



CITY OF West Linn

STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: CDC-23-01

HEARING DATE: May 17, 2023

REQUEST: To consider adoption of text amendments to West Linn Community Development Code Chapter 34. The proposed amendments are to update siting and design standards for accessory dwelling units and ensure the code complies with state statute and administrative rules.

APPROVAL CRITERIA: Community Development Code (CDC) Chapters 98 and 105

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GENERAL INFORMATION

APPLICANT: City of West Linn

DESCRIPTION: The City of West Linn proposes to amend Community Development Code (CDC) Chapter 34 to update siting and design standards for accessory dwelling units and ensure the code complies with state statute and administrative rules. The Planning Commission will review the proposal and make a recommendation to City Council, who is the final decision-maker.

**APPROVAL
CRITERIA:**

Community Development Code (CDC) Chapter 98 provides administrative procedures for legislative amendments to the Comprehensive Plan and/or the Community Development Code. Section 98.100 of the CDC lists the factors upon which a decision shall be based. These are briefly described below and addressed in greater detail in a separate Section of this report:

1. The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes;
2. Any federal or state statutes or rules found applicable;
3. Applicable plans and rules adopted by the Metropolitan Service District (Metro);
4. The applicable Comprehensive Plan policies and map; and,
5. The applicable provisions of implementing ordinances.

PUBLIC NOTICE: Legal notice was published in the West Linn Tidings on May 3, 2023 and provided to required public agencies and persons who requested notice in writing on May 4, 2023.

120-DAY RULE: Not applicable to this legislative action.

EXECUTIVE SUMMARY

West Linn City Council placed and prioritized a policy review of the City's accessory dwelling unit (ADU) regulations on the Planning Docket and directed staff to work with the West Linn Planning Commission to review and recommend a code amendment package. Staff had found several the ADU siting and design standards were not clear and objective, as required by state statute, and were prohibitive to the construction of ADUs.

The Commission held five work sessions from November 2022 to April 2023 to review 11 policy questions related to siting and design standards for ADUs. The Commission recommended to remove the majority of requirements but amend the maximum size and height of detached ADUs to provide additional flexibility for property owners.

The Planning Commission reached consensus on April 5, 2023 on a proposed ADU Code Amendment Package and directed staff to bring it forward into the legislative adoption process.

PUBLIC COMMENT

The City received four public comments (see Exhibit PC-3) prior to publishing this staff report. Three of the comments were submitted by members of the West Linn Economic Development Committee, all in support of the proposed amendments as the amendments will reduce barriers to construction of ADUs. The fourth comment was sent by a member of the Metro planning team, confirming conformance with the Urban Growth Management Functional Plan and supporting the City's efforts to reduce barriers to ADU construction.

RECOMMENDATION

Staff recommends the Planning Commission finds the proposed amendments to meet the necessary approval criteria. Therefore, staff recommends the Planning Commission **RECOMMEND** to the West Linn City Council that it approves Ordinance 1742, adopting amendments to West Linn CDC Chapter 34 to update siting and design standards for accessory dwelling units as provided in Exhibit PC-1.

PROJECT BACKGROUND AND PURPOSE

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 traditionally 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. Typically, ADUs are 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.

The City's current code requirements have made constructing an ADU within West Linn challenging for several reasons. One of the primary reasons was the requirement to install half-street improvements with the construction of an ADU. This requirement was eliminated as part of the CDC Chapter 96 Code Amendments ([Ordinance 1739](#)). However, many of the siting and design standards found in CDC Chapter 34 have proved to be a hindrance to the development of ADUs. The goal of this project is to develop the City's policy position by reviewing current regulations found in CDC Chapter 34, and amending some, or all, of the requirements as necessary to align with the desired policy position.

City Council, at its September 19, 2022 meeting, directed the Planning Commission to act in the role of the working group on this project. Staff developed a scope of work for the project and identified 11 policy questions for the Planning Commission (PC) to discuss through a series of four work sessions. The outcome of the work sessions would be Planning Commission consensus on proposed amendments to CDC Chapter 34 regulations based on a recommended policy position.

Below are recaps of the work sessions, including the 11 policy questions discussed and the associated recommendations:

WORK SESSION 1 RECAP:

At Work Session 1, held on November 16, 2023, staff presented the first four policy questions for review and discussion by the PC. The discussion for policy questions 1 and 4 were continued to Work Session 2 (January 18, 2023) as PC members requested further information from staff.

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.).

The Commission requested additional information from staff and continued the discussion to Work Session 2.

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.

The Commission agreed to eliminate this requirement at its November 16, 2022 work session.

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.

The Commission agreed to eliminate this requirement at its November 16, 2022 work session.

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 10 feet behind the front of the primary structure.

The Commission requested additional information from staff and continued the discussion to Work Session 2.

[Link to PC Work Session 1 Memo](#)

[Link to PC ADU Work Session 1 Video](#)

[Link to PC Work Session 1 Meeting Notes](#)

WORK SESSION 2 RECAP:

At Work Session 2, held on January 18, 2023, staff provided further information for policy questions 1 and 4. Staff also presented policy questions 5 through 7. The discussion for policy question 4 was continued to Work Session 3 (February 15, 2023) as PC members requested further information from staff.

The question was posed if the City can require parking for ADUs. The City cannot require off-street parking for ADUs per ORS 197.312.5.b.B

[ORS 197.312 Limitations on city and county prohibitions](#)

*(B) "Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure **or requirements to construct additional off-street parking.***

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.).

After further discussion, the Commission agreed to eliminate design standards at its January 18, 2023 work session.

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 10 feet behind the front of the primary structure.

After further discussion, the Commission requested additional information from staff and continued the discussion to Work Session 3.

Policy Question 5: Should the number of bedrooms in ADUs be limited?

Currently, ADUs cannot exceed one bedroom.

The Commission agreed to eliminate this requirement at its January 18, 2023 work session.

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.

The Commission agreed to eliminate this requirement at its January 18, 2023 work session.

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.

The Commission agreed to retain this requirement at its January 18, 2023 work session. The proposed language is found in CDC Chapter 34.030(A).

[Link to PC Work Session 2 Memo](#)

[Link to PC ADU Work Session 2 Video](#)

[Link to PC Work Session 2 Meeting Notes](#)

WORK SESSION 3 RECAP:

At Work Session 3, held on February 15, 2023, staff provided further information for policy question 4. Staff also presented policy questions 8 through 11. The discussion for policy questions 9 and 11 was continued to Work Session 4 (March 15, 2023) as PC members requested further information from staff.

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 10 feet behind the front of the primary structure.

After further discussion, the Commission agreed to eliminate this requirement at its February 15, 2023 work session.

Policy Question 8: Should ADUs have a minimum size?

Currently, the minimum ADU size is 250 square feet.

The Commission agreed to eliminate this requirement at its February 15, 2023 work session.

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.

The Commission requested additional information from staff and continued the discussion to Work Session 4.

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.

The Commission agreed to eliminate this requirement at its February 15, 2023 work session.

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.

The Commission requested additional information from staff and continued the discussion to Work Session 4.

[Link to PC Work Session 3 Memo](#)

[Link to PC Work Session 3 Video](#)

[Link to PC Work Session 3 Meeting Notes](#)

WORK SESSION 4 RECAP:

At Work Session 4, held on March 15, 2023, staff provided further information for policy questions 9 and 11. With consensus on the last two policy questions, the Commission completed the work session component of the project and directed staff to bring the proposed code amendment package into the legislative hearing process.

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.

The Commission agreed to retain the 1,000 sq. ft. maximum size and increase the cap for detached accessory structures to 75 percent of gross square footage. The proposed language is found in CDC Chapter 34.030.A(2).

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.

The Commission agreed to retain a maximum height for detached ADUs, but increased it to the greater of either the height of the primary structure or 26 feet. The proposed language is found in CDC Chapter 34.030.A(4).

[Link to PC Work Session 4 Memo](#)

[Link to PC Work Session 4 Video](#)

[Link to PC Work Session 4 Meeting Notes](#)

Staff returned to the Planning Commission on April 5, 2023 for a final review of the proposed language and final consensus the proposed code amendment package was ready for a legislative public hearing.

FINDINGS
PLANNING COMMISSION STAFF REPORT
May 17, 2023

APPLICABLE CRITERIA AND COMMISSION FINDINGS

West Linn Community Development Code

Chapter 98 - Procedures for Decision Making: Legislative

CDC 98.035 Citizen Engagement in Legislative Changes

A. Purpose. The purpose of a legislative working group is to provide a forum to discuss different points of view on a proposed land use legislative change.

B. New and modified land use legislative changes to this code will be developed by a representative working group of citizens and assisted by planning staff, unless the City Council determines that a working group is not necessary.

1. After receiving direction from the City Council, the Committee for Citizen Involvement shall recommend a purpose, goals, and a list of appointees for each proposed working group to the City Council for approval.

2. The working group will contain interested stakeholders, a member of the Planning Commission, and a staff representative.

3. The working group shall comply with WLMC 2.060 regarding the selection of officers and the other generally applicable citizen advisory group provisions.

Findings: City Council determined a legislative working group was not necessary and tasked the West Linn Planning Commission to act as the working group at its September 19, 2022 meeting.

C. Conduct of working group meetings.

1. Staff will prepare a suggested draft of the proposed changes. This draft will provide a starting point for discussion and education.

2. The working group will use the draft as a starting point for discussion, but then reconcile the implications of the draft with the goals established by the Council for the working group.

3. After each working group meeting staff will incorporate approved changes and prepare an updated working draft.

4. All working group meetings will be public meetings with an opportunity for anyone in attendance to provide public comment. The meetings and minutes will be conducted in accordance with the Council Rules, West Linn Municipal Code, City Charter, and State law.

5. In the event a consensus cannot be reached on an issue, the working group will prepare alternatives. Each alternative and its rationale will be presented to the Planning Commission.

6. Prior to submission to the Planning Commission, proposed code changes will be submitted to the City Attorney for review. The review should be limited to the identification of areas where the proposed language conflicts with other parts of this code, State law or Federal law. As an alternative, legal counsel may attend and advise during the creation of the draft.

D. Presentation to the Planning Commission. When the working group reaches consensus that the code changes are ready, the proposed code changes will be presented by the Director to the Planning Commission pursuant to CDC 98.040(A)(2). If the working group fails to reach a consensus on the code changes, all proposals will be presented to the Planning Commission. Pursuant to CDC 98.110(A), the Planning Commission shall recommend approval, denial, or approval with modifications to the Council.

Findings: Planning Commission meetings were held consistent with the procedures above. Staff prepared draft changes and presented relevant technical information as a starting point for discussion. The draft changes evolved in an iterative manner, with staff revising the text as directed and presenting the revised draft for consideration and approval. All meetings were open to the public and streamed live. On April 5, 2023, after five meetings, a consensus on a final recommendation on a proposed ADU Code Amendment Package was reached and the Planning Commission directed staff to bring the proposed amendments forward for a legislative public hearing. The final draft was submitted for City Attorney review.

CDC 98.040 Duties of Director

A. The Director shall:

1. *If appropriate, or if directed by the City Council or Planning Commission in their motion, consolidate several legislative proposals into a single file for consideration;*

Findings: The proposal is for one legislative action. Adopting CDC code amendments to amend ADU siting and design standards.

2. *Upon the initiation of a legislative change, pursuant to this chapter:*

- a. *Give notice of the Planning Commission hearing as provided by CDC [98.070](#) and [98.080](#);*

Findings: The Planning Commission public hearing will be held on May 17, 2023 with the City Council public hearing scheduled for July 10, 2023. Legislative notice was provided as required and documentation can be found in Exhibit PC-4. Notice was provided to the Department of Land Conservation and Development on March 9, 2023, meeting the required 35-day notice timeline. Measure 56 Notice, per ORS 227.186, was not required as part of this proposal.

- b. *Prepare a staff report that shall include:*

- 1) *The facts found relevant to the proposal and found by the Director to be true;*

- 2) *The Statewide planning goals and rules adopted under Chapter 197 ORS found to be applicable and the reasons why any other goal or rule is not applicable to the proposal except that goals 16 through 19 which are not applicable to the City of West Linn need not be addressed;*

- 3) *Any federal or State statutes or rules the Director found applicable;*

- 4) *Metro plans and rules the Director found to be applicable;*

- 5) *Those portions of the Comprehensive Plan found to be applicable, and if any portion of the plan appears to be reasonably related to the proposals and is not applied, the Director shall explain the reasons why such portions are not applicable;*

- 6) *Those portions of the implementing ordinances relevant to the proposal, and if the provisions are not considered, the Director shall explain the reasons why such portions of the ordinances were not considered; and*

- 7) *An analysis relating the facts found to be true by the Director to the applicable criteria and a statement of the alternatives; a recommendation for approval, denial, or approval with modifications; and at the Director's option, an alternative recommendation;*

Findings: Relevant facts and associated analysis for applicable Statewide Planning Goals, federal and state statutes and rules, Metro Functional Plan requirements, West Linn Comprehensive Plan goals and policies, and West Linn Community Development Code criteria are found in the sections of the Staff Report below.

c. Make the staff report and all case file materials available 10 days prior to the scheduled date of the public hearing under CDC [98.070](#);

Findings: The staff report, proposed amendments, and all other associated project materials were made available on May 4, 2023, thirteen days prior to the hearing.

d. Cause a public hearing to be held pursuant to CDC [98.070](#);

Findings: The West Linn Planning Commission is scheduled to hold the first evidentiary public hearing on May 17, 2023, with the West Linn City Council scheduled to hold its public hearing and make a final decision on July 10, 2023.

CDC 98.100 Standards for Decision

A. The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Findings: The City has a citizen involvement program, which has been acknowledged by the State. This legislative process to review the proposed amendments will require two public hearings (one before the Planning Commission on May 17, 2023 and one before City Council on July 10, 2023) pursuant to CDC Chapter 98.

In developing code amendments to modify the City’s ADU regulations, the City Council appointed the West Linn Planning Commission to act as the working group. All five working group meetings were open to the public. A list of the public work sessions where public feedback could be submitted are listed below.

- November 16, 2022 – Planning Commission Work Session 1
- January 18, 2023 – Planning Commission Work Session 2
- February 15, 2023 – Planning Commission Work Session 3
- March 15, 2023 – Planning Commission Work Session 4
- April 5, 2023 – Planning Commission Work Session 5

Information was distributed throughout the process via the project website and through social media and email. All of the aforementioned venues provided the opportunity for gathering feedback and comments.

All Planning Commission work sessions were open to the public and noticed in accordance with City rules and regulations, including direct emails to all neighborhood associations and all persons signed up to receive notice of Planning Commission meetings. All work session materials, including meeting recordings and summaries, were available on the City’s website. All of the aforementioned venues provided the opportunity for gathering feedback and comments.

As part of the legislative process, public notice requirements for the Planning Commission and City Council public hearings were met (see Exhibit PC-4). The notice was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the May 3, 2023 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the draft of the proposal can be viewed.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

Findings:

The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The amendments to the West Linn Community Development Code are being undertaken to amend CDC Chapter 34 to ensure siting and design standards for ADUs are consistent with the City's policy position and also to ensure compliance with state statute and administrative rules for ADUs.

The amendments are being processed in accordance with the City's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations or plans, comprehensive plan policies, and the City's implementing ordinances be addressed as part of the decision-making process. The amendments are being processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.

Findings: The City is currently in compliance with the State's Goal 5 program and Metro's Title 13: Nature in Neighborhoods program, which implements Goal 5. The amendment does not alter the City's acknowledged Goal 5 inventories or associated land use programs. No changes will occur to current natural resource protections. As a result, the amendments are in compliance with Goal 5 process requirements.

Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:

To maintain and improve the quality of air, water, and land resources of the state.

Findings: The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 6. The amendments do not alter the City's acknowledged land use programs regarding water quality. The amendments are consistent with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

To protect people and property from natural hazards.

Findings: The City is currently in compliance with Goal 7 and Metro's Title 3: Water Quality and Flood Management program. No changes will occur to city programs related to flood management or other natural hazards. The amendments are consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs:

This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.

Findings: The proposed amendments do not address or alter any City recreational programs or land use requirements related to parks and recreation. The amendments are in compliance with Goal 8.

Statewide Planning Goal 9 – Economic Development:

To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

Findings: The City is currently in compliance with Goal 9 and Metro’s Title 4: Industrial and Other Employment Areas. The amendments do not alter the City’s compliance with Goal 9.

Statewide Planning Goal 10 – Housing:

To provide adequate housing for the needs of the community, region and state.

Findings: The proposed ADU Code Amendment Package will ensure West Linn remains in compliance with state statute and administrative rules, and Goal 10 by continuing to allow construction of an ADU in all areas zoned for detached single-family dwellings and eliminated a requirement for one off-street parking space for the ADU. The City has also completed a draft Housing Needs Analysis (HNA) per Oregon House Bill 2003, which will be adopted in 2023. The HNA shows an increased need in the community for affordable housing options. Adoption of the proposed ADU code amendments will remove barriers to constructing ADUs and help to achieve more affordable housing options within the City.

Statewide Planning Goal 11 – Public Facilities and Services:

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.

Findings: The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The Public Facility Plan shows the City’s water, sanitary sewer, transportation, and stormwater facilities have adequate capacity to service development of ADUs. The amendments do not alter the City’s compliance with Goal 11 and are consistent with this goal.

Statewide Planning Goal 12 – Transportation:

To provide and encourage a safe, convenient, and economic transportation system.

Findings: The City is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The proposed amendments do not alter the City’s compliance with Goal 12.

Statewide Planning Goal 13 – Energy Conservation:

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Findings: The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendments do not alter the City’s compliance with Goal 13 and are consistent with this goal.

Statewide Planning Goal 14 – Urbanization:

To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings: The City is currently in compliance with Goal 14 and Metro’s Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Growth Management Agreement with Clackamas County as required by ORS 195.065. The amendments do not alter the City’s compliance with Goal 14 and are consistent with this goal.

Statewide Planning Goal 15 – Willamette River Greenway:

To provide for keeping the land green along the banks of the river and providing for recreation access.

Findings: The City is currently in compliance with Goal 15 through its acknowledged Comprehensive Plan and land use regulations. The amendments do not alter the City’s compliance with Goal 15 and are consistent with this goal.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are consistent with applicable Statewide Planning Goals.

2. *Any federal or State statutes or rules found applicable;*

Oregon State Statute 197.312

Findings: The proposed ADU Code Amendment Package will ensure West Linn remains in compliance with this statute by continuing to allow construction of an ADU in all areas zoned for detached single-family dwellings and eliminate a requirement for one off-street parking space for the ADU.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are consistent with applicable federal or state statutes or rules.

3. *Applicable plans and rules adopted by the Metropolitan Service District;*

The Metro Urban Growth Management Functional Plan Title 1: Housing Capacity

Findings: The purpose of the Metro Urban Growth Management Functional Plan (UGMFP) is to recommend and require changes to city comprehensive plans and implementing ordinances in order to achieve regional goals and objectives. These goals and objectives include housing capacity and choices, water quality and flood management, industrial and employment lands, protection of natural areas, and urbanization patterns. The proposed ADU Code Amendment Package will ensure continued compliance with Title 1 Section 3.07.120(G) that requires City of West Linn to allow construction of an ADU for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. Metro staff was sent notice of the proposal and submitted comment confirming compliance with Title 1 and support for removing barriers to the construction of ADUs (see Exhibit PC-3). The proposed changes will not impact compliance with requirements found in the UGMFP.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are consistent with applicable plans and rules adopted by Metro.

4. *The applicable Comprehensive Plan policies and map;*

Goal 1: Citizen Involvement

Policy 2. Support neighborhood associations as a forum for discussion and advice on issues affecting the community.

Findings: A copy of the agenda was sent to the president of all eleven recognized neighborhood associations for all five Planning Commission work sessions. A public hearing notice was sent to all 11 recognized neighborhood associations for the May 17, 2023 Planning Commission public hearing, as well as the City Council public hearing scheduled for July, 2023. Each president had the opportunity to relay information back to the associations for feedback and comment. Meeting agendas and materials were available for review and comment on the City's website.

Policy 3. Encourage individuals to organize and work in groups to develop recommended programs or position on various issues.

Findings: The City Council appointed the Planning Commission as the working group for the project. All work sessions were open to the public for feedback and comment. After five work sessions, the Planning Commission on April 5, 2023, directed staff to schedule a public hearing for its proposed ADU Code Amendment Package.

Policy 4. Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.

Findings: As part of the legislative process, public notice of the Planning Commission and City Council public hearings was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the May 3, 2023 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the proposed amendment could be viewed.

A copy of the agenda was sent to the president of all eleven recognized neighborhood associations for all five Planning Commission work sessions. Each president had the opportunity to relay information back to the associations for feedback and comment. All work session materials, including meeting recordings and summaries, were available throughout the process on the City's website. All the venues provided the opportunity for gathering feedback and comments.

Policy 5. Communicate with citizens through a variety of print and broadcast media early in and throughout the decision-making process.

Findings: Information was distributed throughout the process via the project website and through social media and email. All the venues provided the opportunity for gathering feedback and comments.

In developing code amendments to modify the City's ADU regulations, the City Council appointed the West Linn Planning Commission to act as the working group. All five working group meetings were open

to the public. A list of the public work sessions where public feedback could be submitted are listed below.

- November 16, 2022 – Planning Commission Work Session 1
- January 18, 2023 – Planning Commission Work Session 2
- February 15, 2023 – Planning Commission Work Session 3
- March 15, 2023 – Planning Commission Work Session 4
- April 5, 2023 – Planning Commission Work Session 5

All Planning Commission work sessions were open to the public and noticed in accordance with City rules and regulations, including direct emails to all neighborhood associations and all persons signed up to receive notice of Planning Commission meetings. All work session materials, including meeting recordings and summaries, were available on the City's website.

As part of the legislative process, public notice requirements for the Planning Commission and City Council public hearings were met (see Exhibit PC-4). The notice was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the May 3, 2023 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the draft of the proposal can be viewed.

Goal 2: Land Use Planning

Section 1: Residential Development

Goal 1. Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits.

Findings: The proposed ADU code amendments will provide the opportunity to develop a variety of living environments and densities within West Linn. The proposed amendments will remove siting and design standards for ADU construction that have been found to be prohibitive in the past. The proposed amendments are consistent Oregon Revised Statute 197.312 and Metro Urban Growth Management Functional Plan Title 1 Section 3.07.120(G).

Section 5: Intergovernmental Coordination

Goal 1. Provide a coordinated approach to problems that transcend local government boundaries.

Findings: The State of Oregon housing crisis is a problem that transcends local government boundaries. The proposed ADU code amendments will remove siting and design standards for ADU construction that have been found to be prohibitive in the past. The proposed amendments are consistent Oregon Revised Statute 197.312 and Metro Urban Growth Management Functional Plan Title 1 Section 3.07.120(G) and part of that coordinated approach to addressing the state housing crisis by providing the opportunity for property owners a better opportunity to construct ADUs on their property.

Section 5: Intergovernmental Coordination

Policy 1. Maintain effective coordination with other local governments, special districts, state and federal agencies, Metro, the West Linn-Wilsonville School District, and other governmental and quasi-public organizations.

Findings: Notice was sent to Department of Land Conservation and Development, Metro, Clackamas County, ODOT, TriMet, Lake Oswego, Oregon City, Stafford-Tualatin CPO, West Linn Chamber of

Commerce, and all West Linn Neighborhood Associations. They were provided the opportunity to review and comment on the amendments proposed for adoption.

Goal 5: Open Spaces, Scenic and Historic Areas & Natural Resources

Goal 6: Air, Water & Land Resources Quality

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 8: Parks and Recreation

Goal 9: Economic Development

Findings: None of the goals or policies under Goals 5-9 apply to this application.

Goal 10: Housing

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

Findings: Accessory dwelling units are 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. Amending siting and design standards that have been found to be prohibitive in the past will further the goal of encouraging development of affordable housing.

Policy 6. Allow accessory dwelling units, subject to City development and building regulations, in all residential zones.

Findings: The proposed ADU code amendments will amend some siting and design standards for ADU construction that have been found to be prohibitive in the past. The proposed amendments are consistent Oregon Revised Statute 197.312 and Metro Urban Growth Management Functional Plan Title 1 Section 3.07.120(G).

Policy 8. Adhere to clear and objective standards to promote timely and predictable plan review.

Findings: The proposed ADU Code Amendment Package will ensure West Linn follows state mandated clear and objective standards for housing. The proposed amendments are consistent with Policy 8 as the language is written to be clear and objective.

Goal 11: Public Facilities and Services

Goal – Require that essential public facilities and services (transportation, storm drainage, sewer, and water service) be in place before new development occurs and encourage the provision of other public facilities and services.

Findings: The City has an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The Public Facility Plan shows the City's water, sanitary sewer, transportation, and stormwater facilities have adequate capacity to service development of ADUs. The proposed amendments are consistent with this goal.

Goal 12: Transportation

Goal 13: Energy Conservation

Goal 14: Urbanization

Goal 15: Willamette River Greenway

Findings: None of the goals or policies under Goals 12-15 apply to this application.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are consistent with applicable West Linn Comprehensive Plan policies and map.

5. The applicable provisions of the implementing ordinance.

Chapter 105 – Amendments to the Code and Map

CDC 105.030 Legislative Amendments to this Code and Map

Legislative amendments to this code and to the map shall be in accordance with the procedures and standards set forth in Chapter 98 CDC.

Findings: The legislative process is being carried out in conformance with CDC Chapter 98 per Findings found in this Staff Report.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable provisions of the implementing ordinance.

EXHIBIT PC-1 – PROPOPOSED ADU CODE AMENDMENTS

ORDINANCE NO. 1742

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTER 34: ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~lined through~~ and additions are underlined in red font.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the City Council initiated a review of the City's accessory dwelling unit (ADU) regulations by placing a prioritized project on the Planning Document; and

WHEREAS, the City Council appointed the West Linn Planning Commission (PC) on September 19, 2022 to act as the working group and work with staff evaluate policy positions and to review and recommend a proposed code amendment package; and

WHEREAS, the PC held five work sessions from November 2022 to April 2023; and

WHEREAS, the PC held a public hearing, which was noticed in accordance with City standards, on May 17, 2023, and recommended approval of the proposed ADU Code Amendment Package; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on July 10, 2023, to consider the Planning Commission recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council's decision is based on the findings contained in these Whereas Clauses, together with findings, conclusions, and substantial evidence found in the associated land use record file CDC-23-01, which is incorporated by this reference.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Amendments. The West Linn Community Development Code Chapter 34 is amended to include new text and rescind existing text as shown in Exhibit A.

SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-4) need not be codified and the City Recorder or the designee is authorized to correct any cross-references and any typographical errors.

SECTION 9. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the ____ day of _____, 2023, and duly PASSED and ADOPTED this ____ day of _____, 2023.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Chapter 34

Accessory Structures, Accessory Dwelling Units, and Accessory Uses

Sections:

- 34.020 ACCESSORY USES
- 34.030 ACCESSORY DWELLING UNITS (ADUs)
- 34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ~~ACCESSORY USES~~ **EQUIPMENT**
- 34.050 BOAT HOUSES AND DOCKS
- 34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

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~~ **One** accessory dwelling unit (ADU), **either attached or detached**, may be allowed in conjunction with an existing primary single-family **detached** dwelling **(excluding duplexes, triplexes and quadplexes)** 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.~~

~~2.1. 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.~~

2. The maximum size of an ADU shall be:

a. 1,000 square feet when attached to the primary dwelling.

b. 1,000 square foot or 75 percent of gross square footage of the primary dwelling, whichever is less, when contained in a detached accessory structure.

~~5.3. 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 or less. 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.~~ **4. Height.** The maximum height allowed for **of** a detached ADU **shall be the greater of:**

a. the height of the primary structure; or

b. 26 feet.

~~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~~ **EQUIPMENT**

Noise-producing ~~accessory uses~~ **equipment** (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)

**EXHIBIT PC-2 – DRAFT PLANNING COMMISSION TRANSMITTAL LETTER TO CITY
COUNCIL**

Memorandum

Date: May 17, 2023
To: West Linn City Council
From: West Linn Planning Commission
Subject: CDC-23-01 Recommendation – ADU Code Amendment Package

The Planning Commission held a public hearing on May 17, 2023, for the purpose of making a recommendation to the City Council on adoption of a proposed ADU Code Amendment Package. The proposal was previously discussed at five Planning Commission work sessions from November 2022 to April 2023.

After conducting the public hearing, the Commission deliberated and voted # to # to recommend City Council adopt (or adopt with changes or not adopt) the proposal as presented (with the following changes or explain not adopt recommendation). Written testimony was submitted by # community members and # community members provided oral testimony at the public hearing.

The primary topics of the testimony included:

- Topic 1
- Topic 2
- Topic 3
- Etc.

Respectfully,

John Carr
Chair, West Linn Planning Commission

EXHIBIT PC-3 – PUBLIC COMMENT

From: [Glen Hamburg](#)
To: [Gardner, Benjamin](#)
Cc: [Wyss, Darren](#)
Subject: CDC-230-1 Comments
Date: Wednesday, March 22, 2023 9:48:17 AM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Good morning Ben,

I've had a chance to review the draft amendments uploaded to the DLCD PAPA system for CDC-230-1 concerning accessory dwelling unit (ADU) regulations. Those draft amendments would be consistent with Metro's Urban Growth Management Functional Plan (UGMFP) and we support the City's efforts to reduce barriers to ADU construction.

Kind regards,

Glen Hamburg | Metro | Associate Regional Planner
My gender pronouns: he/him/his



Dear Planning Commission:

I'm writing as a member of EDC (Economic Development Committee) but I'm not testifying on behalf of the EDC (we did not have a quorum at the last meeting for us to vote on this testimony).

For the past several years, EDC has identified ADU code updates as an opportunity for economic development in West Linn. West Linn has no hotels. ADU's offer a way for West Linn to offer accommodations for tourists. Tourism brings needed out of the area dollars into our restaurants and retail shops.

Our short term rental (STR) regulations only allow "airbnb" in owner occupied residences. Thus, ADU's are a great way to create more STR's. Owners live in the main house and rent out the ADU with AirBNB. We don't think we will see a hotel built any time in the near future. ADU's are the fastest way to increase out of the area tourism in West Linn.

ADU's also create affordable housing units for the community, and likewise, more community members means more potential customers for our local businesses.

Our current ADU code makes building an ADU cost prohibitive by requiring sidewalks and other infrastructure be built. By reducing these barriers, we hope that more ADU's will be built, and that in turn will bring more customers to our local businesses. Please vote in favor of these ADU code amendments.

Sincerely,

Shannen Knight

Schroder, Lynn

From: Shannon Ilas <shannon@shannonilashomes.com>
Sent: Monday, March 13, 2023 10:40 AM
To: Schroder, Lynn
Subject: Written testimony for Planning Commission meeting on ADU's

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Planning Commission:

I'm writing as a member of EDC (Economic Development Committee) but I'm not testifying on behalf of the EDC (we did not have a quorum at the last meeting for us to vote on this testimony). I am also a realtor and have talked to several home owners in West Linn about ADUs.

For the past several years, EDC has identified ADU code updates as an opportunity for economic development in West Linn. West Linn has no hotels. ADU's offer a way for West Linn to offer accommodations for tourists. Tourism brings needed out of the area dollars into our restaurants and retail shops. When I talk to potential buyers of homes in the West Linn area, they express disappointment that there isn't a place to stay while visiting our area to see if they want to live here. Likewise, many home buyers need a place to stay for a few weeks if the home they're buying isn't available right away. We experienced this ourselves when we moved to West Linn and had to stay in Portland until our home was ready and on our several visits to the area before purchasing. Our dollars were spent on food and housing in other cities rather than the one we wanted to live in.

Our short term rental (STR) regulations are currently only allowed in owner occupied residences. Thus, ADU's are a great way to create more STR's. Owners can live in the main house and rent out the ADU. We don't think we will see a hotel built any time in the near future. ADU's are the fastest way to increase out of the area tourism in West Linn.

ADU's also meet the needs of community members who are having extended family members come live with them. I have had several conversations with potential community members who need a place for their aging parent(s) to come live with them and have to move out of our community for lack of ADU's. ADU's also create affordable housing units for the community, and likewise, more community members means more potential customers for our local businesses.

Our current ADU code makes building an ADU cost prohibitive by requiring sidewalks and other infrastructure be built. By reducing these barriers, we hope that more ADU's will be built, and that in turn will bring more customers to our local businesses. Please vote in favor of these ADU code amendments.

Sincerely,

Shannon Ilas

she/her/hers

Principal Broker Licensed in OR

Schroder, Lynn

From: Heather Jones <heatherjones@robbinsrealtygroup.com>
Sent: Monday, March 13, 2023 8:55 PM
To: Planning Commission (Public)
Subject: ADU's

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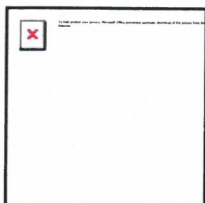
I'm writing as a member of EDC (Economic Development Committee) but I'm not testifying on behalf of the EDC (we did not have a quorum at the last meeting for us to vote on this testimony).

For the past several years, EDC has identified ADU code updates as an opportunity for economic development in West Linn. West Linn has no hotels. ADU's offer a way for West Linn to offer accommodations for tourists. Tourism brings needed out of the area dollars into our restaurants and retail shops.

Our short term rental (STR) regulations only allow "airbnb" in owner occupied residences Thus, ADU's are a great way to create more STR's. Owners live in the main house and rent out the ADU with AirBNB. We don't think we will see a hotel built any time in the near future. ADU's are the fastest way to increase out of the area tourism in West Linn.

ADU's also create affordable housing units for the community, and likewise, more community members means more potential customers for our local businesses.

Our current ADU code makes building an ADU cost prohibitive by requiring sidewalks and other infrastructure be built. By reducing these barriers, we hope that more ADU's will be built, and that in turn will bring more customers to our local businesses. Please vote in favor of these ADU code amendments.



Heather Jones

Licensed Oregon Real Estate Broker

Mobile: 503.989.3442

Email: heatherjones@robbinsrealtygroup.com

Web: robbinsrealtygroup.com



EXHIBIT PC-4 – AFFIDAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
LEGISLATIVE DECISION**

We, the undersigned, certify that, in the interest of the party (parties) initiating a proposed legislative change, the following took place on the dates indicated below:

PROJECT

File No.: **CDC-23-01**

Project: **TEXT AMENDMENTS TO CHAPTER 34: ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES**

Planning Commission Hearing: **May 17, 2023**

City Council Hearing: **July 10, 2023**

MAILED NOTICE

Notice of Upcoming Planning Commission and City Council Hearings was mailed at least 10 days before the Planning Commission hearing, per Section 98.070 and 98.080 of the Community Development Code to:

| | | |
|--------------------------------------|--------|----------------------|
| ODOT | 5/4/23 | <i>Lynn Schroder</i> |
| METRO | 5/4/23 | <i>Lynn Schroder</i> |
| TRIMET | 5/4/23 | <i>Lynn Schroder</i> |
| Clackamas County Planning Department | 5/4/23 | <i>Lynn Schroder</i> |
| City of Oregon City | 5/4/23 | <i>Lynn Schroder</i> |
| City of Lake Oswego | 5/4/23 | <i>Lynn Schroder</i> |
| Stafford/Tualatin CPO | 5/4/23 | <i>Lynn Schroder</i> |
| All Neighborhood Associations | 5/4/23 | <i>Lynn Schroder</i> |
| West Linn Chamber of Commerce | 5/4/23 | <i>Lynn Schroder</i> |

WEBSITE

Notice was posted on the City’s website at least 20 days before the Planning Commission hearing, per Section 98.070 and 98.080 of the CDC:

| | |
|--------|----------------------|
| 5/4/23 | <i>Lynn Schroder</i> |
|--------|----------------------|

TIDINGS

Notice of the Planning Commission and City Council hearings was posted in the West Linn Tidings at least 10 days before the Planning Commission hearing, per Section 98.070 and 98.080 of the CDC.

| | |
|--------|----------------------|
| 5/3/23 | <i>Lynn Schroder</i> |
|--------|----------------------|

STAFF REPORT

The proposed amendments and staff report were posted on the website and provided to Planning Commissioners at least 10 days before the hearing, per Section 98.040 of the CDC.

| | |
|--------|----------------------|
| 5/4/23 | <i>Lynn Schroder</i> |
|--------|----------------------|

CITY COUNCIL STAFF REPORT

The proposed amendments and staff report were posted on the website and provided to the City Council at least 10 days before the hearing, per Section 98.040 of the CDC.

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FINAL DECISION

A Notice of Final Decision was mailed to the Department of Land Conservation and Development and persons who participated in the proceedings or otherwise requested such notice no later than 5 working days after the final decision per Section 98.140 of the CDC.

| | |
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| | |
|--|--|

**CITY OF WEST LINN
PUBLIC HEARING NOTICE
CDC-23-01**

**TO ADOPT TEXT AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE
CHAPTER 34: ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES**

The West Linn Planning Commission will hold a hybrid public hearing on **Wednesday, May 17, 2023 at 6:30pm** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider adopting text amendments to West Linn Community Development Code Chapter 34. The purpose of the amendments is to update siting and design standards for accessory dwelling units and ensure the code complies with state statute and administrative rules.

Following the Planning Commission hearing, the Commission will make a recommendation to the City Council. The Council will decide on the ADU amendments following a hybrid public hearing on **Monday, July 10, 2023 at 6:00pm** in the Council Chambers of City Hall.

At least 10 days before the hearings, a copy of the proposed amendments and associated staff report will be available for inspection at no cost at City Hall and on the City website [Community Development Code Accessory Dwelling Unit Chapter 34 Amendments | City of West Linn Oregon Official Website](#). Alternately, copies may be obtained for a minimal charge per page.

The hybrid hearings will be conducted in accordance with the rules of CDC Chapters 98 and 105. The public can attend in person or watch the meeting online at <https://westlinnoregon.gov/meetings> or Cable Channel 30.

The Commission and Council will receive a staff presentation and invite oral and written testimony at public hearings. The Body may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the proposed amendments as provided by state law.

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on the meeting day or in-person at the hearing. Persons interested in party status must establish standing by submitting oral or written testimony before or at the public hearings. Written comments may be submitted to dwyss@westlinnoregon.gov. Failure to raise an issue in person or by letter before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

To participate remotely during the meeting, please complete the form at: <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by 4:00 pm on the meeting day. Staff will email a Webex invitation before the meeting. If you do not have email access, please call 503-742-6061 for assistance 24 hours before the meeting. If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date 503-657-0331.

For further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, (503)742-6064 or dwyss@westlinnoregon.gov.

Publish: West Linn Tidings, May 3, 2023



**NOTICE OF UPCOMING
LEGISLATIVE PUBLIC HEARINGS**

**PROJECT # CDC-23-01
MAIL: 05/04/2023 TIDINGS: 05/03/2023**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.