

Karie Oakes
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West Linn City Council

Re: Testimony for CDC 23-02 Community Development Code Clear and Objective Code Compliance Amendments.

September 18, 2023 via email to citycouncil@westlinnoregon.gov, cc: jfloyd@westlinnoregon.gov

There are procedural deficiencies in this project.

Public Hearings Notice

There were two separate notices of the City Council hearing with conflicted dates. The first notice stated the hearing would be held September 11, 2023. The second notice stated the hearing would be held September 18, 2023, without clarifying it was a change in date.

Presumably, the second notice was necessary because the hearing was not on the September 11th City Council meeting agenda, so the City Council could not continue it to a certain date, time and place pursuant to [CDC 98.090](#), to avoid a second notice.

Affidavit of Notice

It is not clear if there is an affidavit of notice required by [CDC 98.070](#) as evidence that the September 18th notice was published in the newspaper and mailed to persons entitled to notice.

The [agenda bill posted on the Council agenda for the September 18th hearing](#) titled "Work Session Agenda Bill" dated August 29 does not include all the attachments, including the affidavit of notice for the City Council hearing.

The Agenda Bill and Staff Report posted on the project page and referenced and linked to in the September 18th hearing notice, includes the affidavit of notice for the "Upcoming Planning Commission and City Council Hearings" as evidence that the September 11th notice met the noticing requirements of CDC 98.070. The affidavit is on page 570.

I question if the City made a good faith effort to provide notice to persons entitled to notice and ask the City Council to consider if the notice is valid. See [CDC 98.080\(C\)](#).

Project Page Information

[The project page on the City website](#) has information discrepancies. See the attached screenshot with mark-ups numbered 1-4.

1. The project is awaiting the Planning Commission decision.

2. The City Council Hearing is September 18, 2023.

3. The "Notice of City Council Final Decision" links to the September 18th hearing notice.

4. "The Agenda Bill and Staff Report for the City Council Hearing" has not been updated with The Agenda Bill number "AB 2023-09-08-02" and instead remains a "Work Session Agenda Bill" except for some revisions for the Council Hearing. The Staff Report is for the Planning Commission. There is not a staff report for the City Council as required by [CDC 99.040\(4\)\(c\)](#). The staff report for the City Council would note and include any public comments received since the Planning Commission Hearing on June 21, 2023. The practice has been to generate a memo regarding any public comments and post it to the project page, which is not done.

The public must be able to rely on the project page for updated and accurate information regarding the procedures and legislative proposals and of course, the codes for noticing and reporting information must be followed. It appears that wasn't the case here. It confused a complicated legislative proposal and may have adversely affected citizen participation.

I would have liked to have spent my time and effort understanding and commenting on the proposed legislation, but felt this testimony was important.

Thank you for considering my comments. I intended to read them at the hearing tonight, but I am unexpectedly unable to attend.