



CITY OF  
**West  
Linn**

## Planning Commission

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2024 Community Development Code  
Process (CDC) and Amendments Discussion

April 3, 2024

# Project History and Topics



- ◆ **March 18, 2024 Joint Work Session with City Council discussed 4 process code concepts/language to discuss and bring back to PC for discussion**
  1. Expedited Land Division Approval Authority
    - *Bring CDC Chp. 99.060 into compliance with State statute regarding public hearings*
  2. Appeal Process for Development Projects
    - *Discussion of appellant requirements when filing an appeal*
  3. Home Occupation Permits
    - *Clean up ambiguous terms, clarify 'vehicle trips' exemption for schools, & review application process*
  4. Development Permit Extensions of Approval Date clarity
    - *Clarify extension approval date, # of extensions allowed, & policy on approval authority and length of extension.*

# Tentative Schedule (PC work sessions)



- ◆ April 3, 2024 – re-introduce four topics → initial discussion by PC → provide staff with direction on preferred code language & policies
- ◆ June 5, 2024 - review Work Session #1 (4/3/2024) information → review & discussion of draft code provided by staff → direction to staff on code language and policies.
- ◆ July 17, 2024 – review Work Session #2 (6/5/202) information → discussion on draft code and policies → direction to staff on draft code & policies or preparation for public hearing
- ◆ August 7, 2024 – review of Work Session #3 → final review of draft code & policies (if necessary) and preparation for public hearing

# Topic #1: Expedited Land Divisions Approval Authority



- Oregon State Statute 197.365(4)(b)(A) states that a local government shall not hold a hearing on an Expedited Land Division.
- Current West Linn Community Development Code (CDC) requires an Expedited Land Division to be “processed by the Planning Commission without a public hearing”.
  - ❑ City Attorney has provided guidance that given the public nature of a Planning Commission meeting it may open the City up to potential legal challenges, even if no oral or written testimony is given.
  - ❑ Currently, staff has been processing expedited land divisions as a staff level decision (no PC review).
- Appeals of Expedited Land Divisions go to a ‘public hearing officer’ pursuant to Oregon State Ordinance 197.375(2).

# Topic #2: Appeal Process for Development Permits



- ❖ Currently CDC does not require an appellant to identify code criteria they feel has not been met or misapplied.
  - Not knowing the appellants basic argument creates an unfair burden to applicants, staff, City Council, and public to reasonably prepare for the appeal hearing.
- ❖ Prior to 2017 the City required an appellant to provide specific criteria applicable to an appeal.
- ❖ “De-novo” review would be retained
  - How much specificity should be required by appellant to allow for equitable preparation for the appeal review?
  - Should appeal review only apply to appellant’s specific concern?

# Topic #3: Home Occupation Permits



- ❖ Clean up ambiguous approval criteria
  - Does code allow for outdoor use?...current code language does not explicitly prohibit. Staff currently interprets code language as not allowing outside activity.
- ❖ Exemptions of vehicle trips for HOP's with “pupils or students, such as, but not limited to dance, music, or language classes.”
  - Should exemptions on vehicle trips be allowed?
- ❖ Should review process be modified to include a land-use review?
  - Type I (no notice or employees on premises) or Type II (employees allowed, public noticing, & appealable)?
  - Current review process is online with a business license application. No surrounding property notice.

# Topic #4: Extension of approval on Development Permits



- Should extension be applied for or approved prior to expiration of original approval?
  - Current code language is unclear.
- How many extensions should be permitted?
  - Current code is unclear. Staff currently has interpreted to allow extensions of an extension.
- Should extensions be modified to last longer than 2 years?
- Should approval authority of extensions be amended for extension applications with no modifications?
  - Current process requires Planning Commission review of extensions that have not been modified since the original approval.

# Conclusion & Goals



- ◆ City Attorney, City Council, Planning Commission, and Staff have been working together since mid-2023 to bring these topics to the Planning Commission and ultimately City Council for discussion and potential amendments.
- ◆ Staff seeks input and recommendations from the Planning Commission on these four(4) topics/code sections.
- ◆ Staff has provided questions for each of the topics to assist the PC in its discussion.





# Questions?