



## Work Session Agenda Bill

Date: September 15, 2025

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

Through: John Williams, City Manager *JRW*

From: Steve Koper, Community Development Director *SK*  
Darren Wyss, Principal Planner *DSW*

Subject: 2025 CDC Code Cleanup Amendment Package Work Session

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### Purpose:

Receive overview of Planning Commission recommended 2025 CDC Code Cleanup Amendment Package and briefing on legislative process.

### Question(s) for Council:

Does the Council have questions regarding the code amendments and legislative process, or need additional information before the October 14, 2025, public hearing?

### Background & Discussion:

The Planning Commission (PC) recommended prioritizing a code cleanup project on the West Linn Planning Docket in [March 2025](#). City Council (CC) formally set the Docket in [April 2025](#), including the PC recommended prioritization of a code cleanup project, and directed Staff to work with the PC to develop revised code language and bring an amendment package for adoption to the City Council. Staff and the City Attorney identified three topics related to clear and objective standards to clean up immediately:

1. Maximum and Minimum Density Calculations
  - The CDC currently does not have one location with clear and objective instructions on how maximum and minimum densities are calculated.
  - Updated definitions are also needed to define the terms used in the calculations.
2. Partition Minimum Density Exemption Clarification
  - The CDC section ([CDC 85.200.J\(7\)](#)) as written has been interpreted by applicants to mean if only three parcels are proposed the project is exempt from minimum density requirements regardless of maximum density allowed for the proposal.
3. Shape of Newly Created Lots and Parcels
  - The CDC sections ([CDC 85.200.B\(3\)](#) and [\(6\)](#)) are not clear and objective regarding the preferred lot shape. This has recently led to a variety of creative lot/parcel configurations.

The Planning Commission held two work sessions and a public hearing for the Code Cleanup Project on the following dates:

#### PC Work Session June 18, 2025

Initial feedback was provided, and Staff made changes as directed.

[Work Session Video](#)

[Work Session Meeting Materials](#)

[Work Session Meeting Notes](#)

#### PC Work Session July 16, 2025

Final feedback was provided, and PC directed Staff to bring the proposed amendments to public hearing.

[Work Session Video](#)

[Work Session Meeting Materials](#)

[Work Session Meeting Notes](#)

#### PC Public Hearing August 6, 2025

The Commission voted six (6) to zero (0) to recommend Council adopt the proposed amendments as presented.

[Public Hearing Video](#)

[Public Hearing Meeting Materials](#)

[Public Hearing Meeting Notes](#)

After the Commission recommendation, the City Attorney's office recommended one minor addition to CDC 05.025.A(e) to clarify how heritage and significant trees area is measured to ensure the language is clear and objective. The following language is proposed (highlighted in [Blue](#)) to address this issue:

### **05.025 Measurements**

#### **A. Density Calculations**

##### **1. Developable net area is determined by subtracting the following areas from the developable gross area:**

**a. Type I and II lands,**

**b. All land dedicated to the public for park purposes,**

**c. All land dedicated for public rights-of-way,**

**d. All land proposed for private streets; and**

**e. Optionally, the applicant may subtract the following (as measured in CDC 55.105.C.2(a)):**

**i, Heritage trees,**

**ii. Significant trees or tree clusters.**

Below you will find more information regarding the three topics and proposed amendments.

#### **Topic #1 – Maximum and Minimum Density Calculations (CDC Chapters 2, 5, 24, 55, and 85)**

The [Metro Urban Growth Management Functional Plan \(UGMFP\) Title 1, Section 3.07.120\(b\)](#) requires cities to have minimum density standards for each zone where dwelling units are permitted. It is common practice for Metro cities to provide the procedures for calculating maximum and minimum densities within the development code to assist property owners/developers when applying for a land

division. Many of the south Metro area cities have established code sections including: [City of Tualatin](#), [City of Tigard](#), [City of Milwaukie](#), [City of Oregon City](#), [City of Lake Oswego](#), and [City of Wilsonville](#).

The City of West Linn currently requires achieving a minimum 70 percent density during a land division process, but the CDC does not clearly define how to calculate that minimum density. The lack of clarity and clear and objective language has recently led to some confusion for applicants. Staff propose to add language to resolve this issue. Middle housing developments and middle housing land divisions would be exempt from the maximum density calculations per state statutes.

The proposed draft CDC amendments include adding new definitions and removing two definitions to CDC Chapter 2, cleaning up language in CDC Chapter 24 to align with new definitions, adding a density calculation section to CDC Chapter 5, and cleaning up language related to density calculations in CDC Chapters 55 and 85 by pointing to the new section in CDC Chapter 5. See the attached draft CDC amendments.

### **Topic #2 – Partition Minimum Density Exemption Clarification (CDC Chapter 85)**

The UGMFP minimum density requirements (see Topic #1) provide an opportunity for cities “to reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city’s or county’s overall minimum zoned residential capacity” ([UGMFP Title 1, Section 3.07.120\(e\)](#)).

Planning staff have interpreted the following exemption language in [CDC Chapter 85.200.J\(7\)](#) “Land divisions of three lots or less are also exempt” to mean if the 70 percent minimum density calculation resulted in three lots/parcels, the applicant could reduce the number to two and maintain the City’s compliance with the UGMFP.

Recently, an applicant’s attorney challenged the interpretation and asserted the language is not clear and objective. In this case, the impact was negligible (three instead of four lots that will be further split into middle housing). However, if a five-acre property zoned R-7 made the same argument, staff believe the result would be non-compliant with the UGMFP as the maximum density would be 24 lots, the minimum density would be 17 lots (see math below) and the applicant could argue they are exempt if only creating three 1.66-acre lots.

5 acres = 217,800 sq. ft.

Minus 20% for ROW = 174,240 sq. ft.

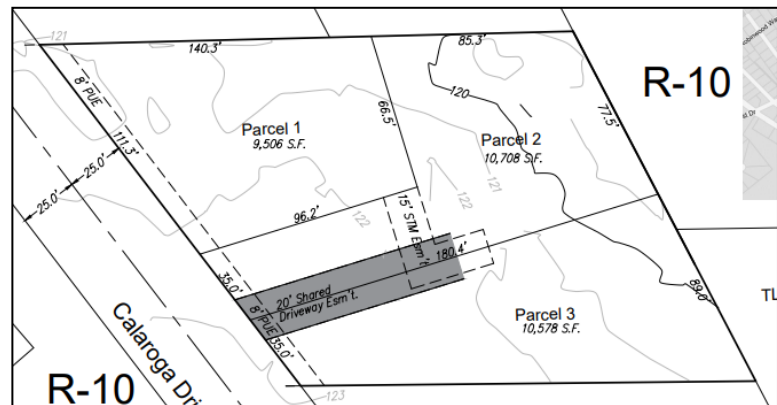
Maximum density = 174,240 sq. ft./7,000 sq. ft. (minimum lot size in R-7) = 24.89, which rounds down to 24

Minimum density = 24 x 0.70 (minimum density requirement) = 16.8, which rounds up to 17

The proposed amendment to CDC 85.200.J(7), found in the attached document, is intended to clarify this confusion.

### **Topic #3 – Shape of Newly Created Lots and Parcels (CDC Chapters 2, 5, and 85)**

The layout of streets and lots/parcels during development helps ensure that any future development changes or issues can be accommodated and rectified. Consistent lot sizes and shapes can also help build community in a neighborhood. [CDC Chapter 85.200.B\(3\) and \(6\)](#) attempt to address this topic via language focused on lot size, shape, and side lot lines.



1. West Linn Planning Commission Recommendation Memorandum
2. ORD 1763 – Planning Commission Recommended 2025 Code Cleanup Code Amendment Package



## Memorandum

Date: August 7, 2025  
To: West Linn City Council  
From: West Linn Planning Commission  
Subject: CDC-25-01 Recommendation –2025 CDC Cleanup Amendment Package

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The Planning Commission held a legislative public hearing on August 6, 2025, for the purpose of making a recommendation to the City Council on adoption of a proposed Code Cleanup Amendment Package.

In April 2025, the City Council directed the Planning Commission to work with Planning staff to recommend a code cleanup amendment package. Staff and the City Attorney brought three topics to the Commission for discussion in June and July 2025. The Commission directed staff to bring forward the proposed amendments into the legislative process. The proposed amendments will provide clear and objective standards for minimum/maximum density calculations, minimum density exemptions, and shape of newly created lots.

After conducting the public hearing, the Commission deliberated and voted six (6) to zero (0) to recommend City Council adopt the proposal as presented.

Respectfully,

A handwritten signature in dark ink, appearing to read "Joel Metlen", is written over a light gray circular stamp.

Joel Metlen  
Chair, West Linn Planning Commission

**ORDINANCE NO. 1763**

**AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 5, 24, 55, 85, AND 99 TO UPDATE LANGUAGE TO BE CLEAR AND OBJECTIVE FOR MINIMUM/MAXIMUM DENSITY CALCULATIONS, MINIMUM DENSITY EXEMPTIONS, AND SHAPE OF NEWLY CREATED LOTS**

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**, in 2025 the City Council prioritized a code cleanup project on the Planning Docket and appointed the West Linn Planning Commission (PC) on April 14, 2025 to act as the working group and work with staff to bring forward a proposed code amendment package; and

**WHEREAS**, City staff and the City Attorney's office identified three code topics in need of immediate improvement to be clear and objects, comply with state regulations, and better serve community interests; and

**WHEREAS**, the PC held two work sessions in June 2025 and July 2025; and

**WHEREAS**, the PC held a public hearing, which was noticed in accordance with City standards, on August 6, 2025, and recommended approval of the proposed 2025 Code Cleanup Amendment Package; and

**WHEREAS**, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on October 13, 2025, 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-25-01, 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 Chapters 2, 5, 24, 55, 85, and 99 are 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 30<sup>th</sup> 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 \_\_\_\_\_, 2025, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
RORY BIALOSTOSKY, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
KAYLIE KLEIN, CITY ATTORNEY

## West Linn Community Development Code

## CDC Chapter 2: Definitions

~~Acres, gross. All of the land area owned by the applicant under consideration. See "Tract."~~

~~Acres, net. The total gross acres less the public right of way and other acreage deductions as specified in this code.~~

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**Developable Gross Area. The total square footage of the lot(s), parcel(s), or unit(s) of land proposed to be developed.**

**Developable Net Area. The square footage subject to the maximum and minimum density calculations in CDC 05.025.**

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**Rectilinear. Formed or bounded by straight lines.**

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Type I lands. Lands that have severe constraints that preclude the use of standard development techniques and technical criteria. Type I lands exist in one or more of the following areas:

1. Slope: Land that has slopes of 35 percent or more, as shown on the RLIS topography GIS layer.
2. Drainage: All lands within the designated floodway as shown on the appropriate FEMA flood panel.
3. Geological hazard: All landslide areas shown on the City's Natural Hazard Mitigation Plan ("NHMP") and identified as "landslide potential exists" on Map 16 of the NHMP, or areas outside Map 16, but within Map 17, Landslide Vulnerable Analysis Area.

Type II lands. Lands which have constraints that are sufficient to preclude most standard types of development. Constraints in these areas generally do not constitute a health or safety hazard, but require the use of non-standard technical design criteria. Type II lands exist in one or more of the following areas:

1. Slope: Land that has slopes over 25 percent, as shown on the RLIS topography GIS layer.
2. Drainage: All drainage courses identified on the water resource area maps or areas identified as protected Goal 5 Wetlands, and areas outside the floodway, but within the floodway fringe, also known as the 100-year floodplain.
3. Geology: All known mineral and aggregate deposits identified on the Comprehensive Plan map as protected Goal 5 resources.

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CDC Chapter 5: General

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**05.025 Measurements**

**A. Density Calculations**

**1. Developable net area is determined by subtracting the following areas from the developable gross area:**

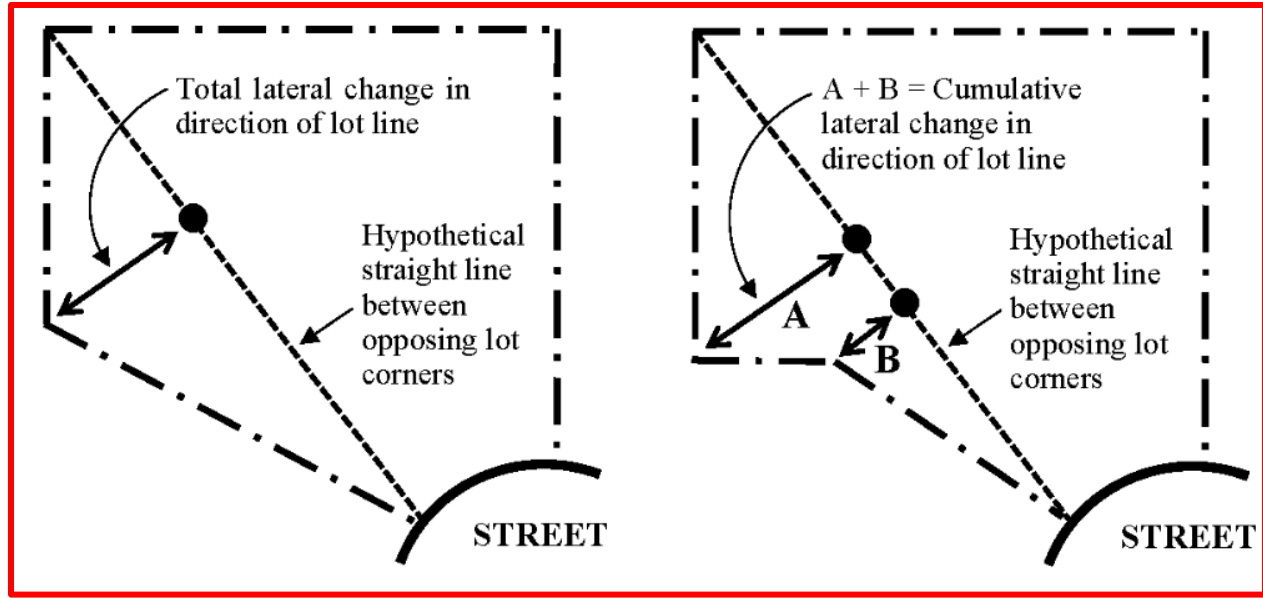
- a. Type I and II lands,**
- b. All land dedicated to the public for park purposes,**
- c. All land dedicated for public rights-of-way,**
- d. All land proposed for private streets; and**
- e. Optionally, the applicant may subtract the following (as measured in CDC 55.105.C.2(a)):**
  - i, Heritage trees,**
  - ii. Significant trees or tree clusters.**

**2. Maximum density is determined by dividing the developable net area square footage by the zoning district minimum lot size square footage. Where a maximum density calculation results in a fraction it is rounded down to the next whole number.**

**3. Minimum density is determined by multiplying the maximum density by 0.70. Where a minimum density calculation results in a fraction it is rounded up to the next whole number.**

**B. Segmented Lot or Parcel Lines**

**Segmented lot lines include one or more lateral changes in direction. A lateral change is measured by drawing a hypothetical straight line between opposing lot corners and measuring the horizontal distance between the hypothetical straight line and the furthest extent of the actual lot line perpendicular from the hypothetical straight line. Cumulative lateral changes are measured by repeating this process for each lateral change in direction and summing all the distances as shown in the figure below. In the case of flag lots or parcels, the pole portion of the lot or parcel is not included in the measurement of cumulative lateral changes; cumulative lateral changes are measured only between the opposing corners of the flag portion of the lot or parcel.**




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CDC Chapter 24: Planned Unit Development

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24.110 Residential Density Calculations

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B. Net acres for land to be developed with detached single-family dwellings, or multifamily dwelling including duplexes, is computed by subtracting the following from developable gross area ~~gross acres~~:

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24.120 Examples of Residential Density Calculations

When density is to be transferred on a land area with Type I or Type II land, the following procedure will apply:

Example

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Developable Gross-Site Area: 10.49 AC

Density Calculations:

Developable Gross-Site Area 10.49 AC

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CDC Chapter 55: Design Review

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55.105 Approval Standards – Class II Design Review – Residential/Clear and Objective

C. Relationship to the natural and physical environment.

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2. The following shall be protected pursuant to the criteria of subsections (C)(2)(a) through (f) of this section: all heritage trees, as defined in the municipal code and all significant trees and significant tree clusters, as defined in CDC 2.030.

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e. The site layout shall achieve at least 70 percent of maximum density for the developable net area as calculated in CDC 05.025. ~~The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protecting significant trees or significant tree clusters as specified in this subsection (C)(2).~~

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## CDC Chapter 85: Land Divisions – General Provisions

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### 85.170 Supplemental Submittal Requirements for Tentative Subdivision or Partition Plan

#### A. General

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7. Table and calculations showing the ~~allowable number of lots under the zone and how many lots are proposed~~ maximum and minimum density calculations per CDC 05.025 and number of lots or parcels proposed.

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### 85.200 Approval Criteria

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#### A. Streets.

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3. Tree protection. Streets shall be laid out to avoid and protect significant trees and significant tree clusters, but not to the extent that it would compromise connectivity requirements per this subsection A, or bring the achievable density below 70 percent of the maximum density for the developable net area as calculated per CDC 05.025. ~~The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant trees and tree clusters as provided in CDC 55.100(B)(2) or 55.105(B)(2), as applicable.~~

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#### 5. Street Improvements

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b. Waiver of required street improvements and in-lieu fee. An applicant may submit a written request for a waiver of abutting street improvements if the improvement would be prohibited by the TSP. When a requested waiver is granted, the applicant shall pay an in-lieu fee in accordance with the City's adopted fee structure ~~equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The~~

~~amount of the fee shall be established prior to the Planning Commission's decision on the associated application.~~ The in-lieu fee shall be used for in-kind or related improvements.

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#### B. Blocks and lots.

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3. ~~Lot size and shape.~~ Lot or parcel sizes and dimensions shall conform to the minimum standards of the CDC, unless as allowed by planned unit development (PUD). No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible.

Depth and width of properties ~~reserved or laid out~~ **zoned** for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

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6. Lot **shape** and parcel side lines. ~~The side lot lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.~~ **Each lot or parcel must be rectilinear in shape with straight side lot lines at right angles to front lot lines, and straight rear lot lines parallel to front lot lines, except where not practicable due to location along a street radius or because of existing natural features or lot lines. Side and rear lot lines that are segmented must not contain cumulative lateral changes in direction that exceed 10 percent of the distance between opposing lot corners, as measured using the process of CDC 05.025.**

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#### J. Supplemental provisions.

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7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning **as calculated per CDC 05.025.**

**a.** These provisions do not apply **to Planned Unit Developments where density is calculated per CDC Chapter 24.** ~~when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions.~~

**b.** **Minimum density calculations per CDC 05.025 that result in** ~~Land divisions of three lots~~ **parcels** or less are also exempt **and can divide into two parcels.**

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## CDC Chapter 99: Procedures for Decision Making: Quasi-Judicial

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## 99.080 Notice

Notice shall be given in the following ways:

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E. Table of notices. The following notice summary identifies the appropriate type of notice for the various land use applications of CDC 99.060:

Land Use Action	Type of Notice
...	
<del>Street Vacations</del>	<del>(per State statute requirements)</del>
...	