



Date: October 14, 2022
To: West Linn Planning Commission
From: Chris Myers, Associate Planner
Ben Gardner, Assistant Planner
Subject: Accessory Dwelling Unit Code Amendments

WHAT:

The Accessory Dwelling Unit (ADU) Code Amendments project is a policy analysis to review the City's current ADU code (*CDC Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses*) and make recommended changes based on whether the City wishes to facilitate or complicate the construction of ADUs. The West Linn City Council directed Planning staff to undertake this project by prioritizing it on the [Planning Docket](#).

ADUs have been utilized to provide alternative housing options that in turn foster opportunities for a greater diversity of more accessible and affordable living arrangements ([HUD Case Study](#)). ADUs are commonly identified as a viable way to help facilitate multigenerational housing, 'aging in place', and independent living for family members and renters, as well as housing for caregivers, individuals with disabilities, and individuals with special care requirements, among others. As stated above, ADUs are typically a more affordable housing option in communities because of their smaller living area and the fact they are located on a property that has a primary structure. West Linn Comprehensive Plan Goal 10: Housing contains the following housing goal, which aligns well with promoting construction of ADUs as an affordable housing option.

Goal 10: Housing

Goal 3. Encourage the development of affordable housing for West Linn residents of all income levels.

WHY:

The City's current code requirements have made constructing an ADU within West Linn difficult for a number of reasons. One of the primary reasons was the requirement to install half-street improvements with the construction of an ADU. This requirement is proposed to be eliminated as part of the CDC Chapter 96 Code Amendments. A separate legislative project, Clear and Objective Standards for Housing Audit, is proposing amendments to align our ADU code with new state rules and legislation.

In addition to the street improvement requirement listed above, City staff have identified a number of additional code requirements in CDC Chapter 34 that have proved to be a hindrance to the development of ADUs. If the City's policy decision is to facilitate construction of ADUs, amending some, or all, of the requirements may be necessary.

HOW:

City Council has directed the Planning Commission to act in the role of the working group on this project. The October 19th meeting is intended to be a briefing to familiarize the PC with the project and policy questions. More detailed information and discussion will happen in future work sessions where staff anticipates presenting three or four policy questions at a time. See the following outline of the tentative schedule:

FALL/WINTER 2022/23: Planning Commission Work Sessions on Policy Questions

SPRING 2023: Planning Commission Public Hearing

SPRING 2023: City Council Work Sessions

SUMMER 2023: City Council Public Hearing

ADU POLICY QUESTIONS TO BE ADDRESSED BY WORKING GROUP:

As outlined above, City staff have identified a number of CDC Chapter 34 code requirements that have proven difficult for property owners to comply with over the years and have suppressed the number of ADUs constructed in West Linn. The issues are presented as policy questions, with the corresponding code reference, and an example of where staff has either witnessed it being prohibitive or a scenario that is possible.

POLICY QUESTION 1: Should the visual design of ADUs be regulated in relation to the existing dwelling? Currently, ADUs need to meet a number of requirements matching them to the exact visual design of the existing dwelling (i.e. trim, roof pitch, windows, eaves, etc.). **CDC 34.030(B)(1-5)**

EXAMPLE USING EXISTING CODE: *A resident wants to purchase a pre-fabricated studio structure for a grandparent to live in, but they are instead limited to a more expensive and lengthy process of custom building in order to match all the elements of their existing house.*

POLICY QUESTION 2: Should the placement of stairs on ADUs be limited?

Currently, exterior stairs serving ADUs are prohibited from facing the front property line. **CDC 34.030(B)(9)**

EXAMPLE USING EXISTING CODE: *A homeowner wants to build an ADU on a slight upward slope in their backyard, and needs a small set of stairs at the entrance to get to the height of the door. They would have to build the stairs facing in a different direction than the front property line. In doing so, they would likely incur significant costs in engineering and design. If this structure was not an ADU, the stairs could face any direction.*

POLICY QUESTION 3: Should the location of the entrances on ADUs be limited?

Currently, exterior entrances of ADUs are required to be located on their rear or side. Other comparable structures do not have such restrictions. **CDC 34.030(B)(8)**

EXAMPLE USING EXISTING CODE: *A ranch style home has an existing attached garage. The homeowner wants to convert the garage into an ADU and utilize the existing access door located on the front of the garage as the entrance. They would not be allowed to do so—they would need to create a new door on the side of the garage.*

POLICY QUESTION 4: Should the placement of ADUs be limited in relation to the primary dwelling?

Currently, detached ADUs are required to be at least 10ft behind the front of the primary structure. **CDC 34.030(B)(6)**

EXAMPLE USING EXISTING CODE: *A resident wants to build an ADU, and they have a large sideyard that could fit it, but very little backyard. They are likely unable to build an ADU and meet setbacks because of this.*

POLICY QUESTION 5: Should the number of bedrooms in ADUs be limited?

Currently, ADUs cannot exceed one bedroom. **CDC 34.030(A)(4)**

EXAMPLE USING EXISTING CODE: *A single parent wants to live in an ADU with their teenage child as an affordable living option. Their child is unable to have their own bedroom.*

POLICY QUESTION 6: Should the size of ADUs be limited on a per-person basis?

Currently, if one person is living in an ADU, the minimum area standard is 250 sq. ft., whereas if two people are living in an ADU, the minimum area standard is 500 sq. ft. **CDC 34.030(A)(6)**

EXAMPLE USING EXISTING CODE: *The same single parent and child discussed in POLICY QUESTION 5, or other pairs of people like couples, are unable to live in an ADU unless it is a minimum of 500 sq. ft. in size.*

POLICY QUESTION 7: Should we limit the number of ADUs per residence? If so, should this limit apply to the residence or the overall property?

Currently, no more than one ADU is allowed per primary dwelling. **CDC 34.030(A)(4)**

EXAMPLE USING EXISTING CODE: *A family has a large yard, and an existing ADU a grandparent lives in. This family also includes a college student who goes to school nearby, and wants to live at their family house, but requires an independent space due to their differing schedules and needs. The family is unable to build an additional ADU even if they had the means and space to do so.*

POLICY QUESTION 8: Should ADUs have a minimum size?

Currently, the minimum ADU size is 250 square feet. **CDC 34.030(A)(4)**

EXAMPLE USING EXISTING CODE: *A resident wants to build a 20 ft. by 12 ft. tiny home, or other compact living option to fit on their relatively small property. They are unable to do so.*

POLICY QUESTION 9: Should ADUs have a maximum size in relation to the primary dwelling?

Currently, ADUs cannot exceed 1000 sq. ft. in size, and if they are in an accessory structure, they cannot exceed 30% of the gross square footage of the primary dwelling. **CDC 34.030(A)(4)**

EXAMPLE USING EXISTING CODE: *A resident owns a 1300 sq. ft. house. They are limited to a maximum detached ADU size of 390 sq. ft. even though they could build other types of accessory structures up to 1500 sq. ft.*

POLICY QUESTION 10: Should attached ADUs have a maximum height separate from the height standard already in place for the applicable zone?

Currently, attached ADUs cannot exceed the height of the existing primary dwelling. **CDC 34.030(B)(7)**

EXAMPLE USING EXISTING CODE: *A resident owns a single-story ranch house with an attached garage. They wish to construct an ADU above the garage but cannot do so without also altering the height of the primary structure.*

POLICY QUESTION 11: Should detached ADUs have a maximum height separate from the height standard already in place for the applicable zone?

Currently, detached ADUs are limited to an 18 ft. maximum height. **CDC 34.030(B)(7)**

EXAMPLE USING EXISTING CODE: *A resident wishes to construct an ADU above an existing detached garage, but cannot do so due to the height limitation. If they wanted to build a detached garage without an ADU, the structure could be 35 ft. tall.*

If you have questions about the meeting or materials, please feel free to contact Chris Myers (cmyers@westlinnoregon.gov – 503-742-6062) or Ben Gardner (bgardner@westlinnoregon.gov – 503-742-6057). 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.

Chapter 34

ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND

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34.020 ACCESSORY USES

Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. Accessory uses on designated historic resources are subject to additional regulations in CDC 25.060(B).

- A. A greenhouse may be a maintained accessory to a dwelling provided the activity does not exceed that which requires a license under Chapter 571 of the Oregon Revised Statutes, Nurseries.
- B. A television disk or satellite dish larger than three feet in diameter, and any other non-commercial antennas over three feet in height (minor utility), may be a maintained accessory to a dwelling provided it is not located within the front yard or side yard abutting a street, it is mounted on the ground, is screened from view, as practical, with landscaping, and otherwise meets the requirements of CDC 34.060. The satellite dish shall not exceed a maximum height of 18 feet.

Where it can be demonstrated that these restrictions impose unreasonable limitations to the extent that the antenna/satellite dish's reception or transmitting capability is significantly reduced, then roof-mounted (provided it is powder-coated with mesh or perforated construction) or alternate locations for the antenna/satellite dish may be allowed. (Ord. 1350, 1993; Ord. 1463, 2000; Ord. 1614 § 8, 2013)

34.030 ACCESSORY DWELLING UNITS (ADUs)

- A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

1. One off-street parking space for the ADU shall be provided in addition to the required parking for the primary dwelling except in those cases where the abutting street has a paved width of 28 feet or more and allows on-street parking.
2. Public services can serve both dwelling units.

3. The number of occupants is limited to no more than one family as defined by the Community Development Code.
4. The ADU does not exceed one bedroom and has an area between 250 and 1,000 square feet. If the ADU is located in an accessory structure, then it shall not exceed 30 percent of the gross square footage of the primary dwelling, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the primary dwelling. No more than one ADU is allowed.
5. The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.
6. The following minimum area standards shall be met:

1 person – 250 square feet

2 persons – 500 square feet

7. Existing accessory structures such as large workshops, offices, garages, etc., constructed prior to January 2000, that exceed dimensional standards prescribed above for ADUs may be converted into ADUs in the future so long as the occupied or inhabited area is restricted to less than 1,000 square feet. Existing structures are not required to meet the design standards of subsections (B)(1) through (9) of this section, but shall conform to them to the greatest extent feasible.

B. Design standards for both attached and detached ADUs are as follows:

1. Exterior finish materials. The exterior finish material must be the same, or visually match in type, size, and placement, the exterior finish material of the primary dwelling.
2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
3. Trim. Trim on edges of elements on the addition must be the same in type, size, and location as the trim used on the rest of the primary dwelling.
4. Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height). Second-floor windows on the ADU should be placed and sized so as to achieve a reasonable amount of privacy for the abutting property owner(s).
5. Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the primary dwelling.

6. Setbacks. The detached ADU shall be at least 10 feet behind the front building line of the primary dwelling so as to maintain the primary status of the single-family home. The only exception allowed shall be for an ADU which is located above a detached garage, in which case, the setback of the ADU may be the same as that of the garage below.
7. Height. The maximum height allowed for a detached ADU is 18 feet (as measured using Building Codes methodology). Attached ADUs may be higher than 18 feet, but cannot exceed the height of the existing primary dwelling.
8. The main exterior entrance of the ADU shall be located on either the rear or side of the ADU so that the main entrance to the primary dwelling will not be in competition with the entrance to the ADU.
9. Exterior stairs serving the ADU shall not face the front property line. (Ord. 1463, 2000)

34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY USES

Noise-producing accessory uses (for example: heat pumps, swimming pool motors or filter pumps) may be placed within the side, front or rear yard setback, but no closer than three feet to the property line. (Ord. 1675 § 34, 2018)

34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks.

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

- A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.
- B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:
 1. The structure is erected more than 60 feet from the front lot line;
 2. The structure does not exceed one story or 15 feet in height;
 3. The structure does not exceed an area of 500 square feet; and

4. The structure does not violate any existing utility easements.

C. Attached accessory structures. When an accessory structure is attached to the main structure (wall to wall or by any permanent attachment), including via a covered walkway, such accessory structure shall be considered as part of the main structure. (Ord. 1604 § 38, 2011)