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TO: Mayor and Council
FROM: Charles I. Wadams, City Attorney
DATE: July 10, 2023
SUBJECT: Written Decision for SAPFY2023-0001 (The Residences at River Club Specific Area Plan)

ACTION REQUIRED: Adopting a written decision with reasoned statements.

RECOMMENDATION: Adopting a written decision with reasoned statements.

FISCAL IMPACT/BUDGET IMPLICATIONS: Unknown.

BACKGROUND: Trevor Nicoll has requested a Specific Area Plan for 22.68 acres located at 6515 W. State Street. The Planning and Zoning Commission recommended approval with conditions. The matter was in front of City Council on June 12 and June 26, 2023. The City Council verbally approved the application with conditions after the public hearing and deliberations.

During the application process, several legal issues were raised and addressed in legal memorandums dated June 12 and June 26, 2023. Since the City Council verbally approved the application with conditions after the public process, there needs to be a written decision with reasoned statements pursuant to the Local Land Use Planning Act (LLUPA). Subsequently, there will be a rezone ordinance and a development agreement for this project.

ANALYSIS: Two legal issues raised, which I addressed in a memorandum dated June 12, 2023, were ownership of the property and the changes to the application. Two issues that were subsequently raised and addressed in a memorandum dated June 26, 2023, were the written decision document and public accessibility. Regarding the public accessibility issue, the City Council decided on June 26, 2023 that there should not be public pedestrian access from the proposed development to N. Fair Oaks Place.

Pursuant to LLUPA, the final written statement shall contain a reasoned statement or statements justifying the decision. Because of the complexities of the application, I recommended that the Council not make its final written decision until after June 26, 2023. I am now providing further legal advice on the written decision.

The proposed Findings of Fact, Conclusions of Law and Decision likely includes the required reasoned statements. General Condition #9 clarifies that the date of the decision and action is the date that the decision maker approves the written decision (not the oral pronouncement). Therefore, I am recommending that the City Council adopt a written decision with reasoned statements on July 10, 2023.

THIRD MEMORANDUM ON SAPFY2023-0001 (THE RESIDENCES AT RIVER CLUB SPECIFIC AREA PLAN)