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Cc: [Wyss, Darren](#); [Schroder, Lynn](#)
Subject: Questions from WG Members and Staff Responses
Date: Monday, October 24, 2022 5:47:26 PM

Hello Working Group Members,

Last week staff received questions from members Shannen Knight and Greg DiLoreto. For ease of reference, their questions have been copied below with staff responses in **red font**. If there are additional questions regarding the latest package of amendments, we encourage you to submit them ahead of time so we can make maximum use of our meeting time this Wednesday.

On Page 83:

I'm still confused about when something can be considered a duplex or an ADU.

Duplexes are generally subject to the same regulations as a single-family dwelling, whereas ADUs have maximum size, height, occupancy, and design standards as defined and regulated in CDC Chapters 02 (Page 21 of the packet) and 34.030 (pages 83-84 of the packet). Additionally, ADUs cannot be separated from the main dwelling through a middle-housing land division, which is another point of differentiation.

Where it says "excluding duplexes, ...", does this mean if you have a duplex, you could not also add an ADU? For instance, my house has a daylight basement and a 2 story garage. What if I want to convert the basement level to a 2nd living unit and also convert the 2nd story of my garage to an ADU. Does this become a triplex? A duplex with an ADU? What standards will I have to follow to convert these units? ADU standards or SFH standards (assuming duplex/triplex developments follow the SFH standards)? Based on the code that follows, I'm assuming since my basement is more than 1000 square feet, it couldn't be an ADU, so would then follow SFH building code. But then my garage would be an ADU. I got off on a different tangent with my house. But my question is if you have an existing duplex, does this mean you can't also add an ADU? Just confused why it says "excluding duplexes, triplexes and quadplexes" here. But in my house scenario, if my basement is built as a duplex because it is more than 1000 square feet, then can I not add the ADU to my garage space with this code?

Correct. The proposed language states that an ADU is not permitted with a duplex, triplex, or fourplex. As a reminder, the goal of the clear and objective project is as content neutral a change as possible. Therefore, the project team have interpreted the existing code language conservatively and limited ADUs only to single-family detached dwellings. This interpretation also reflects Council direction to revisit ADU regulations as a priority Planning Docket project. That work includes a [Planning Commission \(PC\) briefing held on \(October 19th\)](#), and a PC work session scheduled for November 16th. One of the policy questions to the PC is the number of ADUs per residence/lot.

For #5/6, the minimum are 250 square feet for one person, does this mean that is the minimum square footage that the ADU must be for the number of people living in the unit? If so, it is

confusing because it says the number of occupants is one “family” as described in the definitions (per #2/3) but then this item makes it sound like it is not a “family” but more individuals. Should it be more defined by number of bedrooms? Like studio is 250 sq feet and one bedroom is 500 sq feet?

Correct, this is a minimum square foot per person standard. Two unrelated people can be considered a “family” per the existing definition quoted below (page 29 of the packet). See also prior comment about the ADU code amendments being taken up by the planning commission.

Family. Two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons all or part of whom are not so related by blood or marriage living together as a single housekeeping unit in a dwelling unit.

Pg 147—I find it odd that the language is specific to the year of the TSP? I’m assuming the TSP is updated every 20 years or so. If you reference 2016, then don’t you need to go back and also change code that references 2016 plan when you update the TSP? I’m sure there is a reason why, but other references to other documents like “current Public Works” or “current federal standards” are used. Just seems odd that the “current TSP” is not specific enough and the 2016 plan specifically needs to be referenced. Page 209 6a and pg 216 25 references specific exhibits or figures in the TSP which would change if there was a new TSP. Maybe it is easy to change the code when something like the TSP changes. I just thought I would ask the question as the TSP will be updated and amended at some point so I’m concerned about code being very specific to an exhibit in the TSP version when that version could change. Perhaps this is future code change stuff but it may make sense to just put those tables and exhibits in the CDC itself rather than refer to pages in a document that could change.

This specificity was added at the direction of the City Attorney’s office.

Pg 150: A. Why was “duplex” left in here if SFH is the same as duplex or is it not in this instance. And if not, what if is a tri/quad plex?

The term single-family dwelling is inclusive of all plexes, so the result is a bit of overstatement. Potential clarifications could include deletion of the word duplex, or expansion to include triplex and quadplex.

Pg 150 B1: does one single family residence mean one residential unit or again can it mean a du/tri/quad? And B2, does it mean a duplex or does it mean 2 du/tri/quad since SFH is the same as du/tri/quad. This is why I thought it was important in the HB2001 code discussion that there was a distinction between a single residential unit and a du/tr/quad as it is confusing.

The term single-family residence is expansive and includes plexes, per the existing definition of single-family residential units (detached and attached) on page 51 of the amendments. As mentioned previously, the effort here is to adjust the standards in as content a neutral form as possible. A revisit of these standards is timely, but is outside the scope of this project.

Pg 150 B3: Unless I’m really misunderstanding this part, “regardless” actually seems like it was a

better word. “even with a variance” doesn’t really mean whether or not you have a variance like “regardless” says to me. If I’m reading this, even without a variance, the last 18 feet of the garage must be under 12% grade where past that 18’ can be 15% grade. Or is it only with the variance that the last 18’ needs to be under 12%. Because the way it reads to me is that if you got a variance for a 16% grade, that the last 18’ has to be 12%. But if it intends to be that even if the grade is 13% (which is under the 15% threshold), the last 18’ still has to be 12%. If that is true, then maybe “whether or not there is a variance” is better than “even with a variance”. Or the 12% grade part needs to be before the language about a variations. If the 12% is before the variance part, then the “even with a variance” makes more sense.

The project team believes the clarifying language is important for all readers to understand the intent of the language, and to definitively state which standards are eligible for a variance, and which are not.

Pg 151 C: Just more of a general question. With the Dollar Street school, we were told by the school district that TVF&R didn’t have to sign off on the Brandon Place extension being closed because that is done after when they get the individual permit. When does TVF&R have to sign off? It may be somewhere else in the code but the references to TVF&R tells me it should be done before they actually start to build in case the plan needs to change.

The Tualatin Valley Fire & Rescue Service Provider Permit is a new requirement that was not yet implemented when the school application was received. This is conducted prior to receipt of a complete application by the city, and is being implemented at TVF&R’s request.

Pg. 151 D: Does this mean 5 or more dwelling units? What if it is 3 sets of detached duplexes? Again since a SFH can also be a du/tri/quad, is it living units specific or can there essentially be 12 living units built without requiring a street to be built?

As mentioned above, the term single-family dwelling is inclusive of plexes, so it is possible that four plexes could be built without requiring a street to be built.

Pg 201, c. why it is it “may” here? Seems discretionary.

The scope of work is limited to submittal requirements, standards, and criteria that apply to residential projects. This section would only apply to Transportation Impact Analysis for projects not containing a residential use, therefore the language can remain subjective.

Just another general question out of curiosity. There are a lot of references to the WL Public Works design standards. Are those vetted at any point through PC? Just a lot of references to them now with these code changes and for future code review discussions, it may be helpful to understand what those standards actually are since they are not in the code.

No. the West Linn Public Works Design standards are technical engineering documents under the purview of the City Engineer and City Council, as governed by Section 3.300 of the municipal code.

Pg. 52 of 285 – Under the definition of street, it no longer includes “the placement of utilities”. Please explain.

Proposed changes are intended to align the definitions close with the TSP, and describe vehicular and pedestrian access as a “primary purpose” but not a sole purpose (the other purposes include utility placement). If the Working Group prefers, the language could be returned.

Pg. 83 of 285, paragraph A (old 1) – Off street parking is no longer required for an ADU. Is this because parking requirements are in Chapter 46 and it states that for single family, one space is required for each dwelling unit and therefore if ADU is considered a separate dwelling unit, two spaces would then be required?

As noted in the comment box on page 83, ORS 197.312 precludes local governments from requiring off-street parking for an ADU. Removal is recommended as the standard is unenforceable.

Pg. 138 of 285, paragraph 21 – States that parking and circulation patterns shall be easily comprehended and defined. That seems to me to be subjective. Who makes the determination of easily comprehended and defined?

Correct, the existing language is subjective and is determined by the decision making authority (Planning Commission or Planning Director). To correct this issue, the project team is proposing a second sentence that exempts residential development from this standard.

Pg. 147 of 285, paragraph C 3 – Under access options, it allows the City Engineer to approve alternatives under the discretionary process, which seems in conflict with this section that on page 150 of 285 paragraph A where it requires the planning director and city engineer to approve alternatives.

The standards on page 147, Section C()(3), are generally applicable and defer to the City Engineer, whereas the standards on page 150, Paragraph A, are specific to arterials and defer to both the Planning Director and City Engineer. There may be merit to reconciling these two sections, but that is outside the scope of this project which is to convert existing into clear and objective terminology and avoiding major policy and process changes (where possible).

Pg. 151 of 285, paragraph D – States, to be built to the City of West Linn Standards and Public Works Design Standards. Are they two different sets of standards?

No, the intent is to specify City of West Linn standards are the controlling standards, as opposed to another agency or jurisdiction.

Pg. 155 of 285, paragraph F – Under the discussion of curb cuts, it notes Hwy. 43 and where curb cuts are permitted. Does not ODOT control the location of curb cuts on Hwy. 43?

ODOT does control access to Highway 43. The scope of this project is to remove subjectivity from residential development which the proposed amendment achieves. Further updates to the section

are warranted but outside the scope of the project.

Pg. 209 of 285, paragraph 6 D – States that where a conflict occurs between this Code and the public works design standards this Code would govern. Can you give me an example of such a conflict?

Not offhand. This is a precautionary statement.

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Pronouns: he, him, his

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