

**WEST LINN PLANNING COMMISSION
FINAL DECISION AND ORDER
DR-25-04/LLA-25-02**

**IN THE MATTER OF A CLASS II DESIGN REVIEW AND PROPERTY LINE ADJUSTMENTS AT
2410/2422/2444 TANNER DRIVE AND 1800 BLANKENSHIP ROAD, INCLUDING SEVEN
MANDATORY ADJUSTMENTS PURSUANT TO OREGON REVISED STATUTE 197A.395, FOR
CONSTRUCTION OF A MIXED-USE DEVELOPMENT OF 320 MULTI-FAMILY RESIDENTIAL UNITS
IN 10 BUILDINGS, GARAGES, CLUBHOUSE, ACCESSORY USES, AND 11,630 SQ. FT. OF
COMMERCIAL SPACE ON GROUND FLOOR OF FOUR BUILDINGS.**

Materials: The application and staff report are available at [2410, 2422, & 2444 Tanner Drive Class 2 Design Review and Lot Line Adjustment | City of West Linn Oregon Official Website](#)

I. Overview

At its meeting on August 10, 2026, the West Linn Planning Commission (“Commission”) held a public hearing to consider the commercial components of the request by Tanner Holdings LLC to approve a Class II Design Review and Property Line Adjustments at 2410/2422/2444 Tanner Drive and 1800 Blankenship Road. The proposal includes construction of a mixed-use development with 320 multi-family residential units in 10 buildings, garages, clubhouse, accessory uses, and 11,630 sq. ft. of commercial space on ground floor of four buildings. The residential components were not part of the public hearing and were only subject to Commission deliberations.

The approval criteria for this proposal are Community Development Code (CDC) Chapter 21, Chapter 42, Chapter 44, Chapter 46, Chapter 48, Chapter 54, Chapter 55, Chapter 85, Chapter 96, and Oregon Revised Statute (ORS) 197A.195, Section 38.

The commercial component of this decision is a Limited Land Use Decision and subject to ORS 197.195 and the City’s development code, including the requirement to hold a public hearing prior to making a decision. The residential component of this decision is subject to ORS 197A.400 for clear and objective standards and the mandatory procedure outlined in House Bill 4037, Section 17, which does not permit holding a public hearing prior to making a decision. However, this final decision and order reaches a decision on both the commercial and residential components of the application.

The Commission public hearing only permitted oral testimony on approval criteria related to the commercial component of the proposal. No oral testimony related to the residential component of the proposal was accepted.

Written comments regarding the commercial component of the decision were submitted prior to the July 30, 2026 deadline. Written comments regarding the residential component of the decision were submitted prior to the August 5, 2026 deadline.

The hearing on the commercial component commenced with a staff report. The applicant team provided oral testimony. Oral testimony was provided at the hearing by members of the public. Oral rebuttal was provided by the applicant team. The Commission asked questions of staff, the applicant, and the public. The public hearing and record were closed on August 10, 2026. The Planning Commission unanimously voted to continue deliberations on the proposal to August 26, 2026, at 6:00 p.m.

At the Commission meeting on August 26, 2026, at 6:00 p.m., the Commission deliberated on both the commercial and residential components of the proposal.

A motion was made by Commissioner Dietz to tentatively deny the application “based on the entire record before the Planning Commission, I find that the applicant has not met its burden of proof to demonstrate compliance with all applicable approval criteria of the West Linn Community Development Code. Accordingly, I move that the Planning Commission deny application DR-25-04/LLA-25-02 because the applicant has failed to demonstrate compliance with the following applicable standards:

CDC 21.050(2), requiring that multi-family residential development within the Office Business Center zone be part of a mixed-use development with commercial development utilizing the first floor. The applicant has not demonstrated that the proposed adjustments under ORS 197A.395 preserve compliance with the permitted use requirements of the OBC zone.

I further find that the applicant has not met its burden of proof under CDC 55.130(C) and CDC 55.130.E(2) and (4). The grading and drainage plan does not contain substantial evidence demonstrating that a stormwater detention or treatment pond is impractical or reasonable alternatives were evaluated. Section 3.11.1 of the West Linn Stormwater Management Manual provides that structural detention facilities, including tanks, pipes, vaults may be approved only when a pond is impracticable. The record contains no site-specific engineering analysis demonstrating that the detention pond isn't feasible. Additionally, Section 1.1 of the Stormwater Management Manual requires development to prioritize green development practices and the applicant has not demonstrated that this requirement has been satisfied. The applicant has also failed to provide sufficient information regarding retaining walls, including adequate engineering and design information necessary for the Commission to evaluate the structural drainage and site design impacts. Without this information, the commission cannot make affirmative findings as required under CDC 55.130.

So, while conditions of approval may address construction details, they cannot substitute for the applicants’ burden to demonstrate compliance with the applicable approval criteria through substantial evidence in the record before approval is granted”.

The motion was seconded by Commissioner Walvatne.

During discussion of the motion, Commissioner Saltee made a motion to amend the motion made by Commissioner Dietz; “the applicant has not demonstrated compliance with West Linn Community Development Code Section 48.025(C). The record does not establish the required blocks and Finding 74 does not establish an exception under 48.025.C(3) because it does not show extreme topography or a compelling functional limitation precludes implementation. The unresolved classification of internal routes also prevents consistent findings under Section 38 of Oregon Senate Bill 1537. Further move staff to prepare final written findings consistent with that denial”.

The motion to amend the motion to tentatively deny the application was seconded by Commissioner Dietz.

The motion to amend the motion to tentatively deny the application resulted in five (5) votes in favor (Kachirisky, Walvatne, Saltee, Dietz, Shulte-Hillen) and zero (0) opposed.

The motion on the amended motion to tentatively deny the application resulted in five (5) votes in favor (Saltee, Walvatne, Kachirisky, Dietz, Shulte-Hillen) and zero (0) opposed.

The Planning Commission directed staff to bring an updated Final Decision and Order for review and adoption at its Wednesday, September 2, 2026, meeting.

On September 2, 2026, a motion was made by Commissioner Saltee to adopt the Final Decision and Order denying the application DR-25-04/LLA-25-02. The motion was seconded by Commissioner Dietz. The motion resulted in five (5) votes in favor (Kachirisky, Walvatne, Saltee, Dietz, Shulte-Hillen) and zero (0) opposed.

II. The Record

The record was finalized at the August 10, 2026, public hearing.

Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Tannler Holdings, LLC.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment; and the evidence in the whole record.

III. Findings

The Commission hereby denies DR-25-04/LLA-25-02. The Commission concludes the record does not satisfy the Applicant’s burden to prove compliance with all applicable criteria including the following:

1. Mandatory Adjustment to first story commercial use requirements in the Office Business Center (OBC) zone.

The Commission rejects the evidence in the record that CDC Chapter 21.050(2) is a development standard as opposed to a permitted use standard. The Commission finds the applicant did not meet its burden of proof to demonstrate that CDC Chapter 21.050(2) is a development standard and not a permitted use standard with specific prescribed conditions that require the entire first floor of buildings to be comprised of commercial uses. Additionally, the Commission finds insufficient evidence in the record to establish compliance with CDC Chapter 48.025(C). The applicant did not meet its burden of proof to show extreme topography, or a compelling functional limitation precludes implementation of a complete block pattern. Therefore, even if the Commission accepted that the first-floor commercial requirement is a development standard, the applicant has not established the footprint of all buildings meet the setback standards to be eligible for mandatory adjustments in ORS 197A.195 that would permit residential use of the first floor in the OBC zone.

2. Stormwater Detention and Treatment and Geologic Hazards

The Commission finds the applicant did not meet its burden of proof to provide sufficient factual data related to stormwater detention and treatment facilities as required by CDC Chapter 55.130(C). The Preliminary Stormwater Report dated May 2026 does not contain substantial evidence demonstrating compliance with the West Linn Public Works Design Standards as required by CDC Chapter 55.105.N(2), including that a stormwater detention or treatment pond is impractical or reasonable alternatives were evaluated. Section 3.11.1 of the West Linn Stormwater Management Manual provides that structural detention facilities, including tanks, pipes, vaults may be approved only when a pond is impracticable. The Commission finds the record contains no site-specific engineering analysis demonstrating that the detention pond isn't feasible. Additionally, Section 1.1 of the Stormwater Management Manual requires developers to prioritize green development practices and the applicant has not demonstrated this requirement has been satisfied.

The Commission finds the applicant did not meet its burden of proof to provide sufficient factual data related to geologic hazards as required by CDC Chapter 55.130(C). The Report of Geotechnical Engineering Services dated September 16, 2025, does not contain substantial evidence demonstrating the proposed methods of rendering known or potential hazards are adequate to prevent landslides or other damage to property and safety. The Commission specifically finds the lack of adequate engineering and design information on proposed retaining walls and the lack of soil and rock borings precludes the Commission from evaluating proposed mitigations for known risks of landslides or property damage. Without this information, the commission cannot make affirmative findings for CDC Chapter 55.105.N(2).

IV. Order

The Commission concludes that DR-25-04/LLA-25-02 is hereby denied based on this Final Decision and Order.



KATHRYN SCHULTE-HILLEN, CHAIR
WEST LINN PLANNING COMMISSION

9/2/26

DATE

APPEAL

The commercial component of this decision other than the mandatory adjustments may be appealed to City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable state rules or statutes. The residential component of this decision other than the mandatory adjustments may be appealed pursuant to ORS 197A.400, ORS 197A.395, and any other applicable state rules and statutes. The decision on mandatory adjustments to both components of this application may be appealed pursuant to SB 1537 (2024) Section 38(3). This decision will become effective 14 days from the date of mailing of this final decision as identified below. A person who is mailed written notice of the decision cannot appeal directly to the Land Use Board of Appeals (LUBA), per ORS 197.830. This decision becomes final and effective once the 14-day period for local appeal ends.

More information about filing an appeal can be found at
<https://westlinnoregon.gov/planning/appeals>

Mailed this 3rd day of September, 2026.

Therefore, this decision becomes effective at 5 p.m., September 17, 2026.

If you have any questions about this project, please contact Darren Wyss, Principal Planner, at dwyss@westlinnoregon.gov or (503) 742-6064.