WASHINGTON COUNTY
OREGON

Washington County CDC Assessment Project
Focus Group Discussions
May – June 2025

Department of Land Use & Transportation · Planning and Development Services · Community Planning
155 N. First Avenue, Suite 350, MS 14 · Hillsboro, OR 97124-3072
phone: 503-846-3519
website: www.washingtoncountyor.gov/lut · email: lutplan@washingtoncountyor.gov

Washington County CDC Assessment Project

May 13, 2025 | Community Representative Focus Group

Attendees: Rachel Cotton, Lanier Hagerty (Cascadia Partners); Suzanne Savin (County staff)
Five community members representing different CPOs and organizations

Key Takeaways:
The Washington County CDC is considered difficult to navigate and understand by some community members. This can lead to issues of mistrust, a perception of lack of transparency related to development entitlements, and misunderstanding of development regulations by the general public. State mandates are not always applicable to the County's unique needs, and there are different priorities in rural and urban areas of the county. Participants suggested changes such as creating a code user guide, a "fast track" matrix, and a reverse lookup function (linking desired use to allowances) to improve the accessibility and clarity of the CDC.

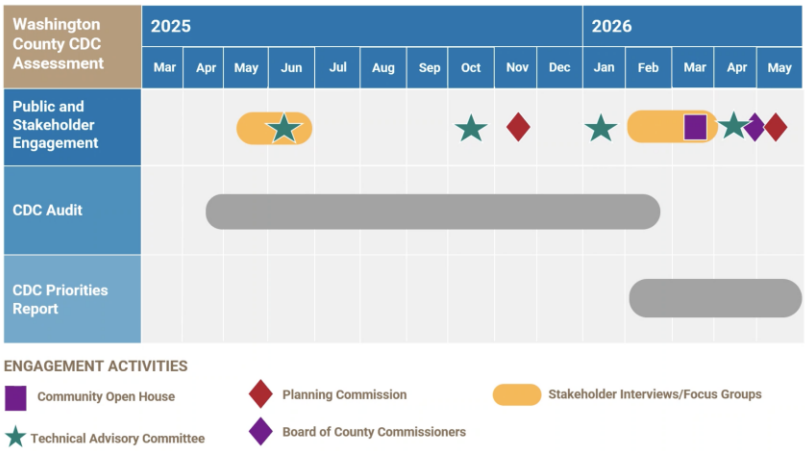
Next Steps:

- If specific sections of the code come to mind or comments you did not get a chance to share, send to Suzanne via email
- Look out for email follow up to indicate preferences about receiving email notifications for the project and/or any other avenues for continued involvement

Project Background

- Code was adopted in 1980s and has not been comprehensively reviewed since that time. This is a large undertaking, and consultant assistance is needed.
- DLCD funding provided through Housing Accountability and Production Office to hire Cascadia Partners to help with assessment.
- Project Goals:
    - The focus is on housing but will be examining CDC overall (content, format, etc.)
    - The goal is to streamline code to make it easier to use, for the public as well as for staff.

- Project Timeline:



- Scope of this meeting:
    - First of a few stakeholder meetings. Future meetings will include County staff, housing developers, and housing advocates
    - This meeting is not going to be the community members' only avenue for giving feedback on the CDC. Suzanne is available by email throughout the duration of the project. There is also a project webpage with comment forms.
    - Clarity on whether this meeting centers around the code ordinance or the development code?
        - Community development code contains the regulations; Community plans are requirements for certain geographic areas of the county; Comprehensive plan for overarching policy decisions in the area
        - Ordinances are legal mandates

Questions & Discussion

1. **How have you used or been exposed to the County's CDC?**
    a. Community member is a land use consultant, providing small scale support for local landowners interested in building on their land. Interacts with the code through applications and land use issues that need to be addressed for rural areas (drainage hazard areas, environmental preservation, etc.). **Issues identified:**
        i. State mandates are not always applicable to the County's unique needs; Interested in what it means to be a home rule county
    b. Community member has land use development experience, looking into how land is being used in unincorporated areas, and environmental protection. Has also worked with development code. **Issues identified:**
        i. Standard code language seems straightforward only to be muddled by exceptions. Community member volunteered to follow up with written examples

ii. Lack of transparency in public communication (Type II decisions).
iii. Examples of exceptions and confusing rules in CDC:
    1. Housing Density. With middle housing, density exceptions are shocking for people. Hard to calculate and reliably predict density requirements.
    2. Setbacks are standard but there are exceptions, and they seem to be discretionary. The lack of hard rules itself creates distrust.
    3. Parking. Discrepancies in proposed plans and eventual development.
    4. Despite clear development restrictions on significant natural resources, there are still seemingly arbitrary changes to a rule or an exception made and huge developments are being built.
    5. Middle housing land division process is confusing and leads to unwanted density and more mistrust.
iv. There's not a lot of housing being developed for older people. Not as many cottage clusters that are better for the older community.

c. Community member has a lot of experience with the code through past advocacy work. She is also a member of DLCD's Community Involvement Advisory Committee and helped develop an equitable engagement toolkit (see "Fast Track" concept;). **Issues identified:**
    i. Code standards are placing an unfair cost burden on low-income communities. Costs for upkeep should be shared. For example, Code says irrigation standards are to be provided and that an HOA has to provide those, but some lower income communities don't have the money for upkeep. Climate equity is evident through upkeep of street trees and planting strips.
    ii. Screening and buffering standards (farmland adjacent)
    iii. Very difficult to understand the code, and the online platform is confusing. Consider creating a users guide and/or fast track matrix.
        1. Separation of Washington County Code and CDC on the website is good.
        2. Comparative tables are helpful
        3. Washington county should provide clear ways to share information. Code is "way too confusing". Matrix of information would be helpful.
d. Community member "not in the weeds on the code", but reporting on behalf of colleague with deep knowledge. **Issues Identified:**
    i. Code enforcement is frequently overruled. People bring code issues to the hearings officer who rules on code violations; but hearing officers' decisions are sometimes later overruled, and this happens quite often. How many exceptions have been made and for what reasons?
    ii. Trees should be considered part of the infrastructure and planning process. Should be cared for and developed alongside development. The code should make allowances for trees.
e. Community member lives in Bethany and has lived there close to 50 years. The best way to shape development is through the code, so she has used the code extensively over the years. **Issues Identified:**

i. The logic of the code is nonsensical and sometimes self-defeating. For example: "Townhouses cannot be approved where an existing ADU will remain as an ADU"
ii. Imprecise words and meanings of words that have changed over time. Code does not keep up with changes that have happened in the community. For example:
    1. Gas Stations back in the 1980s are different from the mega gas stations we have now. Code does not make a distinction.
    2. Satellite fire station is mentioned but not well defined. Originally used for converting a single-family home to a fire station, but now it's being translated as just a fire station.
iii. Off Street Parking in a residential area - the way code is written you may not be able to park your car or RV on your property, even if it's large lot.
iv. Tree code is scattered throughout the CDC. There's no protection for the code-required street trees.
v. Sidewalk standards. Resolution 8695 - there is a resolution/order that calls itself an ordinance but it's not in the code.
vi. Need for crosswalks/matrix to make the code easy to reference. " I want to build X, where can I build it?"
vii. Code should be split to address very separate needs in urban, unincorporated, ad rural areas?

ADDITIONAL DISCUSSION

2. Notification process needs overhaul

a. Developers buy up a huge lot of land and don't develop for years and the neighbors are not notified. There are supposed to be community meetings about it. The notification system needs to be in place for those in closest proximity.
    i. Rural/Urban discrepancy in notification: Public notice 500ft notice when you're looking to develop 80 acres is not capturing neighboring properties in rural areas. If you want to get a true sampling of the community around the tax lot, you need to notice up to a mile from every property line.
    ii. Public notice can no longer happen on websites, or in newspapers. Something new is needed.
b. Notification plays a role in maintaining adequate infrastructure. One of the last people to review large developments and all the variances and exceptions is the Fire Marshal.
    i. Police, fire etc. need to have a more active role in evaluating safety concerns related to a development.

3. **Sensitivities to Rural/Urban Specific Needs**
    a. CPO's should be about livability, whether its urban, unincorporated, or rural. The idea of having a separate code for those three areas would be helpful to nail down the differences and commonalities.
    b. Concerns that middle housing allowance is being taken advantage of. Developers are using it as a way to usher in more expensive housing under a different guise. Code needs to manage this.

4. **CDC articles or sections that you have found to be especially difficult to use or understand:**
    a. Density standards, natural resource protection, tree code (in at least three different places), sidewalks, and crosswalks requirements, rural property zoned forestry or farm and the related template application process

5. **Do you have any suggestions for CDC updates that would make it easier or more attractive to build housing, particularly products or unit types that are more broadly affordable?**
    a. Reverse lookup for specific uses to see where they are allowed and guidance related to the code oriented in the way a user would look for information
    b. Oregon Legislative Information System online should serve as a model for helping people navigate complicated dense legal documents - the little pop-up that summarizes what the document contains is very helpful.

Washington County CDC Assessment

Jun 30, 2025 | County Building Services and Engineering Focus Group

Attendees: Jamin Kimmell, Rachel Cotton, Lanier Hagerty (Cascadia Partners); Suzanne Savin (County staff)
Two representatives from LUT Building Services and three representatives from LUT Engineering

Key Takeaways

- **Engineering: Revisions in Progress.** The Engineering Team is revising road standards for the Washington County Code, Chapter 15.08, Article 3, with a draft expected by late 2025. (NOTE: the Washington County Code is a separate, distinct document and is not part of the Community Development Code (CDC)). County Engineer ends up being the "umpire" when CDC standards conflict, notes a tension between being overly prescriptive or too vague in code.
- **Building Dept: Increased Private Road Involvement.** Typically get involved after plan approval and don't interact with CDC; increasingly involved with private roads due to a push for more private roads in developments when developers face challenges with tree coverage, water, etc.
- **CDC Challenges: Clarity & Accessibility Issues.** Engineering representatives highlighted overly complex ("at discretion of county engineer"), unclear ("pedestrian lighting," "Access Spacing") standards. Building services representatives cited the complexity of regulating housing under new and different definitions (for ex. middle housing's duplexes, attached vs. unattached etc.) and mentioned that some rules were hard to find.
- **Code and Regulation Conflicts:** The CDC introduces conflicts with other regulations at times, including outdated transportation design standards (e.g., AASHTO stopping sight distance), fire codes (where road standards supersede), utility right-of-way placement, and Clean Water Services standards. Additionally, there are conflicts staff encounter in navigating standards for incorporated and unincorporated areas, and county roads within city limits.
- **"Transportation Development Tax Procedure Manual" as possible model.** Washington County's Transportation Development Tax Procedures Manual was mentioned as an example of evolving, professionally guided technical documentation, complete with calculations and real examples.

Questions

How does your work interact with the County CDC?

- Engineering Team
    a. Currently editing and revising road standards, with a plan to copy over to the Washington County Code, Chapter 15.08 - Road Design and Construction Standards, Article 3 - Technical. Draft is expected by end of 2025, with approval process to follow.
        i. CDC Articles III, IV, and V: County Engineer ends up being the "umpire", notes a tension between being overly prescriptive or too vague
- Building Department
    a. Don't typically reference the CDC. Projects that reach them have already been vetted by Current Planning.

b. Notes developers are "getting squeezed" for tree coverage, water, etc. so have been pushing for more private roads in developments - which then involves building department and fire department; but also allows for permeable pavement, and more flexibility for storm water infrastructure.

Are there any CDC articles or sections that you have found to be especially difficult to use or understand, including but not limited to:

- **Unnecessarily complex rules or standards**
    a. N. Bethany language found in the North Bethany Subarea of the Bethany Community Plan - "at the discretion of the County Engineer" puts the engineer in a tricky position.
        i. Holdout properties and wetlands created a difficult road planning situation that "boxed in" County engineers. Concessions had to be made to allow properties to develop along with needed roads.
- **Unclear rules or standards**
    a. Building Department - Structure definitions can make the building inspection process more confusing.
        i. For example, Accessory Dwelling Units (ADUs) built to be ADA accessible are permitted to have a larger footprint, but this is not enforceable from a building code standpoint when CDC language on ADUs does not reference required ADA standards.
        ii. Single family dwelling building code is applied to each unit in a detached plex
    b. Engineering:
        i. "Pedestrian lighting" is unclear, does this mean "pedestrian scale" lighting?
        ii. Different overlays in the Transportation System Plan
        iii. Access Spacing in CDC Article V is unclear
- **Rules or standards that are located or presented in a manner that makes them difficult to find**
    a. Private street standards are in CDC, and any time developers want variance on this, they are seeking engineering dept approval when they should really be seeking a variance. – out of process/inefficient chain of communication. A lot of this has to do with location of driveway, radius of return, and sight distance.
        i. Bar was possibly set too high for variance process
- **Regulations that may be in conflict with each other**
    a. Technical conflicts in the CDC don't allow variability in the transportation design - stopping sight distance, for example, is based on an outdated standard from the AASHTO Green Book
    b. Conflicts between incorporated and unincorporated areas and county roads: one improvement could be to flip the process to require annexation prior to land use process and get access to utilities first, rather than the reverse
    c. County roads within city limits:
        i. Developers are getting in early to talk to the County and City at the same time and resolve any conflicts between the two. Developing and publishing best practices for navigating this process could help.

d. Road cross-sections in submitted plans often don't add up to the sum right-of-way (ROW) width

Are there any CDC provisions you're aware of that conflict with the Building Code or with the Road Design & Construction Standards?

- Conflicts between road standards and fire standards. ORS 368.039 - Road standards adopted by local government supersede standards in fire codes
- Utilities – right to be in the right of way, but Counties can designate location for safety (generally at the edge of the right of way) per ORS 758.010
- Clean Water Services standards are sometimes not compatible with CDC standards

Other jurisdictions that have reference to an evolving technical manual? Professional guidance that you might point to as a good way of navigating?

- Washington County's Transportation Development Tax Procedures manual, includes sample calculations and real examples and is a helpful resource

Washington County CDC Assessment Project

June 5, 2025 | County Leadership Focus Group

Attendees: Rachel Cotton, Jamin Kimmell, Lanier Hagerty (Cascadia Partners); Suzanne Savin, Theresa Cherniak (County staff)
Three members of Land Use & Transportation's leadership team

Key Takeaways:

- The basic organization of the CDC is user-friendly.
- Some code sections include unclear and outdated definitions, procedures, and terminology. Terms, definitions, and districts could be cleaned up and consolidated.
- Incorporating use categories, tables, and illustrations can improve clarity.
- Streamlining and simplifying the code, reducing its size and complexity, helps code newcomers - both residents and new staff - become familiar quickly.
- Policy considerations for CDC overhaul: desire to reduce the overall amount of staff work through simplification and streamlining.
- It's important to consider the relationship between code complexity and staffing: simplification creates a code staff can easily learn and grasp quickly.
- Complaints received are mostly process related, regarding procedural aspects, rather than content of code.
- Some specific sections of the code, like Transit Oriented (TO) and North Bethany regulations, are considered overly complicated and prescriptive.

<u>Questions for County Leadership:</u>

1. **Do you have general or specific thoughts about how the CDC is organized or its content that you want us to consider in this Assessment?**
    a. Basic organization (articles organized relative to one another) is intuitive / workable. People generally know where things are.
    b. Definitions/terms unclear
        i. Procedures not as clear, use of specific terms ("mail" vs. "provide" in terms of notice)
        ii. Terms outdated: "fiber optics"; definitions in general should be updated; use definitions separate from zoning definitions
        iii. Lots of definitions in Article 4 development standards, new users don't know to find definitions there
        iv. Floodplain/ Section 421 has a number of new definitions that needed to be distinct from other definitions in the code based on FEMA requirements. Is there a way to combine these into the larger code?
        v. There are standards for certain terms that don't have definitions. There should be definitions for everything referenced in the code.

vi. Similarly, there are some definitions for terms that are not in the code. Dated terms still referenced. Lots of opportunity for clean up here without functionally changing content.
vii. Consider adding in use *categories* with examples to give flexibility to determine where new uses belong, rather than worrying about precise definitions

c. Notification requirements for Applicants Outside of the UGB not totally clear in terms of procedures
d. Convoluted process can create unintentional equity barriers
e. Code written piecemeal for things like Cell towers/ marijuana / middle housing / others adds bulk
    i. When something big comes along, staff adds excellent code to the doc, but doesn't have the time to step back and look for more streamlined ways of integrating
f. Ideas for cutting down on bulk (mentioned goal to get the code down to 500 pages)
    i. Tables are easier to read for quantitative information - transit oriented districts have some good examples. These are missing from other districts.
    ii. Illustrations are also useful.
    iii. Merging of housing typologies - simplify the way we think about residential units
        1. How do you meet state requirements with more abstract language? There are cascading effects from this.
    iv. Reduce number of plan districts

2. Do you have general or specific thoughts on how you would like to see the CDC change?

a. Think about how long the language will live, and how it will be interpreted into the future. More context for decision making and interpretation. Adaptability in terminology ("data" instead of "TV broadcast").
b. In transitioning to tables/more legibility, consider including a reverse lookup table - Uses and the zones they're allowed in

3. Appetite for code overhauls (e.g. district consolidation) that could raise more policy questions?

a. Maybe consolidation of land use districts is more of a long-term decision. The state may be pushing us in this direction – maybe we let the state lead on this particular issue.
b. General spirit of transition toward form-based code

        i. Examples: Tigard Triangle - perhaps goes further than we'd want to, but a valuable example: "follow these standards, can go past development entitlements stage and straight to building permits" - create standards that are simple and clear and cutting out things that are not adding value
    c. Conditions of approval that continue to arise in Type II review, may be shifted to Type I when an alternative Type II path for approval is provided for more creative developments.
    d. Political Appetite for change is there - especially around streamlining and making the code easier to use/implement. The Board wants to reduce the amount of work for County staff. Actions like combining two districts (R5 and R6 for ex.) could aid in streamlining.
    e. Get rid of TO designations? Functionally not needed. Complicates implementation. Overly prescriptive and training/staff intensive.
        i. A positive of TO designation: Flexibility with Type I, Type II, Type III review - C&O vs. discretionary approval path. Could serve as a model for other districts.
        ii. Design guidelines are stringent and not necessarily adding value. Prescription of the form is more important.
    f. North Bethany plan designations are also very prescriptive.

4. **Are there any CDC articles or sections that you have found to be especially difficult to use or understand:**
    a. Transit Oriented (TO) and North Bethany regulations are overly complicated.
    b. Significant natural resource changes
    c. Flood plain regulations, had to adopt FEMA regulations
    d. Circular references - Article 4 for example - CDC sections are pointing to Article 4 which then points the user back. This could be cleaner.
    e. Typos and spelling issues should be fixed.
    f. Construction of listing multiple criteria is not clear if it's standalone or inclusive (Do I need to meet all of these criteria? Individually?) – is it an "or" or an "and" etc.

5. **What are the most common development standards that you hear complaints about from the development community?**
    a. Complaints are mostly process related, regarding procedural aspect etc.

6. **Are there any CDC regulations or standards that you believe contribute to unnecessary delays in the development review process due to lack of clarity, differing interpretations, etc.?**
    a. No comments from staff on this.

7. **Housing products or types that fit the market and need in the County but are not developed due to code-related barriers?**
    a. Condos - not Wash. Co problem, but more a state problem.
        i. Townhomes fill that void somewhat. It's the most common of the middle housing types.
    b. Other products are harder to develop. Not just in Wash. Co.
        i. Cottage Clusters are in high demand but aren't penciling. Probably market-related, not code-related.

8. **In your view, what should we look for as we assess the current CDC to ensure we aren't contributing to housing inequities? Are there specific types of regulations you believe contribute to an undue burden on certain populations that we should look for?:**
    a. Fair housing ordinances a few years ago took out outdated references.
    b. Simplify and streamline types of housing to accommodate different living arrangements and facilitate more housing types to meet a range of demands. ("One kitchen per house" in the code etc.) Be more flexible.
    c. Types of housing including transitional housing, short term rentals, etc. - don't have definitions to differentiate between these housing types. Permanent housing vs. transient housing, for example, does not include a "time" element in definitions.
    d. Form based housing - is there a different way to count dwellings? What is it that we're actually trying to control for? Other ways of understanding density?
    e. Other non-housing development types in the code worth looking at for equity considerations:
        i. Daycares/schools - not modern in their definitions. What is a daycare vs. what is a school.
            1. For example, home occupation tutoring business was denied because of these definitions
        ii. Consider Accessory commercial units? - taking a different look at home occupations. Small scale businesses tacked onto homes.

9. **What else do you want us to know about your experience with the County CDC for this Assessment?**
    a. Industrial development - height regulations, currently very suburban, 65ft. Should be raised.

10. **Code users find the code easier to navigate- thoughts on striking the balance between modernizing and streamlining? How far do we push?**

a. “Power users” are not the target audience, interested in making code easy and accessible to people who are new to it.
b. Consider the relationship between CDC complexity and staffing -
    i. Need to prepare for planning staff turnover: CDC is currently an “insider code”, oral tradition of explaining things whether the CDC says that or not. The importance of simplification is that this becomes a CDC staff can easily learn, grasp concepts quickly.

11. Next Steps

a. Email Suzanne if any additional thoughts/comments arise
b. Theresa suggests checking back in with this group throughout the process

Washington County CDC Assessment Project

June 4, 2025 | County Planners Focus Group

Attendees: Rachel Cotton, Jamin Kimmell, Lanier Hagerty (Cascadia Partners);
Suzanne Savin (County staff)
Five County planners representing Current Planning / Development Review, Community Planning and Transportation Planning

Key Takeaways:

- There is a desire to consolidate land use districts, especially given the addition of middle housing types, and to remove districts that are rarely or never used.
- The current code structure with uses embedded within each zone is seen as cumbersome; a table of uses separate from the zone requirements would be preferable.
- Design standards are often considered too prescriptive and not flexible, focusing on minor details rather than significant aspects of development.
- Adjustments, variances, and exemptions are frequently requested for setbacks, expensive requirements like site distance, and solar access standards.
- Regulations involving other agencies can cause unnecessary delays in the development review process.
- Some CDC provisions may contribute to housing inequities, particularly minimum lot size and maximum density requirements. Opaque approval processes and stacked unpredictable administrative costs makes processes like partitions unattainable for lower income homeowners.

Summary List of CDC Section Numbers Mentioned for Review:

- 427 Solar access standards
- Article 5 Road standards
- 408 Road and circulation standards
- 501 Various standards, contradicting 408
- 375, 392, 431 Transit-oriented districts and pedestrian-oriented mixed-use standards
- 404 Master planning provision
- 380 Convenient access to transit
- 377 Special industrial districts
- 501-8.1 and 501-8.2 Interagency relations
- 610 and 605 Property line adjustment standards

<u>Questions</u>

County Planning Staff Questions:

1. **Are there any CDC articles or sections that you have found to be especially difficult to use or understand?**
    a. Solar access standards - “We write around them every time we do a land division”. See Section 427. Hard to apply and don’t make sense.

b. County's Transportation code/standards applies county-wide, Article 5 some of the standards for roads are in the development code and are tied to land use requirements - when this comes up against cities that have land use authority creates difficulty in determining who has jurisdiction. Recommendation to pull road standards out of article 5, untangle transportation code from development code.
c. Section 408, hard to follow, also has a lot of transportation standards (road circulation and ped. + bike circulation) contradicting 501; confusing about who has jurisdiction
d. Sections 375, 392, 431 - transit oriented districts and ped. oriented mixed use and their associated standards are all "walls of design standards" that are different from everything else in the code, and often apply to places that are already developed. How does this apply to existing buildings? When do these design standards get triggered?
    i. Design standards are of questionable value
    ii. Prescriptive and not flexible
    iii. Attention to the wrong details (min. num of width of window trim for ex.)
e. Master planning provision - Section 404
    i. Used for site planning rather than master planning
    ii. Design standards overly prescriptive
f. Code is not clear and objective in some places because standards were designed to be discretionary
    i. "Safe and efficient transportation systems" for example.

2. Proposed Organizational Changes to the code:

a. Too many land use districts. Would be helpful to consolidate especially given middle housing types as allowed uses, there aren't many differences between districts. Could "radically consolidate" and reduce overall bulk:
    i. Get rid of districts that don't exist: Section 381 Interim Light Rail Station; Section 380 convenient access to transit; Section 377 special industrial districts (applies to one property)
    ii. Overlay districts that apply to very small areas if at all.
    iii. Separate base zones from overlay zones.
    iv. Consider single family / multifamily zone, or high-density zones. Add a use table for clarity.
b. List of uses embedded in each zone, rather than pulling those out and having a table, makes code edits challenging and things get missed, really difficult to understand from a usability perspective.
    i. Use table and general reference to each zone would make this easier, then each zone could have their defining rules in respective sections.

c. Middle housing language “bloat”
    i. Middle housing having its own standards in each district - bloated
    ii. Standards are confusing, holistic review of middle housing in general is needed and recommendation for a better way to be doing it.
    iii. Uses embedded under each zone should be pulled out; zone sections should have requirements, not uses.

3. **What are the most common development standards for which applicants are requesting adjustments, variances, exemptions, or other types of relief?**
    a. Setbacks
        i. Using an existing building and a specific use requires larger setbacks
        ii. Placement of buildings
    b. Expensive requirements (site distance)
    c. 427 gets an exception no matter what (solar access standards)
        i. Designed to benefit passive solar features rather than active solar features.
        ii. Does not seem policy driven
        iii. Seems like it functions as a backdoor way to preserve views
        iv. Recommend cutting the whole section (need confirmation this section satisfies a statute?)

4. **Are there any CDC regulations or standards that you believe contribute to unnecessary delays in the development review process due to lack of clarity, differing interpretations, etc.?**
    a. Anything that relates to another agency (fire dept./ Clean Water Services/ Portland Public Schools) Sections 501-8.1 and 501-8.2
    b. Sections that say the County will provide traffic impact studies + site distance certifications despite the fact that the County does not provide these services
    c. Sections 610 and 605 property line adjustment standards impacting parcels both outside the UGB (610) inside (605) - parcels that straddle the UGB? What is the prevailing standard for lot size? Section 610 - 1.1 (A4) and 605 same line.

5. **Are there any land use applications or project types that are currently subject to a Type II or Type III procedure that should be subject to a simpler procedure? Are there any other ways in which the CDC contributes to a longer review process than may be necessary for certain types of projects?**
    a. Religious institutions are type III even in the institutional district. Schools and membership organizations as well. Are all Type III review in institutional zones. Why are they conditional uses in zones designed for them? Type II feels reasonable.

b. Type II home occupation renewals
c. Single detached dwellings are called out as Type I review but not subject to land use review. They go straight to permitting and that should be clarified in code (same requirements must apply to middle housing)

6. **Processes that are unnecessarily complex?**
    a. Middle housing land divisions are unnecessarily complex (due to state requirements) - need to involve multiple agencies (CWS involved separately)

7. **In your view, do the current CDC provisions contribute to any housing inequities? Do any specific regulations contribute to an undue burden on certain populations?:**
    a. Minimum lot size and Maximum density requirements
        i. Original Purpose of R5 was to limit the number of lots that could be built so that the price of the lots would stay high enough to be prohibitively expensive to the "wrong" kind of people
            1. Designed to keep property values high and undesirable people out
    b. Design elements
        i. Work together to make development more complicated. Other jurisdictions have "choose your own adventure" options, giving more opportunities for development within a clear and objective pathway.
        ii. Aloha area - more difficult to deal with sites in an urban area to meet all of the design standards on a small lot.
    c. Administrative costs not transparent / overly cumbersome
        i. For ex. Partition - the processes required to make this happen build up and make it hard to predict how much something will cost. Permitting and special district processes create barriers to entry. Almost always require land use consultant expertise
        ii. Increasing density (adding an ADU) requires similar hoops to jump through
        iii. Land division needs right of way dedication and full half-street improvements. Very costly. Very few exceptions.
        iv. Standardized process for proportionality review is needed.
        v. Decoupling land use process and transportation reviews could reduce cost and delays
        vi. Fees are prohibitively expensive; income thresholds too high for waiver - what are other jurisdictions doing to manage this? A better process?

Washington County CDC Assessment Project

May 14, 2025 | Developer Representative Focus Group #1

Attendees: Rachel Cotton, Lanier Hagerty, Jamin Kimmell (Cascadia Partners); Suzanne Savin (County staff)
Three developer representatives with extensive Washington County experience

Questions

1. **What types of housing developments have you worked on in Washington County in the past? How supportive was Washington County's CDC of the housing types you have developed?**
    a. The group has worked on a range of projects: flag lots, partitions, middle housing as it has hit the market the last couple years, multifamily, ADUs. Big and small projects, with big projects mostly in the city (N. Bethany), also work on infill projects (1 acre to 5 acres). Lots of development in R9 and R15, focusing on detached fee simple

2. **Discussion of barriers to development:**
    a. It's not the zoning code so much as the silo between the land use planning / zoning code and the engineering world. There's been friction related to implementation. Not so much for infill as for large subdivisions (question of infrastructure development) and an understanding of the public improvement requirements and sequencing of those
        - City of Wilsonville allows platting of middle housing subdivision in one land use review. This is rare and helpful.
    b. Not a lot of large parcels remaining in unincorporated areas.
    c. Sometimes run into conflicting standards, partially related to engineering standards
    d. Process Delays in Washington County
        i. The County's process is two stepped for middle housing land division, requires subdivision plat which can then be divided through a subsequent middle housing land division. That takes up a lot of time. Could use streamlining and/or consolidation of the two processes.
        ii. Portland is an example of a place with similar delays: big subdivision in Portland where they interpret the house bill literally, which would cost the developer close to $2 mil in fees because of approval delays. Killed the development.

iii. Sequencing of planning and engineering standards/public improvement requirements. Can't put money in the ground and wait a year.

iv. Traffic study and approvals are not always consistent, are not based on final build out after middle housing land division but instead on initial subdivision. County has been able to charge one fee for middle housing land division. Providing certainty about what is expected up front would be helpful.

- HB 2138 should be tracked to see if Middle housing may eventually be exempt from traffic impact analyses

v. Benefit of the middle housing rules is that development plan doesn't have to be shared at neighborhood meetings. Circumventing this process saves time and money

e. Limitations of Middle Housing Rules

i. Middle housing rules are too flexible. Means people have to make decisions earlier than you usually have to, making firm commitments about what they're bringing to the market well before they usually have to.

ii. The more dense your project becomes, the more street front requirements there are

iii. Middle housing can introduce conflicts with engineering standards related to franchise utilities, clear vision areas, on street parking standards, and facade requirement standards

iv. Alley loaded homes are sometimes the only way of solving these issues, but the market doesn't want this. Most people want a yard.

3. Aspects of the code that are easy to interact with?

a. CDC is easy to navigate and to know which sections to look for specific areas of development in

b. Organized very well. Some other jurisdictions have zoning code and land division code which is confusing, but Washington County's is not separate.

c. 430 contains special use standards and they're easy to find and use

d. County's code includes "exempt" uses that are very helpful.

e. Online Interface / Usability

i. Relatively simple hierarchy - Articles and sections are grouped cleanly

ii. Keep the section numbers on the left of the screen saves users from constant scrolling - "compass point" to stay oriented

iii. Each zoning section references the same thing, making it easy to use but long

iv. Hotlinks to ordinances and/or other sections would be helpful

4. **Specific Code Issues:**
    a. Sections 406 and 408 - architectural design standards have issues with not being clear and objective
    b. Perimeter setback requirement
    c. Section 411 - Screening and Buffering requirements in addition to setbacks
    d. Section 404 - Table 1 has too much information and needs to be overhauled
    e. Section 430-72 - Infill section is more for flag lots than for middle housing and is showing its age

5. **Any limitations in the code to the density or number of units in projects you've worked on?**
    a. Density calculated on a gross (vs. net) basis is easier to work with
    b. Engineering and design standards being aligned with density yield is the ideal
    c. The sheer number of things that are regulated creates case-by-case basis of barriers to housing. Density max are a maximum, not a requirement
    d. Hardship relief variance used to be a tool developers could rely on, but is used less
    e. PUD standards are not used other than in N. Bethany. Having a more usable PUD section would be helpful (and which would help avoid saying must comply with Comp. Plan)
    f. Minimum density standard can be a barrier to redevelopment of a single unit when someone wants to renovate their existing house
    g. Process and timelines
        i. Lots of conversations around streamlining processes - this means working concurrently, not successively. Grading permit and land use approval could be simultaneous processes. Accept building permit without an address (but don't issue permit until it records)
        ii. Think through sequencing of how the permitting process works

6. **What else do you want us to know about your experience with the County CDC for this Assessment?**
    a. Concurrent processing would be helpful
    b. Echoing issues about process and streamlining - sequencing doesn't always make sense and can be inefficient
    c. County planning department has a culture of being reasonable and responsive and leadership has been responsible, reasonable
    d. Washington County is running out of developable land. Infill will be an important piece of solutions to future development

Washington County CDC Assessment Project

May 21, 2025 | Developer Representative Focus Group #2

Attendees: Rachel Cotton, Lanier Hagerty (Cascadia Partners); Suzanne Savin (County staff)
Three developer representatives with extensive Washington County experience

Key Takeaways:

- Overall, Washington County's code is "not bad." Organization is easy to use, intuitive. Should not be changed to be more like Portland/Beaverton etc.
- The linear review process, conflicting architectural requirements, and unclear parking requirements can add unnecessary costs to construction and development.
- The subdivision and middle housing land division review process can be long and include multiple steps.
- A few specific CDC sections, including solar standards, screening and buffering, and private street standards, are difficult to use or understand and need clarifications or to be removed.

Questions

1. **What types of housing developments have you worked on in Washington County in the past?**
    a. Detached sf homes, attached sf, apartments, condos, middle housing + cottage clusters
    b. Smaller scale projects
    c. Affordable housing not possible in the private sector without a subsidy, but working on developing "as affordable as possible" including attached products.

2. **Middle Housing**
    a. Overall, Washington County has a friendly middle housing code.
    b. Middle housing circumvents the difficulties on smaller projects which is mostly required public improvements (from the county or otherwise - no frontage improvement requirements for middle housing)
    c. Middle housing requirements spread throughout the entire code so it can be difficult to compile all relevant standards in one place.
    d. Preserving home on existing lot in middle housing land division

i. Existing homes on a lot is restricted so that if it's ever torn down, there are plat restrictions that prevent developing middle housing on a large lot from occurring

e. Subdivision review process: Too many steps in the process.
   i. Need subdivision approval → parent lot approval → child lot approval.
   ii. Would prefer concurrent review of all of these processes. Collapsing into one review process would save time and money.

f. Cottage Cluster Code
   i. Would be helpful to allow attached clusters
   ii. No setback requirement in Washington County, more flexibility is better
   iii. Flag for change: cannot park within 20 ft of front property line, seemingly arbitrary rule

g. Middle housing development experience in N Bethany - zones are set up to be very prescriptive without much flexibility, not allowing variety of housing types in different locations

3. **Have Washington Co.'s regulations added to the cost of construction/development unnecessarily?**
   a. Linear review process: i.e. a project goes to planning first, grading, then another approval, etc. etc. Would be helpful to expedite this. It can mean losing 4-6 weeks on plan application approvals.
   b. Architectural requirements: Multiple conflicting directives in the code
      i. Having one section would be more clear rather than three
      ii. Examples of onerous requirements:
         1. Higher end finishes
         2. Garage standards - need wider standards (example: CDC Section 304-8.1 and strict requirements to get 40%, 50%, 60% etc.). There's a market demand for 2 car garages and code is restrictive towards it.
   c. Parking Ordinance has been confusing with the metro requirement to throw out parking even though most developers will provide anyway
      i. Lack of clarity around how on-street parking requirements are being handled

4. **Are there any CDC articles or sections that you have found to be especially difficult to use or understand?**
   a. Solar Standards - leads to alterations to site design that are not the most efficient lot pattern
   b. Screening and buffering: tables and in relation to certain land use districts
   c. Residential uses in rural/agricultural zones

    i. Urban and rural reserves feel outdated
    ii. Restrictive land uses
d. Private Street Standards
    i. Generally amenable to development, but could be minorly tweaked
    ii. For Ex: Lots on one side of the street, but if there are more than 9 lots, requirement is to develop sidewalk on both sides of the street, even if there are no frontages.
    iii. Still, Washington county does a pretty good job. Other jurisdictions are less friendly.
e. Height restrictions in Washington County are straightforward
f. Commencement of Development and Extensions
    i. Decision for 4 years + 2 year time extension on a subdivision/partition
    ii. Except code is written in a way that caused a project to expire after 5 years, bringing on huge costs
    iii. How long is a project good? How long can it be extended? Should be clear and objective.
g. Institutional uses (Schools and Churches) have very restrictive setbacks
h. Neighborhood meeting requirement for Type II Decisions is unnecessary and has already been dropped in other jurisdictions
i. Hammerhead Turn Around + Cul De Sac
    i. Engineering decision to use cul de sac vs. hammerhead turnaround as standard should be reviewed
j. Code update for significant natural resources - costly to evaluate natural resources and often significantly infringe on developable space, doesn't make sense to survey trees to see what can be developed

5. **Density**
    a. Gross density only in Washington County is a lot easier to use than net. Simple.
        i. Other Codes have both Gross density & Net density which is confusing + hard to use.
    b. Ability to transfer density from Natural Resource Areas is helpful
    c. R5 & R6 Particularities
        i. Lots that are larger than base minimum for the zone is frequent occurrence
        ii. Alternative: Add provision in density calculation that utilizes minimum lot size to determine maximum density.
            1. See Tigard for example of alternative density calculation options

6. **Hardship Relief Variance /Variance**
    a. Existing Criteria are too restrictive

b. Would be nice to have another option to promote flexibility in projects (see Tigard or Hillsboro)

7. **Organization /Usability**
    a. Overall, Washington County's code is not bad. Organization is easy to use, intuitive.
    b. Should **not** be changed to be more like Portland/Beaverton etc.
    c. Flexibility is built in to how the code is written

8. **Other Comments**
    a. Fees and SDCs - have increased substantially in the recent past
    b. Utility fees + delays associated with getting everything ready for project is delaying development significantly

Washington County CDC Assessment Project

May 19, 2025 | Homebuilder Focus Group #1

Attendees: Rachel Cotton, Lanier Hagerty, Jamin Kimmell (Cascadia Partners); Suzanne Savin (County staff)
Four homebuilder representatives with a variety of experience (market rate, affordable)

Key Takeaways:

- **Advantages of Wash Co. CDC:** Washington County's code is considered relatively easy to navigate due to its consistency over time; it has fewer development requirements than many city codes.
- **Engineering and Cost Issues:** Unforeseen costs of engineering, including renegotiations and uncertainty about public improvement requirements such as street improvements and culverts, are a barrier to development and make it difficult to project financial risks.
- **Clean Water Services** requirements require a significant amount of time and effort to work through. Often the biggest bottleneck in Washington County.
- **Navigating Complex Codes and Requirements:** Navigating various code sections like cottage cluster design and development standards, solar access standards, multiple types of middle housing on a site, and 422 (Significant Natural Resources) can add project costs and hinder development efforts.
- **Other Potential Barriers:**
    - Design Requirements: Homebuilders caution against including too many requirements in the code.
    - Type II land use approval neighborhood meetings add time and cost
    - Parking demand: Even though many parking requirements have been lifted, the market demand for parking hasn't changed.

<u>Questions</u>

1. **Barriers to Housing Development in CDC**
    a. Challenges on achieving density include:
        i. Natural resource protection
        ii. Code Criteria - Need to make concessions on housing type and design to meet requirements for public improvements
        iii. Pre-approval process might ask for things that are not possible (changes to adjacent properties, public improvements)
    b. Architect's point of view - often at the table after the client has decided to develop the site or at least has done a feasibility study. From an affordable

housing standpoint, challenges tend to come more from the governance/OHCS requirements than zoning code requirements.

   i. Can't take advantage of Washington County parking requirements because it doesn't meet the needs of residents. There's still a big demand for parking, despite code changes.
   ii. Clean water services are a hurdle when it comes to coordination. Takes a significant amount of time and effort to work through. Often the biggest bottleneck in Washington County.

c. Washington County has always had fewer requirements than some cities, which has made it easier to develop. New architectural requirements (e.g. glazing) make it hard to build what you want to build and make money on it. Architectural standards are hard to make work from a market rate perspective.

   i. "Steering development" with parking, glazing, other restrictive standards make it harder to make development pencil

d. Specific Code Conflicts:

   i. Conflicts between CDC Section 422 and community plan for Bull Mountain area.
   ii. Hardship relief variance process has been interpreted differently by different staff, causing significant time delay and added costs. CDC needs to be more clear and objective.
   iii. Section 427 solar access standards in the CDC never get met.
   iv. Type II land use approval Neighborhood Meetings are a cost and barrier although "nobody has handled neighbors better than Washington county"

e. Concerns around affordable housing development (grants/subsidies) -

   i. Codes aimed at trying to build more affordable housing may only work for affordable housing developers and work against market rate mid-size builders
      1. Have heard about targets for 25-50% of new housing hitting affordable targets. Market rate developers struggle with these kinds of mandates.
   ii. Making profit on home sales right now is tough.

f. Unforeseen Costs of Engineering

   i. Engineering requirements cause renegotiations of what is possible to develop. What happens on the engineering side can be the game changer in Washington County. The code is clear, but County engineers have power to really change the cost of a project. Engineering design regulation documents allow them to require "anything they want."
      1. Projects financed by third parties ask for risk assessments and engineering requirements feel hard to project/anticipate

g. **Parking Requirements**
    i. Reduced parking is not popular in the market, and therefore not a true incentive
h. **Planned Unit Developments**
    i. Planned unit developments have allowed market rate to build more homes on smaller lots - single family detached homes sold for market rate, but have never done a PUD in Washington County (engineers say it doesn't make sense)
i. **422 changes**
    i. 422 (Significant Natural Resources) is very restrictive and may be a barrier to development. No way to change the map.
j. **Middle Housing / Cottage Cluster Code**
    i. Middle housing code is difficult regarding parent land use decision and child lot decisions
    ii. Insistence on the cottage code - definition varies from city to city and county to county, so it's been difficult to interpret
        1. Jurisdiction's cottage cluster that is doing it right?
            a. There are just so many approaches, it's hard to keep straight
        2. Main appeal of the cottage cluster?
            a. From an affordability perspective - creating greater density in a zone that might not allow height. Can create density through smaller units and lots
            b. Criteria (max footprint, height, and square footage caps) are in conflict with one another, creating weird shapes.
            c. Cottage is typically for people who want to downsize without stairs but the max footprint limits that.
            d. Cottage cluster builders in Portland are finding projects very hard to make pencil.
            e. Problem is there is not enough land to build on.
    iii. Possible solution is the county to provide more guidance on middle housing allowances and options

2. **Advantages of CDC:**
    i. Relatively easy to navigate Wash. Co's code because it has been consistent over the years, so planners find it to be one of the easier jurisdictions to work with.
    ii. Fewer requirements in Washington county than in cities

Next Steps:

- Suzanne to send a follow up email inviting any final thoughts/concerns:

    - Is the structure or organization of the CDC is confusing or difficult to navigate? Redundant?
- Webpage active soon with a comment form.

Washington County CDC Assessment Project

May 20, 2025 | Homebuilder Representative Focus Group #2

Attendees: Rachel Cotton, Lanier Hagerty, Jamin Kimmell (Cascadia Partners); Suzanne Savin (County staff)
Three homebuilder representatives with varying Washington County experience

Key Takeaways:

- For single family and PUD developers with moderate experience with the Washington County Code, the code has a reputation of being relatively easy to use.
- Increased complexity of code/development regulations are raising costs and slowing development everywhere.
- Increased cost of land is disincentivizing smaller denser housing development (including middle housing) in favor of large lot expensive detached homes. However, there is also a declining number of large developable parcels in Washington County which may fuel infill.
- PUD opportunities in Washington County are not widely used, potentially due to existing density transfer options.
- The sequencing of approvals, drawn out and time consuming inspections, and fee collection impact project feasibility.
- Flexibility around density is generally seen as good. Homebuilders emphasized that it is the variety in housing types that are possible to build that is more important than density.

Questions

1. **What types of housing developments have you worked on in Washington County in the past? How supportive was Washington County's CDC of the housing types you have developed?**
    a. Homebuilder mainly builds high end sf detached residential, looked to build middle housing but have not done that yet. Most sf detached has been relatively smooth.
        i. Typical develops in the lowest density zones (R5, R6), building to minimum density for a large lot feel.
    b. Developer does not have a large presence in Washington county as of late. Bread and butter is large master planned communities through PUDs. Have a variety of products including single family attached and detached and other amenities called for in the master plan. Interested in Middle Housing and the continuity between the development code and the building code.
    c. Public policy focus so not a lot to contribute in a developer arena

2. **Aspects of the code that have added to the cost of development?**
        i. Everything. All costs have gone up across the board.

ii. Slow buildup of different design review requirements, open space requirements, etc etc. that in aggregate create a really significant cost. More regulations result in more costs, time and difficulty.

3. **PUDs in Washington County**
    a. Washington County's provisions for PUDs aren't often used. Why do you think that is?
        i. PUD developer does not have a significant presence in Washington County, but speaking broadly: PUD concessions, density bonuses, for example, in exchange for something else are helpful but sometimes cumbersome. Complexity of the entitlement work also takes time and money. To alleviate those requirements, have conversations around developer agreements to help the PUD be more palatable.
        ii. Washington County may see fewer PUDs because of the ability to transfer density from unbuildable areas without doing a PUD if you have a significant natural resource area on your site. Otherwise takes a unique project to apply the PUD incentives and have it work.
        iii. Lack of PUD may be a sign that the code is working!

4. **Middle housing projects in Washington County**
    a. In Washington County, like many places, it may be less that building high cost homes are incentivized and more that building housing targeting lower incomes is disincentivized. More affordable housing often can't pencil.
        i. For example, in Washington County there's not a financial incentive to subdivide lots to create less expensive units when you can make the same profit from fewer homes on larger lots. Fewer homes means fewer products that need to be sold.
    b. Middle housing makes it possible to add density on small lots that are otherwise unusable, appealing to intro home buyers. Adds density, betters the community, and allows for some home buyers to enter the market. Infill is also a solution for increasing scarcity of land.
    c. Barriers to develop middle housing are different in every jurisdiction, but almost always exist.
    d. **Cottage Cluster**
        i. Cottage cluster development has been hard to figure out. Specifically development code vs. building code. There have been design requirements introduced that make it hard to design projects.
            1. Making a plan that's livable and spacious has been difficult because of how codes define "liveable space," maximum floor area etc. Hard to deliver a product of 3-4 bedrooms in the unit sizes you can achieve in a cottage house

5. **Usability and Clearness of the Code Itself**
    a. Homebuilder is not a code user but believes it is relatively easy for his team to use.
    b. Website footnotes are helpful to guide exceptions to the rule. Comparatively easy to read compared to other codes.

6. **Limited amount of large developable parcels in Washington Count**y.
    a. Expanding the UGBs would be helpful for us. We can agree that we can't control pricing of materials and labor, but focus on being as efficient as possible.

7. **Code Redundancies / Conflicts: Are there instances where multiple code sections or standards are in conflict? Or requirements that are unnecessary or redundant?**
    a. Credit issue in special assessment districts. Original code that was written was not clear so the County could read it how they wanted to (specifically in North Bethany). This has been recognized by staff as written poorly but has not been addressed.

8. **Sequencing of approvals and inspections - have requirements ever delayed your projects? Variances/Adjustments/Approvals?**
    a. **Early Addresses:** Used to be that builders were not allowed to submit building permits until plats recorded/addresses were assigned. But early addresses have helped. This is not widely known as an option in the building community but should be advertised.
    b. **SDC Fee:** When fees are collected makes a significant difference. SDC charges upfront vs. at the end is a significant outlay. Push to move fee assessments to point of sale, reducing initial capital outlay. This may be hard to implement:
        i. Lock in at the beginning and paid at point of sale.
        ii. Deferral programs
        iii. Developers agreement can also help lock in rates and negotiate ahead of time
    c. **Frequency of Inspections:** How many times does an inspector look at a home?
        i. Depends on the type of inspection. Can take several times. Scheduling also takes time.
        ii. 2-3 depending on how good your contractor is. CWS, facilities, traffic, grading etc. etc.
    d. **Bonding**
        i. 100% bonding, if something is going to be held up, hold up a certificate of occupancy, not starting the project.

9. **Is there a point at which code calibration could incentivize more density?**
    a. Flexibility in the CDC for applying middle housing to certain parts of development would help put more density on less desirable parts of the project. Washington County is pretty good with density flexibility. Lower density areas are getting fewer and farther between.
    b. Density is not the solution, variety is. Everything is market specific so you have to do those market studies. Being able to do a mix of both is helpful.

c. Density comes with a point of no return. UGB expansion is ultimately going to be key.

10. Next Steps:

a. Suzanne's follow up email to sign up for information on the project, and encourage feedback / additional thoughts.

Washington County CDC Assessment Project

May 27, 2025 | Housing Advocates Focus Group

Attendees: Rachel Cotton, Lanier Hagerty (Cascadia Partners); Suzanne Savin (County staff)
Four affordable housing advocates with a variety of experience in Washington County

Key Takeaways

- Not a lot of multifamily development in unincorporated areas in Wash. Co. so there's not a lot of collective experience/ knowledge to draw on in the development community. The costs of developing 5+ stories often preclude development in unincorporated areas (given limited density and achievable rents)
- Suggestions for CDC updates include amending the code to not exclude manufactured homes outside of parks through design standards (even ones that apply to detached single unit housing); revisiting accessibility requirements; exploring fee waivers (a "huge" barrier to development); and adjustments to open space/parking/access requirements for multifamily
- In areas of jurisdictional overlap, there is often confusion in how to interpret the code for public improvements
- Additional density/height/other entitlements granted to affordable housing through statewide legislation, not explicitly written into the code, are very helpful and should be codified.

Questions

1. **How does your work interact with the County CDC or with development more generally?**
    a. Washington County Housing Services Department - Permitting process and trying to meet code for multifamily housing;
    b. CPAH - interface with code in public works, things adjacent to projects; one example project had to be annexed into Beaverton because their development code was easier to comply with
    c. Washington County Office of Community Development provides funding for housing, environmental review is often required and they run into conflicting jurisdictional rules: stormwater requirements may conflict with clean water services, as an example

2. **In your experience or from what you might have heard from housing providers, are there any CDC articles or sections that you have found to be especially difficult to use or understand?**

a. Getting variances and/or increased density for a large affordable housing project was easier in Beaverton than in Washington county (Cedar Grove development example).
b. Not a lot of multifamily development in unincorporated areas in Wash. Co. so there's not a lot of collective experience/ knowledge to draw on in the development community (Aloha development did not have many precedent examples to look to in Washington Co.)
c. Appreciate the flexibility in the no minimum parking requirement
d. Market reality of the costs of developing 5+ stories often preclude development in unincorporated areas (given limited density and achievable rents)
e. Additional Entitlements granted to affordable housing, per recent statewide legislation (notably not written into code but rather something developers are expected to know):
    i. This should be articulated in the code. Explicit. Not just expert knowledge.
    ii. CPAH has used that tool multiple times for height and density, including in one development in Tigard. If this had not existed, would have needed to seek a variance, and risked an expensive public process
    iii. Not a lot of land in unincorporated areas is zoned for high density. Would be helpful to include more flexibility in density in these areas.
f. Limited experience in the group developing Home Ownership Products
    i. CPAH - exclusively rental. Explored home ownership, and did not pursue due to not having sufficient funding mechanisms. Would have required a land trust to pencil. Was not code-related.

3. **In your view, what should we look for as we assess the current CDC to ensure we aren't contributing to housing inequities? Are there specific types of regulations that contribute to an undue burden on any of the following populations that we should look for?:**
    a. Tigard example - building code flexibility, allowing more requirements around egress (smaller windows)
    b. Requirements to include a garage or covered parking spot given the size of the home have created some issues (Habitat for Humanity example).
    c. Accessibility concerns - ensuring that units can be easily accessible, esp around design and construction. This is a top complaint at Fair Housing Council.
        i. Example of jurisdiction doing this well?

4. **Do you have any suggestions for CDC updates that would make it easier or more attractive to build housing products or unit types that are more broadly affordable?**
    a. Not requiring parking / parking as flexible as possible

b. Allowing manufactured homes outside of parks, manufactured/mobile homes have a lot of restrictions making it nearly impossible for this housing type to be built in a residential neighborhood.
    i. Design requirements are overly burdensome for manufactured homes: This comes in the form of things like window size and number on facade requirements, garage requirements etc. that make it hard to build prefab homes in residential areas.
c. Preservation of current parks is also important.
d. Accommodations for RVs and trailers to live in
e. Allowing Tiny Homes on Wheels
f. Requirements for building on Major roads controlled by ODOT - help needed with coordination / constraint evaluation
g. SDC waivers or deferrals
    i. Fees are “Biggest barrier” in Wash. Co. esp when funding is tight for affordable housing
h. Not requiring separate utility connections for ADUs
i. Water Meters / infrastructure hookups
j. Access vs. open space vs. parking requirements triggered by unit counts can eat up a lot of a site for higher density development
    i. Lower the barriers to achieving a variance: Making a type I or type II decision makes things easier
k. Requirements for mixed use development more flexible
l. Clarity/collaboration across jurisdictions
    i. County controls right of way and roads, city controls sidewalks and planting strips etc. - working to balance county’s needs for these improvements and city requirements. Codes don’t always match. Flexibility in overlapping jurisdictions for development would be helpful to development.
    ii. Clean Water Services is also a “wild card” when it comes to navigating jurisdictional overlap with Washington County Code
m. Areas/plans zoned through the CDC are made without the funding to back the vision or a catalyst to spur those changes, it makes it very difficult to develop (street patterns and vision for build out)

Washington County CDC Assessment Project

Jun 26, 2025 | Service Agencies Focus Group

Attendees: Rachel Cotton, Jamin Kimmell (Cascadia Partners); Suzanne Savin (County staff)

Three service agency staff members representing Clean Water Services (CWS), Tualatin Valley Fire & Rescue (TVFR) and Tualatin Hills Park & Recreation District (THPRD)

Key Takeaways:

- **Difficulties with CDC standards**
  - Standards such as buffering, screening, and fencing are often mismatched with the use or surrounding context (e.g., parks), leading to unnecessary cost or environmental impact.
  - Density requirements conflict with stormwater needs and natural resource protection, making development awkward. There's a need for variances (e.g., allowing sidewalks on only one side of the street to protect natural resources).
  - Fire break (Section 428) lacks clear variance guidance or authority for the Fire Marshal, creating liability concerns and implementation challenges.
  - Neighborhood meeting requirements are outdated and don't reflect broader engagement already conducted by applicants. The process needs to be streamlined and updated.
  - Neighborhood meeting notification requirements are rigid, expensive, and not environmentally friendly.
  - Clarity needed on middle housing types for SDCs.
- **Conflicting regulations**
  - TVFR's fire lane width vs. Washington County's street width allowances.
  - Trail and street connectivity conflicts, e.g., cul-de-sac requirements that impact open space and parks.
  - Need to engage service providers earlier in the land use application process to help applicants be aware earlier of requirements by service providers. Beaverton's process was cited as an example.
- Follow up items
  - THPRD to follow up with any additional comments or considerations from their team.

<u>Questions</u>

1. **How does your work interact with the County Community Development Code (CDC)?**
   a. THPRD - coming here as service providers and the agency is a bit of both as developer and service provider

b. CWS - stormwater and sanitary provider but also have a role to protect natural resources. In a lot of cases, the County refers to this organization to protect wetlands and other natural resources.

2. Are there any CDC articles or sections that you have found to be especially difficult to use or understand? These may include but are not limited to:

- **a. Unnecessarily complex rules or standards**
- **b. Unclear rules or standards**
- **c. Rules or standards that are located or presented in a manner that makes them difficult to find**
- **d. Regulations that may be in conflict with each other**

<u>THPRD</u>

i. Screening and buffering standard and requirements
   1. A lot of park properties are oddly zoned, for example: Institutional.
      a. This results in odd buffering requirements around parks that may not be relevant, are confusing, or can be a hindrance because they aren't climate friendly or maintenance friendly.
         i. Example: THPRD is looking to reduce carbon footprint but required to add certain shrubs that are not great for climate goals

ii. Fences are a barrier oftentimes and can be seen as 'keeps you in' or more unsafe than safe.

iii. People have a lot of opinions how parks should operate near their house.

iv. Neighborhood meetings: review sections to either update or clarify
   1. These requirements need to be modernized and streamlined
   2. THPRD does a ton of public engagement and outreach for a proposed park prior to the County's required neighborhood meeting, but the neighborhood meeting is the only formal public engagement component that is taken into account by the County.
      a. Sometimes other engagement doesn't mimic what is heard at the neighborhood meeting.
      b. Should there be alternative or additional engagement considered for development applications?
   3. Sending out the Neighborhood Meeting notification letter is costly and not climate friendly.
   4. List of mail recipients comes from dedicated staff person. If you don't get addresses from this one person, impacts entire land use application process

<u>CWS</u>

v. A lot of the conversation from applicants is around the issue of limited land and having space for everything that is required.

vi. A few things related to above
    1. Density calculations and density-restricted land - maybe consider categorizing required stormwater facilities as density-restricted land.
    2. For land divisions, has observed tension between requirement to place natural resources wholly in tract and other CDC requirements, like minimum density, minimum lot size and minimum building setback from lot lines
    3. Allowing for variances - consider allowing sidewalks only on one side of the street to minimize impacts on natural resources, as an example.

TVFR

vii. Fire breaks - type II permit/dwelling

viii. Rural properties that are close to a forest have to have fire breaks - for example a 100 ft buffer with no vegetation, but if they can't provide that, then the CDC says they have to get approval from Fire Marshal for a reduced firebreak.
    1. TVFR doesn't have any guidelines they can rely on to approve reduced firebreaks.
    2. This isn't frequent but has come up twice in a 2 week period, so may become more frequent?

ix. County staff noted that they'd heard this issue was a problem - CDC Section 428 contains the problematic requirement.

x. This issue creates a liability for TVFR

3. Are there any CDC provisions you're aware of that conflict with your agency's requirements or that could be better integrated with your requirements (i.e., CWS - Design and Construction Standards, TVFR – Fire Code requirements, THPRD – Parks Functional Plan)

a. THPRD
    i. THPRD's requirements also include a Trails Functional Plan
    ii. Road has to have cul de sac at end if it doesn't go through.
        1. Infill developments have smaller streets that sometimes dead end into parks.
        2. When THPRD go to develop the park site, they're required to add this cul de sac because it was previously a dead end to the park. The cul-de-sac reduces the park's available open space.
            a. Can there be a pathway for fire trucks, garbage etc? But not require cul de sac and allow as alternative?
            b. (County staff note that this comment may refer to CDC 409-3.7, which contains the turn-around requirement for dead-end private streets for purposes of emergency access.)
        3. Fire code doesn't include road requirements if there isn't a building.
        4. Unity Park shows example of this issue.
    iii. Re-recording of plats

1. Re-recording a plat to correct erroneous information takes a lot of work. (Staff notes that unless the applicant is proposing to alter specific aspects of a development shown on the approved plat, such as the addition or removal of lots or the reconfiguration of property lines, the re-recording of plats is reviewed and processed by the County's Survey Department and is not regulated by the CDC)
2. This process is expensive and very time consuming, with a lengthy review process that discourages re-recording even when plat mistakes are known.

b. TVFR
    i. TVFR fire lane width requires 32 ft. wide for parking on both sides of the road. Parking on both sides of the road is allowed in Washington County with 28 ft widths
        1. These standards conflict with each other.

c. CWS
    i. Lot line adjustments
        1. CWS has a clear opportunity to review subdivisions and partitions but has no opportunity to review lot line adjustments.
        2. Lot line adjustments can introduce issues with access to sewer and stormwater, which can change based on the reconfiguration of a lot.

4. Does your agency have any issues with the service provider letter process used for County development proposals (e.g., Middle Housing, Significant Natural Resources, etc.) or how that is characterized in the CDC?

a. CWS
    i. The fact that the CWS sanitary service letter and stormwater letter are on different forms is odd. Both of those CWS services should be shown together on same form.
    ii. Confusion and questions on middle housing - some of it boils down to what housing type(s) we're talking about (duplex, house with ADU, etc) - need clarity on the types of middle housing
        1. SDCs hinge on housing type - but we're shifting towards an approach using number of units rather than housing type definitions.
    iii. Developments on unincorporated property near a city boundary may be required to annex into the city to receive services, but sometimes this fact isn't communicated until pretty late in the development process
        1. If there is a way to make this requirement known to everyone earlier in the process, that would be helpful.

b. THPRD
    i. It would be really helpful to have an internal process that includes service provider letters in the development pre-application meeting, to involve the

service providers early on and to provide development applicants with an early heads-up about service provider requirements.

1. Inviting service providers to the pre-application meeting would also be helpful.
2. Consultant staff cited Beaverton's process for service provider involvement as a model.
    a. Service providers are invited to the pre-application meeting and can either join or just provide notes

ii. THPRD's SDC fees are also tied to attached and detached housing types. Working this year to address known issues.

c. TVFR

i. Approval of land partitions is done by Current Planning. At land use approval for the partition, TVFR is just looking at whether they can access the site.

1. However, the subsequent placement of a building on the site (which is reviewed by Building Services) will trigger specific TVFR requirements for the driveway.
2. How to alert Building Services that TVFR driveway requirements will kick in when a building is constructed on the site?
3. Need better way to communicate TVFR requirements / conditions of approval between County departments.

5. What else do you want us to know about your experience with the County CDC for this Assessment?

a. THPRD

i. Have internal staff meetings after the holiday and would like to bring this to them as they work on other projects.

ii. Will follow up after meeting with the THPRD team on any other suggestions or recommendations.