

Agenda Bill 2026-05-27-2026

Date Prepared: May 14, 2026

For Meeting Date: May 27, 2026

To: Tommy Brooks, Hearings Officer

Through: Steve Koper, Community Development Director *SK*

From: Aaron Gudelj, Associate Planner

Subject: Appeal of Planning Commission Approval of City Operations Facility – (AP-26-01)

Purpose

To hold a public hearing and consider an appeal ([AP-26-01](#)) (“Appeal”) of the City of West Linn Planning Commission’s approval of a proposal by the City of West Linn Public Works Department (“Applicant”) to construct an operations facility (“Operations Facility”) serving the City of West Linn Public Works, Environmental Services, Parks and Recreation, and Water and Streets Departments at 23800 and 23834 Salamo Road (Conditional Use Permit, Class II Design Review, and Water Resource Area Permit ([CUP-25-02 / DR-25-02 / WAP-25-01](#))). The appeal was submitted by the Savannah Oaks Neighborhood Association (“Appellant”).

Background & Discussion:Land Use Application Process and Hearings

The Applicant submitted for a Conditional Use Permit, Class II Design Review, and Water resource Area Permit ([CUP-25-02 / DR-25-02 / WAP-25-01](#)) (“Application”) seeking approval of an Operations Facility on July 18, 2025. The application was deemed incomplete by the City on August 15, 2025. A revised application was subsequently submitted on December 3, 2025 and the City deemed the application complete on December 17, 2025.

The Planning Commission (“Commission”) held an initial evidentiary public hearing on the Application on February 4, 2026, which was noticed in accordance with West Linn Community Development Code (“CDC”) Chapter 99, to consider the application. After public testimony the initial evidentiary public hearing was continued to February 18, 2026, pursuant to ORS 197.797, upon the request of a member of the public.

On February 13, 2026, a revised Staff Report was provided, including with additional recommended conditions of approval, a supplemental memorandum summarizing the findings of the Staff Report in relation to the testimony received at the February 4, 2026 hearing, a copy of the City’s Zoning Map, a copy of the City’s Comprehensive Plan Map, and City Council Agenda Bill 2021-07-12-05 into the record.

On February 17, 2026, the Applicant submitted into the record a 30-day extension to the 120-day final decision date from April 16, 2026, to May 17, 2026.

At the second evidentiary hearing on February 18, 2026, a request for continuance was made by a member of the public, stating that additional time was needed for review of additional items in the record, submitted by members of the public and Staff, submitted after the initial evidentiary hearing. A motion was made by Commissioner Jones to 1) close the public hearing, 2) leave the record open for additional written testimony for an additional 7 days to February 25, 2026 at 5:00 p.m., 3) allow the applicant an additional 7 days, to March 4, 2026 at 5:00 p.m., to submit a final legal argument, and 4) to continue the hearing to March 4, 2026. The motion was passed by the Commission, 6-1.

After the February 18, 2026 hearing, and prior to the March 4, 2026 hearing, staff received written public testimony (Exhibit - PC-N).

On February 25, 2026, a supplemental Staff Memorandum was submitted into the record, summarizing oral testimony made at the February 18, 2026 hearing, regarding the zoning of the subject property.

On February 27, 2026, the Applicant submitted their final legal argument into the written record.

The third hearing began at 6:00 p.m. on March 4, 2026, with deliberations by the Commission only. Chair Schulte-Hillen opened the hearing and allowed for a point-of-order from Michael Kapigian, regarding information from the applicant's final argument, dated February 27, 2026, that showed where power lines had previously been placed underground along Salamo Road. Mr. Kapigian argued that this information was new information and should not be considered by the Planning Commission as part of the applicant's final legal argument. The Commission agreed to strike and disregard the information regarding the status of underground power lines from the applicant's legal argument as part of their deliberations, dated February 27, 2026, from the record and continue to deliberate.

Commission Decision

After deliberations concluded, the Commission voted 4-3 to approve the application with 17 conditions of approval. The Commission based its decision on its deliberations, Applicant Submittal and Supporting Materials (Exhibits PC-A through PC-M), Staff Report (Attachment 7), Applicant Clarifications Memo (Exhibit PC-O), and Supplemental Materials and Memoranda (Exhibits PC-P through PC-U). On March 12, 2026, the Planning Commission's Final Decision and Order was mailed to the parties of record pursuant to CDC Chapter 99 (Attachment 2).

Appeal

The Appellant submitted a timely appeal of the Planning Commission's approval of the Application on March 23, 2026 (Attachment 1).

City Council Delegation of its Appeal Authority

At its April 14, 2026, City Council public hearing, the City Council delegated their appellate authority over the Appeal of the Planning Commission's approval of the Application to an independent Hearings Officer.



Notice of Appeal

On April 24, 2026, the City provided mailed public notice that the appeal hearing would be held on Wednesday, May 27, 2026, in accordance with CDC Chapter 99.

Second 120-day Extension

On April 26, 2026, the Applicant submitted a second extension of the 120-day time period, extending the day by which the City must make its final local decision from May 17, 2026, to July 31, 2026.

Appeal Hearing:

Appeal Applicable Criteria

The applicable criteria for the Appeal are CDC Chapters 11, 32, 41, 42, 46, 55, 60, 96, and 99 and applicable Chapters of the West Linn Comprehensive Plan.

Appeal Hearing Process

The Appeal hearing will be conducted “de novo” (CDC 99.280), meaning participants may introduce new evidence and arguments. Previous records also become part of the hearing record. The Hearing Officer regulates the hearing similarly to Council practice, ensuring transparency and due process for all parties. At the end of testimony, the public hearing is typically closed unless the Hearings Officer continues the hearing. The Hearings Officer may leave the written record open to allow for further written submissions, consistent with state law.

Appeal Decision

After the close of the public hearing and the written record, the Hearing Officer will draft a final decision with findings of fact, legal analysis, and a conclusion affirming, reversing, or modifying the Planning Commission’s approval of the Application. The City will mail the final decision to all parties of record, as required by CDC Chapter 99. The final decision from the Hearings Officer may be subject to appeal to the Oregon Land Use Board of Appeals (LUBA) pursuant to their rules.

Attachments:

1. [Appellant application AP-26-01, dated March 23, 2026.](#)
2. [CUP-25-02 - DR-25-02 - WAP-25-01 Planning Commission Final Decision and Order, dated March 12, 2026](#)
3. [Planning Commission Meeting Notes for February 4, 2026 Public Hearing](#)
4. [Planning Commission Meeting Notes for February 18, 2026 Public Hearing](#)
5. [Planning Commission Meeting Notes for March 4, 2026 Public Hearing](#)
6. AP-26-01 City Council Hearing Affidavit and Notice Packet.
7. [Staff Report to the Planning Commission for March 4, 2026, Public Hearing](#)
8. [CUP-25-02 - DR-25-02 - WAP-25-01 Project Page](#) (hyperlink)
 - a. Applicant Materials
 - i. [PC-A - Application and Narrative](#)
 - ii. [PC-B - Plan Set and Civil and Landscape Drawings](#)
 - iii. [PC-C - Tree Preservation Plan and Arborist Report](#)
 - iv. [PC-D - Stormwater and Grading Plan](#)
 - v. [PC-E - Transportation Assessment](#)
 - vi. [PC-F - Water Resources Area Review](#)
 - vii. [PC-G - Wetland Delineation Report \(2025\) and ODOT Solar Project \(2009\)](#)
 - viii. [PC-H - Lighting Plan and Service Provider Permit](#)
 - ix. [PC-I - Neighborhood Meeting Outreach](#)
 - x. [PC-J - Geotechnical Engineering Report](#)
 - xi. [PC-O - Applicant Clarifications Memorandum 02.13.2026](#)
 - xii. [Applicant Response 02.27.2026](#)
 - xiii. [120-day extension 02.17.2026 and second extension 04.29.2026](#)
 - xiv. [Applicant PC Presentation 02.04.2026 and 02.18.2026](#)
 - b. [PC-L - Public Notices](#)
 - c. [PC-N - Public Comments](#)
 - d. Staff Reports and Supplemental Memorandums
 - i. [PC-R - City Council Agenda Bill 2021-07-12-05](#)
 - ii. [PC-S - Staff Supplemental Findings Memorandum 02.13.2026](#)
 - iii. [PC-T – Staff Supplemental Findings Memo 02.18.2026](#)
 - iv. [Staff PC Presentation 02.04.2026](#)
 - v. [Staff PC Presentation 02.18.2026](#)
 - vi. [PC-U - Staff Zoning Memo 02.23.2026](#)
 - e. Final Decision and Order
9. Planning Commission Meeting Notes and Recordings
 - a. [February 4, 2026 Meeting Notes](#)
 - b. [February 4, 2026 Video](#)
 - c. [February 18, 2026 Meeting Notes](#)
 - d. [February 18, 2026 Video](#)
 - e. [March 4, 2026 Meeting Notes](#)
 - f. [March 4, 2026 Video](#)