	Scope of Appeal	Additional Information
<b>City of Milwaukie</b>			<a href="#">Chapter 19.1000 Review Procedures</a>
Type I	Planning Commission	Unrestricted De Novo	Allows new evidence by any Party
Type II	Planning Commission	Unrestricted De Novo	Allows new evidence by any Party
Type III	City Council	On-the-Record De Novo	No new evidence, Testimony limited to record, Scope limited to issues raised on appeal
<b>City of Tigard</b>			<a href="#">Title 18.710.100</a>
Type I	Hearings Officer	De Novo	
Type II	Hearings Officer	De Novo	
Type III	City Council	De Novo	Limited to 5 Discretionary Application Types
<b>City of Beaverton</b>			<a href="#">Development Code Chapter 50 - Procedures</a>
Type I	Planning Commission	De Novo	
Type II	Planning Commission	De Novo	
Type III	City Council	De Novo	Can request On-the-Record
<b>City of Hillsboro</b>			<a href="#">Chapter 12.70.180</a>
Type I	Planning Commission	De Novo	
Type II	Planning Commission	De Novo	
Type III	City Council	On-the-Record	Code contains specific provisions on granting request for De Novo proceedings

Type I and II Decisions are staff level

Type III Decisions are by an appointed Board or Commission, or Hearings Officer