



Work Session Agenda Bill

Date: July 6, 2021

To: Jules Walters, Mayor
Members, West Linn City Council

From: Darren Wyss, Planning Manager *DSW*

Through: Jerry Gabrielatos, City Manager
John Williams, Deputy City Manager/Community Development Director *JRW*

Subject: HB2001 Code Amendment Package Work Session

Purpose

Receive overview of HB2001 Code Amendment Package and briefing on legislative process.

Question(s) for Council:

Does the Council have questions regarding the legislative process or need additional information before the June 13, 2022 public hearing?

Background & Discussion:

In 2019 the Oregon Legislature enacted Oregon House Bill 2001 (HB2001), which requires large cities to allow “middle-housing” within zones that allow for the development of single-family detached dwellings. The house bill was in direct response to the state’s housing crisis and intended to provide more housing options to residents of Oregon. The City of West Linn is required to either adopt development code standards by June 30, 2022 to meet the HB2001 administrative rules or implement the HB2001 Model Code. Middle-housing types include duplex, triplex, quadplex, townhouse, and cottage cluster development.

The City has approached the project to comply with HB2001 in two phases (see Attachment 1 for more details, including links to project materials). Phase 1 included a Council appointed working group and resulted in a draft “de minimus” code package to meet HB2001 minimum requirements and a series of policy questions to ask the community in Phase 2. From October to December 2021, City staff completed a public engagement process to glean feedback on the nine policy questions as part of Phase 2. The policy questions focused on actions the City could take to go above the minimum requirements and help promote the development of middle-housing. The community identified three areas of support to go above the “de minimus” package: allowing detached plexes, increasing maximum lot coverage standards, and increasing maximum floor area ratios.

Council appointed another working group in Phase 2. The goal of the working group was to recommend proposed HB2001 code amendments to bring through the legislative process with the Planning Commission and City Council. The working group met four times and reached a decision in April 2022 to recommend the “de minimus” package with three adjustments (see Attachment 2):

- Allowing detached plexes
- Increasing FAR for plexes in R-10 and R-7 zones from 45 percent to 60 percent
- Eliminating FAR and Lot Coverage for all middle-housing types in R-5, R-4.5, R-3, and R 2.1 zones

The working group recommended HB2001 Code Amendment Package was then brought into the legislative process for adoption. The process includes a Planning Commission work session and public hearing, and a City Council work session and public hearing. The work session with Planning Commission took place on May 4, 2022 and members were able to ask clarifying questions about the working group recommendation. The Planning Commission then held a public hearing on May 18, 2022 and voted six to zero (see Attachment 3) on a recommended HB2001 Code Amendment Package (see link provided as Attachment 4) to move forward to City Council for review and adoption.

The Planning Commission made two amendments to the working group recommendation. So the package before Council is the “de minimus” package with the following adjustments:

- Allowing detached plexes
- Increasing FAR for plexes in R-10 and R-7 zones from 45 percent to 55 percent
- Increasing FAR for all middle-housing types in R-5 and R-4.5 zones from 45 percent to 60 percent
- Eliminating FAR and Lot Coverage for all middle-housing types in R-3 and R 2.1 zones

Below is a table to better visualize the differences between the working group recommendation and the Planning Commission recommendation.

	Working Group Recommendation	Planning Commission Recommendation
Detached Plexes	Allow	Allow
R-10/R-7 Zoning	FAR of 60% for Plexes	FAR of 55% for Plexes
R-5/R-4.5 Zoning	No Maximum FAR or Lot Coverage for Middle Housing Types	Maximum FAR of 60% and Lot Coverage Maximum remains 40% for Middle Housing Types
R-3/R-2.1 Zoning	No Maximum FAR or Lot Coverage for Middle Housing Types	No Maximum FAR or Lot Coverage for Middle Housing Types

At the June 6th work session, Council will be able to ask clarifying questions and/or request more information about the recommended HB2001 Code Amendment Package. The code package contains a lot of Community Development Code (CDC) chapters and pages, but the majority do not have any proposed changes, so the task is not as daunting as it appears. At the end of Attachment 1, staff has provided a summary of changes to each chapter for Council use.

The Council will then hold its public hearing on June 13th to adopt the recommended HB2001 Code Amendment Package with or without further adjustments. This allows the City to meet the state-mandated adoption date of June 30, 2022.

Council Options:

1. Receive briefing and hold Public Hearing on July 12th for a final decision.
2. Receive briefing and direct staff to provide any additional needed information before the Public Hearing on July 12th for a final decision.

Staff Recommendation:

Request any additional needed information and make a final decision at the Public Hearing scheduled on June 13, 2022.

Attachments:

1. Staff Memorandum – City of West Linn HB2001 Implementation Process
2. Council-Appointed 2022 Working Group Recommendation Memorandum
3. West Linn Planning Commission Recommendation Memorandum
4. [ORD 1736 – Planning Commission Recommended HB2001 Code Amendment Package](#)

Memorandum

Date: May 27, 2022

To: Jules Walters, Mayor
Members, West Linn City Council

From: Darren Wyss, Planning Manager

Subject: City of West Linn HB2001 Implementation Process

[HB2001](#), also known as the “middle-housing” or “housing choices” bill, requires jurisdictions to adopt development code standards to meet the [Oregon Administrative Rules](#) that implement the bill. Provisions of the bill require the City to allow middle-housing types (duplex, triplex, quadplex, townhouse, and cottage cluster development) in areas currently allowing single-family detached homes. The City of West Linn has until June 30, 2022 to adopt [Community Development Code](#) standards to implement HB2001 or accept the [HB2001 Model Code](#).

The City has approached the project to comply with HB2001 in two phases. [Phase 1 of HB2001](#) implementation took place from October 2020 to June 2021 and was a technical exercise to identify the minimum Community Development Code (CDC) amendments, known as the “de minimus” package, necessary to comply with HB2001. Phase 1 included a Department of Land Conservation and Development (DLCD) grant funded consultant to assist City staff, a [Council-appointed working group](#) to review materials and provide feedback, and an [online survey](#) that generated 669 responses. Phase 1 concluded with a draft of the HB2001 proposed “de minimus” code amendment package and the working group identifying several policy options that, if implemented, could help further encourage the development of middle housing types in the community. These nine policy questions (listed below) would be the basis of the community engagement efforts of HB2001 Phase 2.

1. Should the City consider allowing detached plexes?
2. Should the City consider waiving street improvements?
3. Should the City consider allowing reduced setbacks?
4. Should the City consider allowing increased heights?
5. Should the City consider allowing increased lot coverage standards?
6. Should the City consider allowing increased floor area ratios?
7. Should the City consider allowing reduced off-street parking requirements if on-street parking is available next to the site?
8. Should the City take an extra step and create a streamlined process for allowing for fee simple ownership of middle housing?

9. Should the City consider incentives or exceptions (i.e. taxes, fees, system development charges, etc.)?

At the same time HB2001 Phase 1 was taking place, the City completed a [Housing Needs Analysis \(HNA\)](#) with the help of a consultant as required by [HB2003](#). The HNA projected a need for an additional 215 units of “middle-housing” (21.4% of total need) over the next 20 years for the City of West Linn. This included 84 units of single-family attached housing (townhomes) and 131 units of duplex/triplex/quadplex housing. Over the past 10 years, the City has produced very few units of “middle-housing” (28 duplex units or 7.0% of total housing units built). There is adequate land available to meet “middle-housing” need, but the construction of these housing types has not occurred recently. To meet the projected future “middle-housing” needs of the community, contemplation of the different HB2001 Phase 2 policy options was important to consider as part of the HB2001 code amendment package. Implementation of one or more policy options could help encourage the development of this type of housing in the future.

[Phase 2](#) of HB2001 implementation began in June 2021. The effort focused on engaging the community in on whether the City should simply adopt the “de minimus” package, or go further and adopt additional measures to better encourage the development of middle housing. City staff met with several Neighborhood Associations and community groups to glean feedback on the policy questions from Phase 1. The City also conducted an online survey to ask the same policy questions. The survey had 722 respondents. The [results of the engagement efforts](#) showed the community was open to considering both increased maximum lot coverage and floor area ratios (FAR), as well as allowing detached plexes.

As part of HB2001 Phase 2, the City Council also appointed a [Phase 2 working group](#) to review proposed code amendments. The working group goal was to find consensus on a recommended code amendment package, which will then go through the legislative adoption process with the Planning Commission and City Council. The City also secured additional DLCD grant funding for Phase 2. MIG, Inc., the same consultant funded by DLCD grants for Phase 1, has been assisting staff on Phase 2. The consultant team helped staff and the working group compile, review, discuss, and get to a decision on a recommended code amendment package.

The working group met for the first time on January 26, 2022. The meeting packet information included the Phase 2 survey results and a crosswalk document. The crosswalk document was intended to help the working group get a better understanding of the minimum requirements of HB2001 administrative rules, what the model code (developed by the state for use by jurisdictions if wanted) recommends, policy context, input from surveys and working group discussions, and a recommendation to adopt the “de minimus” requirements (allow) or provide some additional flexibility (encourage).

The majority of meeting 1 was focused on getting the Phase 2 working group familiar with HB2001 and the work completed by the City to that point. The group also began discussions on the three policy questions that the community was open to considering: increasing maximum lot coverage and FAR, as well as allowing detached plexes.

[Meeting 1 Packet](#)

[Meeting 1 Summary Notes](#)

[Meeting 1 Video](#)

The working group met for the second time on February 23, 2022. The meeting packet information included a table with proposed FAR increases, examples of existing middle-housing types in West Linn with lot coverage and FAR data, implementation illustrations to demonstrate the impact of current lot coverage and FAR standards on middle-housing types, and a proposed code amendment package with the proposed FAR increases. The intent was to visually represent the impacts of FAR and lot coverage maximums on middle-housing types.

The meeting 2 discussion was again primarily focused on potential increases in both lot coverage and FAR for middle-housing types in different zoning districts in the City. There was no clear consensus as some members preferred the “de minimus” approach, others allowing moderate increases in the higher density zones, and others allowing increases in the lower density zones. The working group did support allowing detached plexes.

The working group agreed to submit written comments on the proposed code amendment package within two weeks and the direction for the next meeting discussion was to focus on:

- Potential increase to FAR in R-10 and R-7 zones
- Bigger increases to FAR in the R-5 and denser zones
- No lot coverage maximums in the R-5 and denser zones
- Should the City encourage higher densities on smaller lots?

[Meeting 2 Packet](#)

[Meeting 2 Summary Notes](#)

[Meeting 2 Video](#)

The working group met for the third time on March 30, 2022. The meeting packet information included a comment log, a list of changes made based on the comments, another proposal for increasing lot coverage and FAR maximums in certain zones, and an updated code amendment package.

The meeting 3 discussion was focused on potential increases in both lot coverage and FAR for middle-housing types in different zoning districts in the City. There was again no clear consensus as members held the same positions as the previous meeting with some preferring the “de minimus” approach, others allowing moderate increases in the higher density zones, and others allowing increases in the lower density zones.

The working group members agreed to submit written comments on their FAR and lot coverage positions within ten days. The working group also agreed that staff and the consultant team would provide three options for the next meeting where the group would strive to achieve consensus on one of the three options. If consensus could not be achieved, a vote would be taken. The three options to be considered:

- “De minimus” option with not increased in FAR or lot coverage

- Moderate increases for middle-housing types in all zoning districts (R-10 to R-2.1)
- Eliminating FAR for middle-housing types in all zoning districts (R-10 to R-2.1)

[Meeting 3 Packet](#)

[Meeting 3 Summary Notes](#)

[Meeting 3 Video](#)

The working group met for the fourth time on April 27, 2022. The meeting packet information included a table with current requirements per zoning district, a table with the three options per meeting 3, and a table with options for townhouses as they are unique and will be on smaller lots. Staff also provided all comments received, as well as a breakdown of current acreage/lots/sizes per zoning district.

The meeting 4 discussion allowed each member to state their position on the three options. A straw poll was taken and there was not consensus, but the majority of members were leaning towards the moderate option or eliminating FAR option. After further discussion, a fourth option was presented and the majority of the group (80 percent) agreed to recommend this option to the Planning Commission. The recommendation was for the “de minimus” package with the following adjustments:

- Allowing detached plexes
- Increasing FAR for plexes in R-10 and R-7 zones from 45 percent to 60 percent
- Eliminating FAR and Lot Coverage for all middle-housing types in R-5, R-4.5, R-3, and R 2.1 zones

Some of the reasoning expressed by the working group included:

- Heart of the legislation is focused on the state’s housing crisis and need for more housing
- Higher density zones were intended to accept density and have the infrastructure to do so
- 75 percent of lots are located in the R-5, R-7, and R-10 zones, so there is need to provide flexibility in these zones
- “De minimus” package alone will result in more pressure to expand into Stafford Triangle to meet future housing need
- FAR and lot coverage increases will only apply to middle-housing types

[Meeting 4 Packet](#)

[Meeting 4 Summary Notes](#)

[Meeting 4 Video](#)

The working group recommended HB2001 Code Amendment Package was then brought into the legislative process for adoption. A work session with Planning Commission took place on May 4, 2022 and members were able to ask clarifying questions about the working group recommendation. The Planning Commission then held a public hearing on May 18, 2022 and found consensus on a recommended HB2001 Code Amendment Package to move forward to City Council for review and adoption.

The Planning Commission made two amendments to the working group recommendation. So the package before Council is the “de minimus” package with the following adjustments:

- Allowing detached plexes
- Increasing FAR for plexes in R-10 and R-7 zones from 45 percent to 55 percent
- Increasing FAR for all middle-housing types in R-5 and R-4.5 zones from 45 percent to 60 percent
- Eliminating FAR and Lot Coverage for all middle-housing types in R-3 and R 2.1 zones

Below you will find a brief explanation of the changes made to each of the 19 CDC chapters that are part of the proposed HB2001 Code Amendment Package (Planning Commission additional changes are **bold underlined**):

CDC Chapter 2: Definitions

- Added definitions for “Cottage Cluster” and “Cottage Cluster Project” to be consistent with HB2001 rules (OAR Chapter 660 Division 46)
- Updated definition for “Duplex” to be consistent with definitions for other plexes
- Amended definition for “Multiple Family Units” to be five or more units so there it is clear a triplex or quadplex is not considered multi-family under the West Linn code
- Added definitions for “Triplex” and “Quadplex” to be consistent with HB2001 rules (OAR Chapter 660 Division 46)
- Added definitions for “Townhouse” and “Townhouse Project” to be consistent with HB2001 rules (OAR Chapter 660 Division 46)
- Amended definitions for “Single-family attached residential units” and “Single-family detached residential units” to include plexes for ease of implementing permitted uses.

CDC Chapter 8: Residential R-40

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)
- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)

CDC Chapter 9: Residential R-20

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)

- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)

CDC Chapter 10: Residential R-15

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)
- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)

CDC Chapter 11: Residential R-10

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)
- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)
- Amended maximum FAR to ~~0.60~~ **0.55** for duplex, triplex, and quadplex per 2022 Working Group/Planning Commission recommendation

CDC Chapter 12: Residential R-7

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)
- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)
- Amended maximum FAR to ~~0.60~~ **0.55** for duplex, triplex, and quadplex per 2022 Working Group/Planning Commission recommendation

CDC Chapter 13: Residential R-5

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table

- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)
- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)
- ~~Removed~~ **Amended** maximum FAR and lot coverage **to 0.60** for all middle-housing types per 2022 Working Group/Planning Commission recommendation

CDC Chapter 14: Residential R-4.5

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)
- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)
- ~~Removed~~ **Amended** maximum FAR and lot coverage **to 0.60** for all middle-housing types per 2022 Working Group/Planning Commission recommendation

CDC Chapter 15: Residential R-3

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)
- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)
- Removed maximum FAR and lot coverage for all middle-housing types per 2022 Working Group recommendation

CDC Chapter 16: Residential R-2.1

- Amended permitted uses to include attached plexes, townhouses, and cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)
- Amended conditional uses to include detached plexes
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)

- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)
- Removed maximum FAR and lot coverage for all middle-housing types per 2022 Working Group recommendation

CDC Chapter 18: Neighborhood Commercial

- Amended permitted uses to clean-up language pertaining to residential above a permitted use

CDC Chapter 19: General Commercial

- Amended permitted uses under prescribed conditions to clean-up language pertaining to residential above a permitted use
- Removed language with cross-reference to another code section as it is redundant
- Added language to allow conversion of a single-family home to middle-housing without going through Design Review per HB2001 rules (OAR Chapter 660 Division 46)

CDC Chapter 21: Office Business Center

- Added language to allow conversion of a single-family home to middle-housing without going through Design Review per HB2001 rules (OAR Chapter 660 Division 46)

CDC Chapter 24: Planned Unit Development

- Added language to allow all middle-housing types in a PUD per HB2001 rules (OAR Chapter 660 Division 46)
- Cleaned up language to be consistent with definitions
- Added language for middle-housing types to use underlying zone lot coverage provisions same as single-family detached units
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)

CDC Chapter 43: Side Wall Transitions

- Removed “duplex” from title of chapter so all middle-housing types are subject to the regulations

CDC Chapter 46: Parking

- Added language to allow cottage cluster parking further than 200 feet from units, otherwise it would require a conditional use permit and HB2001 rules do not allow the City to require middle-housing types to go through a process not required for a single-family detached home.
- Added language for maximum number of parking spaces for all middle-housing types to comply with HB2001 rules (OAR Chapter 660 Division 46)
- Triplex and Quadplex parking requirements are based on lot size per HB2001 rules (OAR Chapter 660 Division 46)
- Cleaned up language to be consistent with definitions

CDC Chapter 55: Design Review

- Amended language to clarify that middle-housing types are exempt from design review, same as single-family detached homes to comply with HB2001 rules (OAR Chapter 660 Division 46)

CDC Chapter 59: Willamette Mixed-Use Zone

- Amended permitted uses to include all middle-housing types per HB2001 rules (OAR Chapter 660 Division 46)
- Converted dimensional requirements from sentences to a table
- Added average minimum lot sizes for townhouses is 1,500 sq. ft. per HB2001 rules (OAR Chapter 660 Division 46)
- Added perimeter setbacks for cottage clusters is 10 feet per HB2001 rules (OAR Chapter 660 Division 46)
- Added maximum FAR and lot coverage does not apply to cottage clusters per HB2001 rules (OAR Chapter 660 Division 46)

CDC Chapter 60: Conditional Uses

- Added language to clarify single-family detached or middle-housing types are not subject to design review as regulated in other parts of the CDC

If you have questions about the meeting or materials, please feel free to email or call me at dwyss@westlinnoregon.gov or 503-742-6064.

Memorandum

Date: April 28, 2022

To: West Linn Planning Commission

From: 2022 CDC Amendments Working Group

Subject: Final Recommendation on HB2001 Code Package

The 2022 CDC Amendments Working Group (2022 Working Group), appointed by the West Linn City Council on December 13, 2021, has reached a decision on a final recommendation related to the goals and purpose assigned by City Council regarding HB2001, otherwise known as the “housing choices bill” or the “middle-housing bill”:

Goal

The 2022 Working Group will recommend a code amendment package for each of the three projects:

1. *HB2001 Implementation*
2. *Clear and Objective Standards for Housing*
3. *Chapter 96: Street Improvement Construction*

Purpose

The 2022 Working Group will provide input on the three projects by reviewing, discussing, and revising the draft code amendment packages. The 2022 Working Group will meet monthly addressing HB2001 Implementation first, Chapter 96 second, and the Clear and Objective Standards last.

The group met four times from January to April 2022. The meetings were held virtually, well organized, and the discussions efficient and effective. All meetings were open to the public and streamed online for viewing.

The group discussion started with the nine policy questions that were part of the HB2001 Phase 2 outreach in Autumn 2021. Based on community feedback from multiple meetings and an online survey, the 2022 Working Group quickly found consensus to focus its discussion on three potential areas to go above the minimum requirements (“de minimus”) of HB2001:

1. Allowing detached plexes
2. Increasing floor-to-area ratio (FAR) maximums for middle-housing types
3. Increasing lot coverage maximums for middle-housing types

After discussions at two meetings, the 2022 MU Working Group agreed the proposal should include allowing detached plexes. The group requested additional information on lot coverage and FAR maximums to help with the decision-making process. The group also submitted comments, which staff provided answers to for the third meeting.

The third meeting focused on potential options related to increasing FAR and lot coverage maximums for middle-housing types. No consensus was achieved, but the group directed staff and the consultant team to bring forward three options for final discussion and a decision at the fourth meeting. The three options included: Option 1 or “de minimus” package, Option 2 or “moderate” package, and Option 3 eliminating all FAR maximums and some lot coverage maximums.

The final decision was made after considering the three options regarding potential FAR and lot coverage maximum increases. The group came to a majority decision (80 percent of members present) to recommend an Option 4, which is a hybrid containing parts of Option 2 and parts of Option 3. Other members preferred Option 1 (10 percent of members present) and Option 2 (10 percent of members present).

The full text of recommendations are attached, but here is a brief description of the outcome of the group decision-making and what is ready to proceed through the legislative process:

- The proposed code amendments are the “de minimus” package, with three proposals where the code goes above minimum requirements
- First proposal above minimum requirements is allowing for detached plexes. This will provide flexibility for property owners to retain existing structures if adding additional dwelling units.
- Second proposal above minimum requirements is increasing FAR maximums for middle-housing types in the R-10 and R-7 zones from 45% to 60%. Single-family detached homes and townhomes will remain at 45% FAR maximum. This will provide design flexibility.
- Third proposal above minimum requirements is eliminating both lot coverage and FAR maximums for middle-housing types in the R-5, R-4.5, R-3, and R-2.1 zones. This will also provide design flexibility, while still maintaining required setbacks from adjacent properties and streets.

On behalf of the 2022 Working Group, we would like to thank City Council for the opportunity to develop these recommendations for consideration.

Respectfully,



Jim Farrell
Chair, 2022 Working Group

Memorandum

Date: May 23, 2022
 To: West Linn City Council
 From: West Linn Planning Commission
 Subject: CDC-22-02 Recommendation – HB2001 Code Amendment Package

The Planning Commission held a public hearing on May 18, 2022, for the purpose of making a recommendation to the City Council on the adoption of the proposed HB2001 Code Amendment Package to comply with the State of Oregon’s HB2001 administrative rules (OAR 660, Division 46). The proposal before the Planning Commission was forwarded by the Council-appointed 2022 CDC Code Amendment Working Group after its discussion at four meetings. The proposal was previously discussed at a Planning Commission work session on May 4, 2022.

After conducting the public hearing, the Commission deliberated and voted six (Bogges, Carr, Erwin, Metlen, Pellett, Walvatne) to zero (6 – 0) to recommend City Council adopt the Working Group proposal with minor changes. The minor changes are outlined below and were the result of extensive discussion and consensus building to reach a recommendation that all members could support. That said, the Commission adopted a more conservative approach in our current recommendation to Council, but we recognize that additional code amendments may be reasonable and/or necessary in the future.

The recommended HB2001 Code Amendment Package is the “de minimis” package with the following additions that go above the minimum compliance requirements:

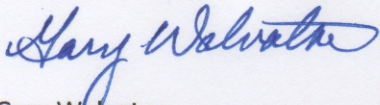
	Working Group Recommendation	Planning Commission Recommendation
Detached Plexes	Allow	Allow
R-10/R-7 Zoning	FAR of 60% for Plexes	FAR of 55% for Plexes
R-5/R-4.5 Zoning	No Maximum FAR or Lot Coverage for Middle Housing Types	Maximum FAR of 60% and Lot Coverage Maximum remains 40% for Middle Housing Types
R-3/R-2.1 Zoning	No Maximum FAR or Lot Coverage for Middle Housing Types	No Maximum FAR or Lot Coverage for Middle Housing Types

The Planning Commission considered public testimony during its legislative hearing on the proposed HB2001 Code Amendment Package. Written testimony was submitted by four community members.

Two of the written comments advocated for not going above the “de minimis” package, one written comment took issue with the public hearing notice and an overall lack of consistent messaging, and one supported the Working Group recommendation. Two community members provided oral testimony at the public hearing, both of whom were in support of the Working Group recommendation.

On behalf of the Planning Commission, I would like to thank the 2022 CDC Code Amendment Working Group for developing a well-thought-out recommendation to the Planning Commission. The Working Group effort helped lead to an efficient and effective Planning Commission public hearing. I would also like to thank the City Council for consideration of the Planning Commission recommendation regarding the HB2001 Code Amendment Package.

Respectfully,



Gary Walvatne
Chair, West Linn Planning Commission