

Memorandum

Date: November 14, 2024

To: Rory Bialostosky, Mayor
Members, West Linn City Council

From: Darren Wyss, Planning Manager

Subject: Code Process Amendments

The City Council held a [work session on November 4, 2024](#), to discuss the proposed Code Process Amendments Package as recommended by the Planning Commission. The Council asked clarifying questions and directed staff to bring back additional information on the following topics:

1. Review proposed amendments to CDC 99.250.A.(3) with City Attorney to ensure it clearly requires submittal of code criteria believed to have been overlooked or incorrectly interpreted or applied.
2. Potential impacts to existing home occupations with “pupils/student” by removing the unlimited trips allowance and setting a maximum of 12 vehicle trips per day.
3. Pros/cons of de novo versus on-the-record appeal hearings and a comparison of the appeal processes of other jurisdictions in the Metro region.
4. Potential role of a Hearings Officer in the appeal process.

Staff provided information on [Request #3 and Request #4 in a memorandum dated November 11, 2024](#). That memorandum is found as Attachment 1 to the November 18, 2024, City Council Agenda Bill. Information on the remaining requests is found below.

Information Request #1

Staff worked with the City Attorney for final review of the code language related to submittal requirements for an appeal application. Staff recommends the Council, at the public hearing, considers amending the Planning Commission Recommendation to the following language:

99.250 APPLICATION FOR APPEAL OR REVIEW

A. The notice of **An** appeal **application** shall contain **the following information**:

1. **Date and case file number of** A reference to the **decision being** application sought to be appealed, ~~and~~
2. **Documentation that the appellant** A statement explaining how the petitioner qualifies as a party of standing, as provided by CDC 99.140.

3. A statement describing the basis of the appeal that includes a citation to the West Linn Municipal Code and/or Community Development Code approval criteria or development standard(s) that is not met in the application, or that the appellant claims have been incorrectly interpreted or applied.

B. The appeal application shall be accompanied by the required fee.

C. If the appeal application and required fee are not submitted within the appeal period, or if the appeal application does not contain the required elements specified in West Linn CDC Section 99.250.A(1-3), the application shall not be accepted.

~~C.~~ **D.** The hearing on the appeal or review shall be de novo; however, all evidence presented to any lower approval authority shall be made part of the record and shall be considered and given equal weight as evidence presented on appeal.

~~D.~~ The appeal or review application may state grounds for appeal or review.

Information Request #2

There are currently 313 approved Home Occupation Permits (HOP) in the City of West Linn. The City's business license software allows the business license holder to self-select from a set of categories as to which category best represents the business type. The following are categories that would be most likely to have "pupils/students", along with total numbers and percentage of all HOPs.

Category	Total Number of HOPs	Percent of Total HOPs
Educational Services/Tutoring	4	1.3%
Instructor	3	1.0%
Music	1	0.3%

Information Request #3

In addition to the information provided in Attachment 1 to the Agenda Bill, conducting an appeal hearing as de novo provides the opportunity for Council to correct any deficiencies in the record and potentially help avoid it being appealed to LUBA.

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.