

Memorandum

Date: April 27, 2026

To: Honorable Mayor Bialostosky and West Linn City Council

From: Steve Koper, Community Development Director

Subject: Hearings Officer Appeal Process

At its April 14, 2026, meeting, the West Linn City Council voted 5-0 to delegate its appellate authority over an appeal of the Planning Commission's approval of the City of West Linn Operations Center (Project ID CUP-25-02/DR-25-02/WAP-25-01) to a Hearings Officer (Resolution 2026-03).

In conjunction with this action, the City Council requested a brief memorandum outlining the mechanics of the appeal process with a Hearings Officer as the delegated hearing authority.

The points below are intended to provide a general overview of the process and timeline. This memorandum is not legal advice or a legal opinion. The hearing process and timeline will be governed by applicable federal, state, and local law.

- Role and Authority of a Hearings Officer
 - The Council has delegated authority to an independent Hearings Officer to conduct the hearing and associated proceedings, and decide on the pending appeal, which includes issuance of a final written order. The Hearings Officer will have no other authority outside of this scope.
- Applicability of West Linn Community Development Code (CDC) Chapter 99
 - The appeal process follows CDC Chapter 99 procedures for quasi-judicial appeals.
 - All references to the "City Council" in CDC Chapter 99 procedures apply to the Hearings Officer's proceedings in this case.
 - Appeals are reviewed de novo, meaning the Hearings Officer will consider any new evidence, including new testimony and written materials, as well as the record before the Planning Commission.
- Process Timeline & Notifications
 - Per CDC Chapter 99, the Planning Department compiles the hearing record. The hearing date will follow established public notice timelines under CDC Chapter 99.
 - All parties of record and any other party specified in CDC Chapter 99 will receive hearing notice, including procedures for participation, testimony, exhibits, and deadlines.
- Hearing Procedures
 - The public hearing is conducted as a "de novo" hearing by the Hearings Officer (meaning new evidence and testimony can be presented by the parties) in accordance with City Council rules (time limits, order of testimony, cross-examination, etc.).
 - Parties may introduce new evidence, written testimony, exhibits, and oral testimony. 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 record is typically closed unless the Hearing Officer allows for further written submissions or otherwise continues the hearing.
- Decision and Findings
 - The Hearing Officer will draft a final decision with findings of fact, legal analysis, and a conclusion confirming, reversing, or modifying the appealed decision.
 - The Planning Department is responsible for mailing the final decision to all parties of record as required by CDC Chapter 99.
 - Following issuance of the final decision from the Hearings Officer, that decision is the City's final decision on this land use application and is subject to appeal to the Oregon Land Use Board of Appeals (LUBA).
- Transparency and Community Engagement
 - The Hearing Officer's process will mirror the Council's standard appeal procedures (i.e., public notices, accessible records, opportunities for testimony).
 - The community may attend and participate in the hearing in person or remotely.
 - The application, all documents or evidence relied upon by the applicant, and applicable criteria must be available at least 20 days prior to the hearing. A staff report will be available at least 10 days prior to the hearing.
 - The decision will be mailed to parties of record pursuant to CDC Chapter 99.
- What to Expect
 - Stakeholders can expect Council-like hearing procedures and rules of engagement.
 - The Hearings Officer will be an Oregon-licensed attorney, specializing in land use and administrative law, who has experience conducting land use hearings.
 - The de novo process ensures all evidence is considered anew, even if new evidence is submitted that was not part of the Planning Commission record.
 - The Hearing Officer's final written decision will include the same level of analysis and findings as a Council-issued ruling. The Hearings Officer will be bound by the same rules of evidence and procedure as the City Council.