# Appendix A: Detailed Findings by CDC Article and Section

Appendix A provides a comprehensive inventory of issues identified in the CDC. The appendix is organized in tables by CDC article, section, and subsection. Icons are used to indicate the type of issue identified as follows:

| Icon | Description |
|---|---|
| Legal Compliance | Potential non-compliance with a housing-related statute or administrative rule |
| Barriers to Housing | Potential barrier to housing production, access, and opportunity |
| Streamlining and Usability | Potential opportunity to clarify, streamline, or improve usability of the CDC |

The Findings and Recommendations column describes the nature of the issue in more detail and, where feasible, provides a recommended course of action for addressing the issue. The findings in these tables formed the basis of the higher-level recommendations for future code amendments described in the body of the CDC Assessment Report. This appendix is also intended to be used as a reference to guide planning, prioritization, and drafting of future code amendments.

The following hyperlinks can be used to navigate to the findings table for each article of the CDC:


- Article I: Introduction and General Provisions
- Article II: Procedures
- Article III: Land Use Districts
- Article IV: Development Standards
- Article V: Public Facilities and Services
- Article VI: Land Divisions and Property Line Adjustments
- Article VII: Public Transportation Facilities

# Article I: Introduction and General Provisions

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **104: Consistency with Plan and Laws** | | | | |
| General Findings | | | 🛠 | HB 2138 invalidates some private Covenants, Conditions, and Restrictions (CC&Rs) that prohibit certain forms of housing (ORS 94.776(1)). Some jurisdictions address this in the development code. This section would be an appropriate location for that provision if the County determines it is necessary to address this in the CDC. |
| **106: Definitions** | | | | |
| General Findings for Section 106 | | | 🛠 | Consider deleting section numbers and making the list alphabetical for ease of administration as definitions are amended over time. |
| | | | 🛠 | Some government agency terms may be outdated or unnecessary to list in the CDC and warrant a review to remove or update terms |
| | | | 🛠 | Consider if references to definitions should be capitalized throughout the CDC |
| | | | 🛠 | Consider if the CDC should reference ORS definitions or include the definition in the CDC. |
| | | | 🛠 | Terms defined by statute may need to be added to Section 106. A preliminary list of these missing terms is as follows: Accessible Unit (HB 2138); Affordable Unit (HB 2138); Bed and Breakfast; Live/Work Space; Residential Design Standards (SB 974); Single Room Occupancy (HB 2138); Pedestrian Facility (OAR 660-012-0005(34)); Pedestrian Accessway (OAR 660-012-0005(4)). |
| **106-1.2** | | | 🛠 | Consider replacing the term 'shall' with 'must' throughout the CDC. Must is considered to be less ambiguous to denote a non-negotiable obligation. |
| **106-1.4** | | | 🛠 | The Oregon courts rely on Webster's Third New International Dictionary (1993) as the official dictionary for questions regarding word usage. For consistency, Section 106-1.3 references that dictionary for any word or term not defined in the CDC. Combine 106-1.3 and 106-1.4 to clarify which definitions take precedence when terms are defined from multiple sources, such as the CDC, ORS, or the dictionary. |
| **106-1.10** Airport | | | 🛠 | Consider moving definitions of terms in Sections 385, 386, 387, and 388 into Section 106-1.10 to centralize all definitions. |
| **106-10.9** Oregon Department of Aviation (ODA) | | | 🛠 | Acronym should be ODAV |

Issue Type Legend: 🚫 Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **106-10.15** Other than Utility Runway | | | 🛠 | Consider moving this to a sub-definition of runway. |
| **106-21** Average Daily Traffic (ADT) | | | 🛠 | Consider adding VMT (Vehicle Miles Travelled) as necessary to implement CFEC requirements. Further research needed to determine if this term will be used in the CDC. |
| **106-33** Change in Use | | | 🛠 | Modify definition to include lot or parcel of land for clarity. |
| **106-35** Commercial Parking Facility. | | | 🛠 | This term may need to be modified to ensure it applies to a pay-for-parking garage that is part of a mixed-use development/building, but not accessory to the other uses in the development/building. |
| **106-38** Compatible | 🚫 | | | Definition is not clear and objective and cannot be used in a standard that applies to housing. |
| **106-43** Cottage | 🚫 | | | Definitions will need to change per HB 2138. |
| **106-48** Day Care Facility | | | 🛠 | Consider modifying this definition to clarify how it relates to definitions of child care facilities in ORS 329A.250, ORS 329A.030, 329A.250 to 329A.450, and 329A.500. |
| **106-51** Demolish | 🚫 | | | Definition is not clear and objective and cannot be used in a standard that applies to housing. |
| **106-59** Development Review | | | 🛠 | The last sentence of this definition addresses a substantive standard in the code and should be removed/moved. |
| **106-69** Duplex | | 🏘 | 🛠 | This is an example of a housing type with two versions: middle housing duplex and non-middle housing duplex. It can be confusing for applicants new to the CDC because it is a subtle distinction between the two options within a duplex. It could be modified depending on other changes related to middle housing. See the Barriers to Housing for more discussion of this issue. |
| **106-78 Family Day Care Provider** | | | | Consider modifying this definition to clarify how it relates to definitions of child care facilities in ORS 329A.250, ORS 329A.030, 329A.250 to 329A.450, and 329A.500. |
| **106-79** Dwelling | | | 🛠 | Define and consolidate the terms tent, teepee, and boarding houses into Section 106. |
| **106-70.1(A)** Dwelling Unit, Accessory (ADU) | 🚫 | | 🛠 | Graphics could use some annotation to be clearer.<br><br>HB 2138 authorizes the County to choose to allow ADU on a child lot in MHLD. If County allows this, then this definition needs to be amended. |

Issue Type Legend: 🚫 Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **106-70.1(B)** Dwelling Unit, Attached | | ✓ | ✓ | This is an example of a housing type with two versions: middle housing dwelling unit, attached and non-middle housing dwelling unit, attached. It can be confusing for applicants new to the CDC because it is a subtle distinction between the two options within a dwelling unit, attached. It could be modified depending on other changes related to middle housing. See the Barriers to Housing for more discussion of this issue. |
| **106-83** Floodplain, **106-85** Floodway, and **106-87** Floodway Fringe | | | ✓ | Section 421 also includes floodplain-related definitions. It is unclear if these definitions are needed separate from Section 421. It would be more user-friendly for all floodplain-related definitions to be in one section. |
| **106-75** Effective Vehicular Barrier | ✓ | | | Definition is not clear and objective and cannot be used in a standard that applies to housing. |
| **106-95** Ground Cover | ✓ | | | Definition is not clear and objective and cannot be used in a standard that applies to housing. |
| **106-101.1** Height (Maximum Building Height) | | | ✓ | Migrating measurement rules to their own section might be more user-friendly and could be helped with illustrative graphics. This definition also does not work for rural uses where there is no sidewalk or curb to use as the low point of height measurement. |
| **106-109** Lot. | | | ✓ | Consider if the term 'lot' needs to be universally replaced with 'lot or parcel' per previous request from County Surveyor. |
| **106-112** Lot(s), Child | | | ✓ | This term is used in the CDC to refer to any lot created by a land division, but state law generally uses the term for lots created by a Middle Housing Land Division. This may be complicated by requirement under HB 2138 to allow concurrent review of standard and Middle Housing Land Divisions. Clarification may be needed. |
| **106-113** Lot Line | | | ✓ | Definitions do not account for the orientation of through lots, interior lots, or many common irregular lot shapes. |
| **106-119** Lot Depth, Figure No. 1 | | | ✓ | This graphic is an example of inconsistent graphical conventions throughout the CDC. Standardizing graphical conventions would improve usability. |
| **106-125** Middle Housing Conversion | ✓ | | | Definition will need to be changed per HB 2138, requiring middle housing to be allowed on same site as a house + ADU or a duplex. |
| **106-133** Manufactured Dwelling Park | ✓ | | | This definition would preclude an RV or prefabricated dwelling from being sited in a manufacturing dwelling park. The definition must either be amended to not specify the dwelling types that can be sited in a manufactured dwelling park (while specifying in other sections of the CDC) or address that RVs and prefabricated dwelling can also be sited in manufactured dwelling parks. |

Issue Type Legend: Legal Compliance Barriers to Housing Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **106-136** Manufactured Dwelling Space | 🚫 | | | See finding above. Must be modified to clarify that RVs and prefabricated dwellings can be sited in a manufacturing dwelling space. |
| **106-143** Multi-Dwelling Structure | | | 🛠 | This is an example of a definition that could be further clarified to distinguish multi-unit dwelling structures from middle housing. It can be confusing for applicants new to the CDC. It could be modified depending on other changes related to middle housing. See the Barriers to Housing for more discussion of this issue. |
| **106-165** Plat | | | 🛠 | This definition should be modified to reflect that some information can be recorded separately from the plat. It should also address that plats are recorded. |
| **106-175** Recreational Vehicle | 🚫 | | | This definition may need to be amended to reflect that RVs can be occupied on a permanent basis in manufactured dwelling parks and RV parks. |
| **106-176** Park Model Recreational Vehicle (PMRV) | 🚫 | | | This definition may need to be amended to reflect that RVs can be occupied on a permanent basis in manufactured dwelling parks and RV parks. |
| **106-187** Roadway | | | 🛠 | Modify definition and expand to include OR 368.001 that defines County road, public road, and road. |
| **106-196** Specified Anatomical Areas | | | 🛠 | Delete definition |
| **106-211** Townhouses (or attached dwelling units on separate lots) | | | 🛠 | This is an example of a housing type with two versions: middle housing townhouses and non-middle housing townhouses. It can be confusing for applicants new to the CDC because it is a subtle distinction between the two options within a townhouse. It could be removed if the County elects to apply the middle housing standards to these housing types in all cases. See the Barriers to Housing for more discussion of this issue. |
| **106-212** Triplex | | | 🛠 | This is an example of a housing type with two versions: middle housing townhouses and non-middle housing triplex. It can be confusing for applicants new to the CDC because it is a subtle distinction between the two options within a triplex. It could be modified depending on other changes related to middle housing. See the Barriers to Housing for more discussion of this issue. |
| **106-221** Yard (Setback) | | | 🛠 | Definitions are complicated. There may be techniques to simplify and streamline these definitions. |
| **Figures 106-3**, **106-4,** and **106-5** Yard (Setback) | | | 🛠 | Standardizing graphical conventions would improve usability. |
| **107: Planning Participants** | | | | |

Issue Type Legend: 🚫 Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| General Findings on Section 107 | | | | This section identifies the major participants in the County's planning process. Modifications and updates to this section will be needed in response to decisions around the CPO Modernization Project, which is currently being considered by the Board of Commissioners. |
| **110: Transition to Development Code** | | | | |
| General Findings on Section 110 | | | | This is a legacy section of the code that could potentially be removed. |

# Article II: Procedures

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **201: Development Permit** | | | | |
| **201-2** Exclusions from Permit Requirement | ⊘ | | | Since RVs and prefabricated structures must now be allowed to be sited in a manufactured dwelling park, should clarify if development permit is required for the siting of these structures in a manufactured dwelling park. |
| **201-2** Exclusions from Permit Requirement | ⊘ | | | Language stating that "Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards… " is unclear because if no permit is required, then there may not be a mechanism to enforce the standards. Clarification recommended. |
| **201-2.12(G)** | | | 🛠 | Clarify that accepted farm practices are not subject to a development permit requirement but are subject to the standards listed in this subsection. |
| **201-3** | | | 🛠 | This section lists the Board of County Commissioners as an appeal body for development permits; however, the Board only hears appeals of Type III Plan Amendments. Consider modifying to clarify the appropriate appeal body for development permits. A table in this section or Section 202 would help to clarify decision and appeal bodies for various applications. |
| **201-4.3** | | | 🛠 | If the County removes requirements for solar access permits, this subsection can be eliminated. |
| **201-4.4** | | | 🛠 | If the County removes requirements for solar access permits, this subsection can be eliminated. |
| **201-7(B)** | | | 🛠 | Change 'upon' to 'on' to clarify this provision. |
| **201-7(C)** | | | 🛠 | The phrase 'reasonable progress' is not clear and objective. Consider replacing with a quantitative standard or other more objective measure. |
| **202: Procedure Types and Determination of Proper Procedure** | | | | |
| **202-3** Type III | | | 🛠 | Clarify which Type III actions are decided by the Planning Commission or the Board. Consider adding a table for further clarity. |
| **203: Processing Type I, II and III Development Actions** | | | | |
| **203-3** Neighborhood Meeting | | 🏠 | | Per stakeholder feedback, neighborhood meeting requirements were described as outdated and not reflective of broader community engagement efforts already undertaken by applicants in some cases (e.g. Parks) and may create barriers to housing and equity. Many other jurisdictions only require neighborhood meetings for Type III applications or larger projects. |

Issue Type Legend: ⊘ Legal Compliance 🏠 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| | | | | Thresholds for when a neighborhood meeting is required could be reconsidered so as to only apply to larger projects that are likely to have a significant impact on the neighborhood. The specific threshold that triggers the neighborhood meeting requirement needs further consideration. The threshold could be based on project size (units, area) or limited to Type III or higher applications. Exceptions would need to be made for middle housing developments to comply with state requirements. |
| **203-3.3** Neighborhood Meeting Requirements | | | 🛠 | Some provisions are not clear and objective. Consider removing some details about the meeting process and referring to the guidelines document so it is not confusing for applicants. |
| **203-4.2(G)** Application | | | 🛠 | Section states that County Staff prepare Traffic Impact Statements. The County does not provide this service anymore and requires applicants to supply statements prepared by engineers. |
| **203-4.2(L)** | | | 🛠 | This section incorporates by reference the County's application fees. It may be unnecessary to incorporate by reference. |
| **203-4.2(N)** | | | 🛠 | This section describes the City/County coordination process. It is unclear if it reflects current practices and may need to be amended. |
| **203-5** Application Submittal and Acceptance | 🚫 | | 🛠 | Section should be added to address SB 1537 change to allow applicants to opt-in to standards that have changed. Reference in table should be changed to point to 197A.470 rather than 197.311(3) |
| **204: Notice of Type I, II, or III Development Actions** | | | | |
| **204-3** Type II Actions | | | 🛠 | Notice process could be streamlined/improved, per staff and stakeholder feedback. |
| **205: Public Hearings** | | | | |
| General Finding on Section 205 | | | 🛠 | Some language in this section refers to "cross-examination" and "witnesses". This may lead users to interpret a public hearing as a form of a trial. Consider rewording to use "question" or "parties" in lieu of these terms, respectively. Further amendments may be needed to this section to align with current practices and clarify hearing procedures. |
| **206: Burden of Proof** | | | | |
| General Finding on Section 206 | | | 🛠 | This is a very short section that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **207: Decision** | | | | |

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| General Finding on Section 207 | | | | This is a very short section that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **207-5** Conditions of Approval | | | | Consider also addressing that the County may not restrict building height below what is allowable in the district with a condition of approval for residential developments, per ORS 215.416. |
| **208: Reconsideration of Director, Hearings Officer or Planning Commission Decisions** | | | | |
| General Finding | | | | This is a very short section that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **208-1** Reconsideration as Extraordinary Remedy | | | | When the County implements the state requirement to allow applicants to "opt-in" to take advantage of change in the code, as allowed by SB 1537 (ORS 215.427), this section may need to be amended to delineate between a reconsideration of an application and the applicant's right to re-submit the application under a different set of standards. |
| **210: Reconsideration of Board Decision for the Appeal of Quasi-Judicial Plan Amendments** | | | | |
| General Finding | | | | Sections 210-215 are very short sections that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **211: Date of Final Decision** | | | | |
| General Finding | | | | Sections 210-215 are very short sections that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **212: Remand from Appellate Bodies** | | | | |
| General Finding | | | | Sections 210-215 are very short sections that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **213: Vested Rights** | | | | |
| General Finding | | | | Sections 210-215 are very short sections that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **214: Implementation of Measure 37** | | | | |
| General Finding | | | | Sections 210-215 are very short sections that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **215: Code Compliance** | | | | |

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| General Finding | | | 🛠 | Sections 210-215 are very short sections that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **215-3** Prosecution of Violations | | | 🛠 | Remove incorrect reference to the Comprehensive Framework Plan. |
| **216: Validation of an Unlawfully Created Unit of Land** | | | | |
| General Finding | | | 🛠 | Sections 216-217 are very short sections that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |
| **217: Directors Interpretation** | | | | |
| General Finding | | | 🛠 | Sections 216-217 are very short sections that could be migrated to a new "General Provisions" section with other short sections in Article II to reduce the number of sections in the CDC. |

# Article III: Land Use Districts

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **Most Sections in Article III** | | | | |
| General Finding | | | | Several issues with the formatting and organization of use regulations in the CDC have been identified:<br>1. Uses organized by procedure type. Applicants often do not know which procedure type applies to a use, so they have to scan through multiple lists to find the use they are looking for. If the information was organized within tables, sorted by use type, it would be easier to use.<br>2. Some uses are unnecessarily specific and could be combined into larger categories.<br>3. The "uses" are actually a mix of uses and certain kinds of development activities, such as "expansion of x" or "tree removal". It may be possible to address these activities separately from uses to streamline the list of uses.<br>4. Detailed thresholds that are used to determine if something is Type I or Type II are embedded in the lists. If those were addressed in a separate section, they may make it easier to scan and find the use in question.<br><br>See the Streamlining and Usability Section of main report for more discussion of these issues. |
| General Finding | | | | Each of the land use districts that allow middle housing has an asterisk in the title which states that maximum density does not apply to middle housing. If the residential districts were retitled or sections were reorganized to include multiple land use districts, this asterisk would no longer be necessary. |
| **300: Introduction** | | | | |
| **300-1** Intent and Purpose | | | | There is no subsection within this section that provides an overview of the various land use districts, summarizes their purpose, clarifies their abbreviation, etc. That may be useful in this section. The Comprehensive Framework Plan for the Urban Area contains some of this information, but that is in a separate document. |
| **300-3.3(C)** Density Transfer Calculations | | | | Middle housing allowances have resulted in effective density allowances that are more than double the base density of the district. This section limits density transfers to no more than double the base density of the district. Consider allowing for greater than base density in order to create more parity between densities allowed for middle housing and non-middle housing. |
| **300-5(D)** Development at Lower than Minimum Density | | | | The allowance for reduction in minimum density may be unnecessarily confusing. The language could be rephrased and a clearer example provided |

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **302: R-5 District** | | | | |
| General Finding | | | 🛠 | Each of the land use districts that allow middle housing has an asterisk in the title which states that maximum density does not apply to middle housing. If the residential districts were retitled or sections were reorganized to include multiple land use districts, this asterisk would no longer be necessary. |
| **302-2** Uses Permitted Through a Type I Procedure | 🚫 | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **302-3.13** Guest House | | | 🛠 | This use predates the allowance for ADUs in all districts that allow single-detached dwellings. Guest Houses may only be used for "intermittent" occupancy, while ADUs may be used for permanent residential occupancy. This use type may no longer be necessary |
| **302-4.1** Uses Which May Be Permitted Through a Type III Procedure: Attached Dwelling Units | | 🏘 | | Attached Dwelling Units are subject to a Type III procedure, while middle housing is subject to a Type I or II procedure. Some middle housing types are similar in form to housing types classified as Attached Dwelling Units. The greater certainty of approval for a Type I/II procedure will incent developers to build under middle housing standards. However, some projects may benefit from greater flexibility of being classified as Attached Dwelling Units. Consider if Attached Dwelling Units could be allowed as a Type I/II procedure to create more parity with middle housing types. |
| **302-5.2** Prohibited Uses | 🚫 | | 🛠 | This provision prohibits "manufactured dwellings" as a residence except as authorized as a temporary use. Manufactured dwelling is an umbrella term that encompasses residential trailer, mobile home, and manufactured home. All of these forms of manufactured dwellings must be permitted in any zone that allows single-detached dwellings. However, manufactured homes are permitted in R-5 zone under a Type I/II procedure. This provision should be modified to remove reference to manufactured dwelling or clarify that it only applies to the temporary residence or a manufactured dwelling where allowed under 430-135. |
| **302-5.6** Prohibited Uses | | | 🛠 | The language "within any existing June 1983 airport year 2000 LDN 55 contour" is unclear. Consider cross-referencing with 106-10.5 and 388-7(A) for clarity. |
| **302-6** Density/Number of Units | | | 🛠 | Organizing density standards and other development standards in a table would make the code easier to use. |
| **302-6.1** Density/Number of Units | | 🏘 | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. This issue is intended to be addressed with a future code amendment. |
| **302-6.1(A)** Density/Number of Units | 🚫 | | | For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |

Issue Type Legend: 🚫 Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **302-6.1(D)** Density/Number of Units | ⊘ | | | HB 2138 authorizes the County to allow ADUs on child lots in a middle housing land division. If the County elects to do this, this provision should be changed. |
| **302-6.2** Density/Number of Units | | 🏘 | | There is no maximum lot coverage or FAR for either middle housing or non- middle housing. A max FAR can help encourage smaller, more affordable units when paired with higher max densities allowed with middle housing. |
| **302-6.2(B) and (C)** Density Calculations | | | 🛠 | Standards are duplicated in other sections and could be consolidated. |
| **302-7.1(D)(3)** Dimensional Requirements | ⊘ | | | "Normal building appurtenances and projections" is not clear and objective. |
| **302-7.2(A)** Minimum Lot Area | | 🏘 | | It may be unnecessarily restrictive to require the average lot area to be higher (6,000 sf) than the minimum lot area (5,500 sf). The average lot area requirement effectively encourages larger lots rather than dedication of open space in order to stay under max density. |
| **302-7.2(C)(2)** Height for accessory structures | | | 🛠 | This maximum height provision does not apply to ADUs, but that may not be clear or apparent to some code users. Clarification recommended. |
| **302-7.2(C)(3)** Height | ⊘ | | | "Normal building appurtenances and projections" is not clear and objective. |
| **303: R-6 District** | | | | |
| **303-2** Uses Permitted Through a Type I Procedure | ⊘ | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **303-4.1** Uses Which May Be Permitted Through a Type III Procedure: Attached Dwelling Units | | 🏘 | | Attached Dwelling Units are subject to a Type III procedure, while middle housing is subject to a Type I or II procedure. Some middle housing types are similar in form to what housing types classified as Attached Dwelling Units. The greater certainty of approval for a Type I/II procedure will incent developers to build under middle housing standards. However, some projects may benefit from greater flexibility of being classified as Attached Dwelling Units. Consider if Attached Dwelling Units could be allowed as a Type I/II procedure to create more parity with middle housing types. |
| **303-6** Density/Number of Units | | | 🛠 | Organizing density standards and other development standards in a table would make the code easier to use. |
| **303-6.1** Density/Number of Units | ⊘ | 🏘 | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. This issue is intended to be addressed with a future code amendment. |

Issue Type Legend: ⊘ Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| | | | | For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |
| **303-6.2** Density/Number of Units | | ✓ | | There is no maximum lot coverage or FAR for either middle housing or non- middle housing. A max FAR can help encourage smaller, more affordable units when paired with higher max densities allowed with middle housing. If the County chooses to apply a maximum FAR, it is recommended to apply to all housing types and scale the FAR by housing type or number of units. |
| **303-6.2(B)** and **(C)** Density Calculations | | | ✓ | Standards are duplicated in other sections and could be consolidated. |
| **303-6.2(C)(1)(b)** | ✓ | | | Vehicular and pedestrian access requirement is not clear and objective. |
| **303-7.2(A)** Minimum Lot Area | | ✓ | | It may be unnecessarily restrictive to require the average lot area to be higher (4,500 sf) than the minimum lot area (4,000 sf). The average lot area requirement effectively encourages larger lots rather than dedication of open space in order to stay under max density. |
| **303-7.1(D)(3)** Dimensional Requirements | ✓ | | | "Normal building appurtenances and projections" is not clear and objective. |
| **303-7.2(C)** Height for accessory structures | | | ✓ | This maximum height provision does not apply to ADUs, but that may not be clear or apparent to some code users. Clarification recommended. |
| **303-7.2(C)(3)** Height | ✓ | | | "Normal building appurtenances and projections" is not clear and objective. |
| **304: R-9 District** | | | | |
| **304-2** Uses Permitted Through a Type I Procedure | ✓ | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **304-4.1** Uses Which May Be Permitted Through a Type III Procedure: Attached Dwelling Units | | ✓ | | Attached Dwelling Units are subject to a Type III procedure, while middle housing is subject to a Type I or II procedure. Some middle housing types are similar in form to what housing types classified as Attached Dwelling Units. The greater certainty of approval for a Type I/II procedure will incent developers to build under middle housing standards. However, some projects may benefit from greater flexibility of being classified as Attached Dwelling Units. Consider if Attached Dwelling Units could be allowed as a Type I/II procedure to create more parity with middle housing types. |
| **304-5.2** Prohibited Uses | ✓ | | ✓ | This provision prohibits "manufactured dwellings" as a residence except as authorized as a temporary use. Manufactured dwelling is an umbrella term that encompasses residential trailer, |

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| | | | | mobile home, and manufactured home. All of these forms of manufactured dwellings must be permitted in any zone that allows single-detached dwellings. However, manufactured homes are permitted in R-9 zone under a Type I/II procedure. This provision should be modified to remove reference to manufactured dwelling or clarify that it only applies to the temporary residence or a manufactured dwelling where allowed under 430-135. |
| **304-6** Density/Number of Units | | | | Organizing density standards and other development standards in a table would make the code easier to use. |
| **304-6.1** Density/Number of Units | | | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. Potential solutions to this issue are under consideration for a potential future code amendment.<br><br>For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |
| **304-6.2** Density/Number of Units | | | | There is no maximum lot coverage or FAR for either middle housing or non- middle housing. A max FAR can help encourage smaller, more affordable units when paired with higher max densities allowed with middle housing. |
| **304-6.2(B)** and **(C)** Density Calculations | | | | Standards are duplicated in other sections and could be consolidated. |
| **304-6.2(C)(1)(b)** | | | | Vehicular and pedestrian access requirement is not clear and objective. |
| **304-7.2(B)(6)** Perimeter Setback | | | | This provision requires a perimeter setback around a development site if it is adjacent to a site developed under dimensional standards in effect prior to November 27, 1998. This standard may be unnecessarily restrictive and requires detailed research to determine the applicable standards of the adjacent development. |
| **304-7.2(C)** Height for accessory structures | | | | This maximum height provision does not apply to ADUs, but that may not be clear or apparent to some code users. Clarification recommended. |
| **304-7.2(C)(3)** Height | | | | “Normal building appurtenances and projections” is not clear and objective. |
| **304-7.2(E)** Required Outdoor Area | | | | These standards require a minimum outdoor area for detached dwellings and attached dwellings on individual lots. These standards are not unreasonable given the higher densities permitted in this district; however, this is an example of a standard that does not apply to Middle Housing. This may discourage a developer from building non-Middle Housing and limit flexibility for building a variety of housing types. |

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| **304-8** Building Façade Requirements/ Garage Width | | | | These standards limit the width of garages and/or require the garage to be recessed behind the main façade. The standard applies to single-detached dwellings and attached dwellings on individual lots that are within 1,320 feet of certain transit lines. The standards are reasonable to protect the pedestrian environment; however, this is an example of a standard that does not apply to Middle Housing. While triplexes, quadplexes, and townhouses do have limitations on the width of driveways, the standards do not directly regulate garage width. This may discourage a developer from building non-Middle Housing and limit flexibility for building a variety of housing types. |
| **305: R-15 District** | | | | |
| **305-2** Uses Permitted Through a Type I Procedure | | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **305-2.14** Middle Housing | | | | This provision places special criteria on middle housing developments under Type I approval, including that the existing lot must have been approved for a single-detached dwelling and meet a minimum density standard. However, any middle housing development in this district will likely meet or exceed minimum density standards. It may not be necessary to require Type II approval for middle housing that do not meet these provisions. This provision may be modified in a future code amendment. |
| **305-4.1** Uses Which May Be Permitted Through a Type III Procedure: Attached Dwelling Units | | | | Attached Dwelling Units are subject to a Type III procedure, while middle housing is subject to a Type I or II procedure. Some middle housing types are similar in form to what housing types classified as Attached Dwelling Units. The greater certainty of approval for a Type I/II procedure will incent developers to build under middle housing standards. However, some projects may benefit from greater flexibility of being classified as Attached Dwelling Units. Consider if Attached Dwelling Units could be allowed as a Type I/II procedure to create more parity with middle housing types. |
| **305-5.2** Prohibited Uses | | | | This provision prohibits “manufactured dwellings” as a residence except as authorized as a temporary use. Manufactured dwelling is an umbrella term that encompasses residential trailer, mobile home, and manufactured home. All of these forms of manufactured dwellings must be permitted in any zone that allows single-detached dwellings. However, manufactured homes are permitted in R-15 zone under a Type I/II procedure. This provision should be modified to remove reference to manufactured dwelling or clarify that it only applies to the temporary residence or a manufactured dwelling where allowed under 430-135. |
| **305-6** Density/Number of Units | | | | Organizing density standards and other development standards in a table would make the code easier to use. |

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| **305-6.1** Density/Number of Units | ⊘ | 🏘 | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. This issue is intended to be addressed with a future code amendment.<br><br>For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |
| **305-6.2** Density/Number of Units | | 🏘 | | There is no maximum lot coverage or FAR for either middle housing or non- middle housing. A max FAR can help encourage smaller, more affordable units when paired with higher max densities allowed with middle housing. |
| **305-6.2(B)** and **(C)** Density Calculations | | | 🛠 | Standards are duplicated in other sections and could be consolidated. |
| **305-6.2(C)(1)(b)** | ⊘ | | | Vehicular and pedestrian access requirement is not clear and objective. |
| **305-7.1(A)(2)** and **(3)** Minimum lot area for middle housing | | 🏘 | | The minimum lot size for a triplex (5,000 sf) or quadplex (7,000 sf) could be reduced slightly in order to ensure that these types can be developed at similar densities as Attached Dwelling Units, which are permitted at a minimum lot size of 1,600 sf/unit. |
| **305-7.1(D)(3)** Dimensional Requirements | ⊘ | | | "Normal building appurtenances and projections" is not clear and objective. |
| **305-7.2(B)(3)** Minimum yard requirements for all other uses exceeding 35 feet in height | | 🏘 | | The minimum side yard setbacks scale up based on building height. This may present barriers to infill development on smaller lots, especially for buildings over three stories. Alternative approaches such as a height step-down may reduce loss of buildable area while addressing compatibility concerns. |
| **305-7.2(B)(6)** Perimeter Setback | | 🏘 | 🛠 | This provision requires a perimeter setback around a development site if it is adjacent to a site developed under dimensional standards in effect prior to November 27, 1998. This standard may be unnecessarily restrictive and requires detailed research to determine the applicable standards of the adjacent development. |
| **305-7.2(C)** Height for accessory structures | | | 🛠 | This maximum height provision does not apply to ADUs, but that may not be clear or apparent to some code users. Clarification recommended. |
| **305-7.2(C)(3)** Height | ⊘ | | | "Normal building appurtenances and projections" is not clear and objective. |
| **305-7.2(E)** Required Outdoor Area | | 🏘 | | These standards require a minimum outdoor area for detached dwellings and attached dwellings on individual lots. These standards are not unreasonable given the higher densities permitted in this district; however, this is an example of a standard that does not apply to Middle Housing. This |

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| | | | | may discourage a developer from building non-Middle Housing and limit flexibility for building a variety of housing types. |
| **305-8** Building Façade Requirements | | | | These standards limit the width of garages and/or require the garage to be recessed behind the main façade. The standard applies to single-detached dwellings and attached dwellings on individual lots that are within 1,320 feet of certain transit lines. The standards are reasonable to protect the pedestrian environment; however, this is an example of a standard that does not apply to Middle Housing. While triplexes, quadplexes, and townhouses do have limitations on the width of driveways, the standards do not directly regulate garage width. This may discourage a developer from building non-Middle Housing and limit flexibility for building a variety of housing types. |
| **306: R-24 District** | | | | |
| **306-2** Uses Permitted Through a Type I Procedure | | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **306-2.14** Middle Housing | | | | This provision places special criteria on middle housing developments under Type I approval, including that the existing lot must have been approved for a single-detached dwelling and meet a minimum density standard. However, any middle housing development in this district will likely meet or exceed minimum density standards. It may not be necessary to require Type II approval for middle housing that does not meet these provisions. This provision may be modified in a future code amendment. |
| **306-5.2** Prohibited Uses | | | | This provision prohibits "manufactured dwellings" as a residence except as authorized as a temporary use. Manufactured dwelling is an umbrella term that encompasses residential trailer, mobile home, and manufactured home. All of these forms of manufactured dwellings must be permitted in any zone that allows single-detached dwellings. However, manufactured homes are permitted in R-24 zone under a Type I/II procedure. This provision should be modified to remove reference to manufactured dwelling or clarify that it only applies to the temporary residence or a manufactured dwelling where allowed under 430-135. |
| **306-6** Density/Number of Units | | | | Organizing density standards and other development standards in a table would make the code easier to use. |
| **306-6.1** Density/Number of Units | | | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. This issue is intended to be addressed with a future code amendment.<br><br>For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |

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| **306-6.2(B)** and **(C)** Density Calculations | | | | Standards are duplicated in other sections and could be consolidated. |
| **306-7.1(A)(2)** and **(3)** Minimum lot area for middle housing | | | | The minimum lot size for a triplex (5,000 sf) or quadplex (7,000 sf) could be reduced slightly in order to ensure that these types can be developed at similar densities as Attached Dwelling Units, which are permitted at a minimum lot size of 1,300 sf/unit. |
| **306-7.1(D)(3)** Dimensional Requirements | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **306-7.2(B)(1)(f)** Perimeter Setback | | | | This provision requires a perimeter setback around a development site if it is adjacent to a site developed under dimensional standards in effect prior to November 27, 1998. This standard may be unnecessarily restrictive and requires detailed research to determine the applicable standards of the adjacent development. |
| **306-7.2(B)(4)** Minimum yard requirements for all other uses exceeding 35 feet in height | | | | The minimum side yard setbacks scale up based on building height. This may present barriers to infill development on smaller lots, especially for buildings over three stories. Alternative approaches such as a height step-down may reduce loss of buildable area while addressing compatibility concerns. |
| **306-7.2(C)** Height for accessory structures | | | | This maximum height provision does not apply to ADUs, but that may not be clear or apparent to some code users. Clarification recommended. |
| **306-7.2(C)(4)** Height | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **306-7.2(E)** Required Outdoor Area | | | | These standards require a minimum outdoor area for detached dwellings and attached dwellings on individual lots. These standards are not unreasonable given the higher densities permitted in this district; however, this is an example of a standard that does not apply to Middle Housing. This may discourage a developer from building non-Middle Housing and limit flexibility for building a variety of housing types |
| **306-8** Building Façade Requirements | | | | These standards limit the width of garages and/or require the garage to be recessed behind the main façade. The standard applies to single-detached dwellings and attached dwellings on individual lots that are within 1,320 feet of certain transit lines. The standards are reasonable to protect the pedestrian environment; however, this is an example of a standard that does not apply to Middle Housing. While triplexes, quadplexes, and townhouses do have limitations on the width of driveways, the standards do not directly regulate garage width. This may discourage a developer from building non-Middle Housing and limit flexibility for building a variety of housing types. |
| **307: R-25+ District** | | | | |

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| **307-2** Uses Permitted Through a Type I Procedure | ⊘ | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **307-2.13** Middle Housing | | | | This provision places special criteria on middle housing developments under Type I approval, including that the existing lot must have been approved for a single-detached dwelling and meet a minimum density standard. However, any middle housing development in this district will likely meet or exceed minimum density standards. It may not be necessary to require Type II approval for middle housing that does not meet these provisions. This provision may be modified in a future code amendment. |
| **307-5.2** Prohibited Uses | ⊘ | | | This provision prohibits "manufactured dwellings" as a residence except as authorized as a temporary use. Manufactured dwelling is an umbrella term that encompasses residential trailer, mobile home, and manufactured home. All of these forms of manufactured dwellings must be permitted in any district that allows single-detached dwellings. However, manufactured homes are permitted in the R-25+ district under a Type I/II procedure. This provision should be modified to remove reference to manufactured dwelling or clarify that it only applies to the temporary residence or a manufactured dwelling where allowed under 430-135. |
| **307-6** Density/Number of Units | | | | Organizing density standards and other development standards in a table would make the code easier to use. |
| **307-6.1** Density/Number of Units | ⊘ | | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. This issue is intended to be addressed with a future code amendment.<br><br>For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |
| **307-6.2(B)** and **(C)** Density Calculations | | | | Standards are duplicated in other sections and could be consolidated. |
| **307-6.2** Density regulations for other housing (non-Middle Housing) | | | | These provisions generally limit density to 25 units/acre, with exceptions granted for projects that meet certain criteria to either built to up to 40 or 100 units per acre. Given that off-street parking is no longer required, developing at over 25 units per acre may be more economically feasible than in the past because high densities can be achieved with lower-cost construction types (such as 3-4 story wood-framed apartments). There are three main issues with these provisions:<br>• Higher densities are limited to areas generally close to transit, commercial areas, or employment areas. This limits the number of properties where higher density is allowed and may be unnecessarily restrictive.<br>• The locations where densities over 25 units per acre are allowed are relatively complex to determine and may not be clear and objective. |

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| | | | | • Developments of over 40 units per acre are subject to a maximum lot coverage of 40 percent. This may unnecessarily restrict higher density development and require taller buildings, which tend to be more costly to construct.<br>• Consider revising to encourage higher density development. |
| **307-7.1(A)(2)** and **(3)** Minimum lot area for middle housing | | | | The minimum lot size for a triplex (5,000 sf) or quadplex (7,000 sf) could be reduced slightly in order to ensure that these types can be developed at similar densities as Attached Dwelling Units, which are permitted at a minimum lot size of 1,300 sf/unit. |
| **307-7.1(D)(3)** Dimensional Requirements | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **307-7.2(B)(1)(f)** Perimeter Setback | | | | This provision requires a perimeter setback around a development site if it is adjacent to a site developed under dimensional standards in effect prior to November 27, 1998. This standard may be unnecessarily restrictive and requires detailed research to determine the applicable standards of the adjacent development. |
| **307-7.2(B)(4)** Minimum yard requirements for all other uses exceeding 35 feet in height | | | | The minimum side yard setbacks scale up based on building height. This may present barriers to infill development on smaller lots, especially for buildings over three stories. Alternative approaches such as a height step-down may reduce loss of buildable area while addressing compatibility concerns. |
| **307-7.2(C)(2)** Height for accessory structures | | | | This maximum height provision does not apply to ADUs, but that may not be clear or apparent to some code users. Clarification recommended. |
| **307-7.2(C)(4)** Height | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **307-7.2(E)** Required Outdoor Area | | | | These standards require a minimum outdoor area for detached dwellings and attached dwellings on individual lots. These standards are not unreasonable given the higher densities permitted in this district; however, this is an example of a standard that does not apply to Middle Housing. This may discourage a developer from building non-Middle Housing and limit flexibility for building a variety of housing types |
| **307-8** Building Façade Requirements | | | | These standards limit the width of garages and/or require the garage to be recessed behind the main façade. The standard applies to single-detached dwellings and attached dwellings on individual lots that are within 1,320 feet of certain transit lines. The standards are reasonable to protect the pedestrian environment; however, this is an example of a standard that does not apply to Middle Housing. While triplexes, quadplexes, and townhouses do have limitations on the width of driveways, the standards do not directly regulate garage width. This may discourage a developer from building non-Middle Housing and limit flexibility for building a variety of housing types. |

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| **311: Neighborhood Commercial District** | | | | |
| **311-3.6(C)** Maximum density of 15 units per acre | | | | This is a relatively low maximum density for a multi-story, mixed use development, limiting economic feasibility of this development type. This barrier may be addressed with a planned code amendment. |
| **311-6.2(A)** and **(B)** Yard Requirements | | | | Front and rear yard setbacks of 20 feet are a barrier to mixed use and commercial development. This barrier may be addressed with a planned code amendment. |
| **311-6.3** Height | | | | Maximum height of 35 feet is a barrier to multi-story mixed use development as it limits buildings to 3 stories. A minimum of 4 stories would be more supportive of mixed use development. This barrier may be addressed with a planned code amendment. |
| **311-6.3(B)** Height | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **312: Office Commercial District** | | | | |
| **312-3.2(B)(2)** Accessory Uses | | | | This provision allows accessory uses to be located on the first or second story of the structure except that restaurants and cafeterias may be located on any floor. This allows more flexibility for some ground floor housing, which can serve special needs/preferences. Consider expanding this allowance for other commercial/non-residential accessory uses. |
| **312-4.4** Uses which may be permitted through the Planned Development Process | | | | This provision limits residential uses to 50% of gross floor area. This is a significant barrier to mixed use development in this district as multi-story mixed use projects often include a higher share of residential uses. This subsection also includes references to meeting R-24 dimensional standards when residential mixed use development is proposed; this standard is cumbersome to apply and could potentially be simplified. This barrier may be addressed with a planned code amendment. |
| **312-6.2** Yard Requirements | | | | Front and rear yard setbacks of 20 feet are a barrier to mixed use and commercial development. This barrier may be addressed with a planned code amendment. This barrier may be addressed with a planned code amendment. |
| **313: Community Business District** | | | | |
| **313-3.40** Residential Dwelling Units through a Type II Planned Development Procedure | | | | This provision applies the R-25+ dimensional standards when a residential use is proposed in a separate structure from a commercial use. Some of these standards may be a barrier to residential development, as addressed in Section 307. Referencing the R-25+ standards is cumbersome to apply and could potentially be simplified. This barrier may be addressed with a planned code amendment. |

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| **313-6.2** Yard Requirements | | | | Front and rear yard setbacks of 20 feet for buildings over 35 feet in height are a barrier to multi-story mixed use development. This section also applies the special setback requirements of Section 411, which can be a barrier to development. This barrier may be addressed with a planned code amendment. |
| **340: Exclusive Farm Use District** | | | | |
| General Findings | | | | Since requirements are similar, consider grouping the EFU and AF-20 District requirements together in one section rather than separate sections. |
| **340-4** Uses Permitted Through a Type II Procedure | | | | This provision requires an impact analysis for a Farm Dwelling. However, ORS 215.213(1)(f) contains an allowance for farm dwellings by right without an impact analysis, and this allowance has never been codified into the CDC. Research and legal consultation are needed to determine whether this was an intentional or accidental omission. |
| **344: Agriculture and Forest District (AF-20)** | | | | |
| **344-4** Uses Permitted Through a Type II Procedure | | | | This provision requires an impact analysis for a Farm Dwelling. However, ORS 215.213(1)(f) contains an allowance for farm dwellings by right without an impact analysis, and this allowance has never been codified into the CDC. Research and legal consultation are needed to determine whether this was an intentional or accidental omission. |
| **346: Agriculture and Forest District (AF-10)** | | | | |
| General Findings | | | | Since requirements are similar, consider grouping the AF-10 and AF-5 District (and maybe even the RR-5 District) requirements together in the same section (Rural Residential) rather than separate sections. |
| **346-4.1(H)** Uses Which May be Permitted Through a Type III Procedure | | | | Housing for seasonal farm and forest labor cannot be a Type III procedure since it is not clear and objective. |
| **346-6.3(B)** Height | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **346-7.3** Access | | | | Requirement that access roadways meet fire protection standards of applicable jurisdiction may not be clear and objective. |
| **348: Agriculture and Forest District (AF-5)** | | | | |
| General Finding | | | | Rural Tourism Study included some recommendations for potential uses in non-resource rural districts to support agriculture on resource lands and associated workers/industries. Consider incorporating these recommendations. |

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| **348-4.1(H)** Uses Which May be Permitted Through a Type III Procedure | ⊘ | | | Housing for seasonal farm and forest labor cannot be a Type III procedure since it is not clear and objective. |
| **348-6.3(B)** Height | ⊘ | | | "Normal building appurtenances and projections" is not clear and objective. |
| **348-7.3** Access | ⊘ | | | Requirement that access roadways meet fire protection standards of applicable jurisdiction may not be clear and objective. |
| **350: Rural Residential Five Acre Minimum District (RR-5)** | | | | |
| **350-6.3(C)** Height | ⊘ | | | "Normal building appurtenances and projections" is not clear and objective. |
| **350-7.3** Access | ⊘ | | | Requirement that access roadways meet fire protection standards of applicable jurisdiction may not be clear and objective. |
| **373: Historic and Cultural Resource Overlay District** | | | | |
| **373-7** Exemptions | ⊘ | | | This section needs to be amended given 2016 Oregon Supreme Court case and Oregon Administrative Rule changes (Lake Oswego Preservation Society v. City of Lake Oswego, 379 P.3d 462, 360 Or. 115 (2016)). That case clarified that the ORS 197.772(3) language providing that "a property owner" could remove the historic designation from a property that had been previously imposed by a local government, means only the owner of the property at the time the historic designation was placed, and not any subsequent owner of the property. However, the wording of CDC 373-7 does not comply with this Supreme Court decision. |
| **375: Transit Oriented Districts** | | | | |
| General Finding | | | 🛠 | The Transit-Oriented Districts have similar regulations to many of the corresponding "base" land use districts. It may simplify and streamline the CDC to implement these regulations as an overlay district. That would remove the need for multiple distinct "TO-" districts and the overlay would only address the regulations that differ from the base district. |
| **375-3.11** Definitions – Parking Structure | | 🏠 | 🛠 | This definition makes it unclear if a parking structure could be above another use. Clarification recommended. |
| **375-3.11** Definitions – Retail Business | | 🏠 | 🛠 | This definition is more of a list of example uses than a definition. It may unnecessarily restrict the type of commercial use that could be classified as a Retail Business. Consider replacing with a broader definition of "non-residential use" and use that term to define the minimum amount of non-residential space in a mixed use development, where housing is required to be part of a mixed-use development. |

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| **375-4.4** Transit Oriented Development Review Committee | | | 🛠 | Consider removing the requirement to go through a Development Review Committee as that committee has never been established. |
| **375-7** Development Limitations for Permitted Uses in Transit Oriented Districts | | | 🛠 | This section is relatively complex. It applies many different types of limitations on certain uses in certain districts. Consider if some of these limitations could be consolidated so they apply similarly across districts or if the limitations are necessary in order to streamline this section. |
| **375-7(3)(2)** Development Limitations for Permitted Uses in Transit Oriented Districts | | 🏠 | 🛠 | This standard requires a commercial use that is part of a mixed-use development in the TO:R24-40, TO:R40-80 and TO:R80-120 Districts to be approved through a Type III procedure. This standard is permissible under clear and objective statute because single-use residential development would not be subject to this requirement. However, it does present a barrier to mixed-use development in these districts. Consider replacing with a clear and objective standard that can be approved through a Type I/II procedure. |
| **375-7(14)** Development Limitations for Permitted Uses in Transit Oriented Districts | | 🏠 | | This standard prohibits residential uses in the TO:RC District from being on the ground floor of a mixed use building. This is a barrier to mixed use development because it requires the entire ground floor to be a non-residential use, which may not always be economically viable. |
| **375-7** Development Limitations for Permitted Uses in Transit Oriented Districts | 🚫 | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **375-7(29)** Development Limitations for Permitted Uses in Transit Oriented Districts | | 🏠 | | This standard applies density transition requirements of Section 431-8.2 D to mid-rise apartments in the TO:R18-24 district. This may present barriers to this development type. See findings on Section 431. |
| **375-10** Table B(2) | | | 🛠 | Consider removing minimum height section of table as it only applies to two districts. |
| **377: Special Industrial Overlay District** | | | | |
| General Finding | | | 🛠 | This district currently only applies to one property. It may be feasible to remove this district and apply the general Industrial District to that property if there is not a need for this district to be available for future rezonings on other properties. |
| **380: Convenient Access to Transit Overlay District** | | | | |
| General Finding | 🚫 | | 🛠 | This overlay district generally requires that retail, office, and institutional uses near certain transit stops either orient the building to the transit stop or provide a pedestrian plaza near the stop. The district also requires certain transit improvements. The regulations implement the Transportation Planning Rule requirements under OAR 660-012-0045(4)(b). These requirements have been recently modified by the Climate-Friendly and Equitable Communities (CFEC) program. Consider the following recommendations for this district: |

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| | | | | • As part of a future TSP update, review this district for compliance with revised state rules.<br>• Consider if the district could be streamlined and simplified. Staff have noted that the designation of "major transit stops" is complex and it is not always easy to determine what stops meet that designation.<br>• Consider if this district could be consolidated with the Transit-Oriented Districts if those districts are implemented with an overlay district.<br>• Review the standards to ensure they meet clear and objective requirements. Most standards appear to be clear and objective but refinements may be necessary. |
| **380: Interim Light Rail Station Overlay District** | | | | |
| General Finding | | | | This district applies to one property: the Tektronix site near the Millikan Way light rail stop. The County has a Development Agreement with Tektronix that has been adopted by ordinance. If this Development Agreement is modified or nullified in the future, then this district could potentially be modified or removed. |
| **390: North Bethany Subarea Overlay District** | | | | |
| General Finding | | | | References to Community Plans in this section may reference standards that are not clear and objective. They are also not readily accessible or understood in some cases, because they are separate from the CDC. These Community Plan provisions may need to be incorporated into the CDC or otherwise modified to be clear and objective. |
| **390-6.1(B)** Prohibited Uses | | | | This provision prohibits the residential occupancy of a recreational vehicle. This must be permitted on a temporary basis in the event of a natural disaster under ORS 197.493. Clarification recommended. |
| **390-8.2** Uses Permitted Through a Type I Procedure | | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **390-8.5** Density/Number of Units | | | | Organizing density standards and other development standards in a table would make the code easier to use. |
| **390-8.5(A)** Density/Number of Units | | | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. This issue is intended to be addressed with a future code amendment.<br><br>For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |

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| **390-8.5(A)(4)** Density/Number of Units | ⊘ | 🏘 | | HB 2138 authorizes the County to allow ADUs on child lots in a middle housing land division. If the County elects to do this, this provision should be changed. |
| **390-8.5(B)** Density/Number of Units | | 🏘 | | There is no maximum lot coverage or FAR for either middle housing or non- middle housing. A max FAR can help encourage smaller, more affordable units when paired with higher max densities allowed with middle housing. |
| **390-8.6(A)** Development to the required minimum density | ⊘ | | | Some of the requirements for future development plans (vehicular access, public facilities) are not clear and objective. |
| **390.9.2** Uses Permitted Through a Type I Procedure | ⊘ | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **390-9.5** Density/Number of Units | | | 🛠 | Organizing density standards and other development standards in a table would make the code easier to use. |
| **390-9.5(A)** Density/Number of Units | ⊘ | 🏘 | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. This issue is intended to be addressed with a future code amendment.<br><br>For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |
| **390-9.5(A)(4)** Density/Number of Units | ⊘ | 🏘 | | HB 2138 authorizes the County to allow ADUs on child lots in a middle housing land division. If the County elects to do this, this provision should be changed. |
| **390-9.5(B)** Density/Number of Units | | 🏘 | | There is no maximum lot coverage or FAR for either middle housing or non- middle housing. A max FAR can help encourage smaller, more affordable units when paired with higher max densities allowed with middle housing. |
| **390.10.2** Uses Permitted Through a Type I Procedure | ⊘ | | | Provision should be added allowing up to six (6) SRO units on each lot or parcel zoned to allow a detached dwelling within the UGB. Allowed densities should be codified in compliance with statutory requirements. |
| **390-10.5** Density/Number of Units | | | 🛠 | Organizing density standards and other development standards in a table would make the code easier to use. |
| **390-10.5(A)** Density/Number of Units | ⊘ | 🏘 | | Limit on number of units per lot for duplex, triplex, and quadplexes can create barriers to these types on larger lots that are not feasible to subdivide. This issue is intended to be addressed with a future code amendment. |

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| | | | | For Middle Housing, must allow bonus unit(s) if housing is accessible or affordable under HB 2138. Allowing for preservation of existing duplex now required by HB 2138. |
| **390-10.5(B)** Density/Number of Units | | | | There is no maximum lot coverage or FAR for either middle housing or non- middle housing. A max FAR can help encourage smaller, more affordable units when paired with higher max densities allowed with middle housing. |
| **390-13.3(H)** Uses Permitted Through a Type II Procedure: Dwelling Units | | | | This provision allows for residential uses in the Neighborhood Corner Commercial District (NCC NB) under certain limitations. These include not being a standalone use, requiring the entire ground floor be a non-residential use, and limiting density to 15 units per acre. These restrictions may limit the economic feasibility of mixed use development. Consider modifications to allow a ground floor residential use to some degree and higher densities. |
| **390-13.5** Dimensional Requirements | | | | Rear yard setback (20 feet) and maximum height (35 feet) may be a barrier to mixed use development with housing. Consider lessening setbacks and allowing up to 45-50 feet (4 stories) to encourage mixed use development. |
| **390-13.5(C)(2)** Height | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **390-14.3(G)** Uses Permitted Through a Type II Procedure: Dwelling Units | | | | This provision allows for residential uses in the Neighborhood Commercial Mixed Use District (NCMU NB) under certain limitations. These include not being a standalone use, requiring the entire ground floor be a non-residential use, and limiting density to 25 units per acre. These restrictions may limit the economic feasibility of mixed use development. Consider modifications to allow a ground floor residential use to some degree and higher densities. |
| **390-15.5(C)(3)** Height | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **390-16.2(A)** Perimeter Setback | | | | This standard applies to the R-6 NB District. It requires developments with Attached Dwellings to have perimeter setbacks of no less than 15 feet. This standard would not apply to Middle Housing in the R-6 NB District. This may encourage developers to building Middle Housing in lieu of Attached Dwellings. Consider reducing or eliminating this requirement to create more parity between Middle Housing and Attached Dwellings. |
| **390-16.7(A)** Live/Work Housing | | | | Some of the standards that apply to live/work housing may be a barrier to this development type, including:<br>• Limiting business size to no more than 700 square feet<br>• Only allowing in districts that allow more than 24 units/acre<br><br>The façade design standards (390-16.7(A)(7)) are not clear and objective. The clear and objective statute applies to this housing type. |

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| **390-17** North Bethany Planned Development Standards | | | | According to stakeholder interviews, these standards have rarely been used. Consider evaluating if the standards are working as intended to create alternative development options and flexibility. |
| **390-17.8(B)(1)** Planned Development Standards for Detached Dwelling Units in the R-15 NB District | | | | SB 974 prohibits the county from regulating the dimensions of a porch or deck for single-detached or middle housing developments with more than 20 units. This standard may need to be modified or removed. |
| **390-17.11** Standards for the Work Force Housing Options | | | | HB 2138 necessitates a middle housing density bonus for accessible or affordable units. Consider how these standards will interact with that allowance when implemented. |
| **390-2** Building Design and Variety | | | | Some stakeholders voiced concerns that these standards may be onerous and overly prescriptive. There may be opportunities throughout to streamline standards and number of requirements that each housing type has to address. |
| **390-20.3(A)** and **(B)** Street-Facing Building Façades | | | | SB 947 prohibits the County from regulating certain residential design standards for single-detached or middle housing developments with more than 20 units. The "front façade" standards that apply to Single-Detached Dwelling Units and Townhouses, which require certain design elements intended to create visual interest, may be prohibited. Modifications may be needed to exempt larger developments from these standards. |
| **390-22(B)** Shared outdoor recreation areas | | | | These standards require 200-300 square feet of outdoor recreation area per unit for multi-dwelling structures. These standards may consume a large amount of site area and present barriers to multi-dwelling development. |
| **391: Bonny Slope West Subarea Overlay District** | | | | |
| General Finding | | | | References to Community Plans in this section may reference standards that are not clear and objective. They are also not readily accessible or understood in some cases, because they are separate from the CDC. These Community Plan provisions may need to be incorporated into the CDC or otherwise modified to be clear and objective. |
| **391-5.3(B)** and **(C)** General Requirements - Fences | | | | These standards regulating the materials of fences may be prohibited by SB 947. Some of the standards are not clear and objective: the fence materials, fence slope at top, and requirements under (C) being triggered by a finding of inadequate compatibility. |
| **391-7** Land Use District Boundaries | | | | It is unclear how an adjustment in the district boundary would not result in an addition or reduction in density if the two districts have different density regulations. Clarification recommended. |
| **392: Pedestrian-Oriented Mixed-Use Districts** | | | | |
| General Finding | | | | References to Community Plans in this section may reference standards that are not clear and objective. They are also not readily accessible or understood in some cases, because they are |

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| | | | | separate from the CDC. These Community Plan provisions may need to be incorporated into the CDC or otherwise modified to be clear and objective. |
| **392-7** Density Requirements for Pedestrian-Oriented Mixed-Use District | | | | For residential development when not in conjunction with a commercial use included in the same structure, the maximum density of the NMU district starts at 25 units per acre and may be increased to 40 units per acre if the development includes additional outdoor area and a public pedestrian area. Development above 40 units per acre requires a commercial use be in the same structure. This approach encourages desired uses/amenities but could be a barrier to housing if providing those uses/amenities is not economically viable or it is more attractive to build at the lower density. Consider allowing higher densities for residential development for only providing additional open space/pedestrian amenities, but not commercial uses. |
| **392-7(1)(b)** Reference Key | | | | Qualifying pedestrian amenities are not clearly defined/specified. Dimensional standards for each amenity would make this standard more objective. |
| **392-8** Dimensional Requirements for Pedestrian-Oriented Mixed-Use Districts | | | | These lot area and width standards are barriers to townhouse lots, which are typically much narrower and smaller. Townhouses may be an appropriate use for this district given intent and minimum density standards. Consider allowing smaller and narrower lots for townhouses/attached dwellings on individual lots. |
| **392-8(1)** Dimensional Requirements for Pedestrian-Oriented Mixed-Use Districts | | | | "Normal building appurtenances and projections" is not clear and objective. |
| **392-9.4** Building Articulation | | | | SB 947 prohibits the County from regulating certain residential design standards for single-detached or middle housing developments with more than 20 units. The Building Articulation may be prohibited under SB 974. Modifications may be needed to exempt larger developments of detached dwellings or middle housing from these standards. |
| **392-9.4(D)** Building Articulation – Significant Recess Standards | | | | These requirements can translate to costly structural requirements. Consider if additional design options may be made available that may be less costly. |
| **392-9.5** Sites with Multiple Street Frontages | | | | Potential barrier to meet requirements for projects that include up to 3 frontages. Consider a hierarchy of streets and what would be required of each frontage. |
| **392-9.6** Standards for Prominent Corners | | | | SB 947 prohibits the County from regulating certain residential design standards for single-detached or middle housing developments with more than 20 units. This standard may be prohibited under SB 974. Modifications may be needed to exempt larger developments of detached dwellings or middle housing from this standard. |

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| | | | | Additionally, some of the design options are not clear and objective. These standards are listed below. This standard only requires choosing two options from the list, and other options are clear and objective, so these options do not strictly need to be clear and objective, but they could be easier to comply with and administer if they were clear and objective.<br>• (3) "Distinct cornice treatment" is unclear and may need to be specified with dimensions.<br>• (5) Plaza amenities: Qualifying pedestrian amenities are not clearly defined/specified. Dimensional standards for each amenity would make this standard more objective. |

# Article IV: Development Standards

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **401: Introduction** | | | | |
| General Finding | | | | References to Community Plans in this section may reference standards that are not clear and objective. They are also not readily accessible or understood in some cases, because they are separate from the CDC. These Community Plan provisions may need to be incorporated into the CDC or otherwise modified to be clear and objective. |
| **401-5.4 (B)** Minor Revisions to Master Plans and Development Review Projects that have received Preliminary Approval | | | | This provision specifies standards that apply when a minor revision to a Master Plan/Development Review Application is proposed. Standards (1) and (5) are not clear and objective. More specific dimensional or quantitative standards are recommended. |
| **401-5.4 (B)(6)** Minor Revisions to Master Plans | | | | Consider allowing a more significant increase in maximum density for minor revisions. |
| **401-5.4 (B)(8)** Minor Revisions to Master Plans | | | | This standard prohibits a minor revision to result in certain site features being "relocated closer to adjacent residential property". This is a strict standard; a more flexible version could allow for revisions so long as minimum setbacks continue to be met or the site feature is not relocated more than a certain distance/percentage. |
| **401-5.4 (B)(8)** Minor Revisions to Master Plans | | | | This standard prohibits a building from being proposed with additional stories as part of a minor revision. Consider allowing more flexibility so long as building meets maximum height standard. |
| **402: Intent and Purpose** | | | | |
| General Finding | | | | None of the purpose statements address the County's goal to facilitate housing production, choices, and affordability. It might be appropriate to add that in to recognize that standards need to balance this goal. |
| **402-2** | | | | Some of these purpose statements may contradict County land use goals and policies and may be out of date. These include statements that emphasize separation of uses (402-6), "needed privacy" (402-2), and regulating "texture and color" (402-2). Consider reviewing these statements in more detail and ensuring alignment with land use policies. |
| **403: Applicability** | | | | |
| General Finding | | | | Section 403, 404, and other sections contain requirements related to the information that must be submitted with a site plan, as well as the substantive standards and approval criteria that apply to site plans or master plans. There is an opportunity to streamline and consolidate these submittal requirements and approval criteria. This may include isolating the list of requirements that apply |

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| | | | | to all development in one location, removing duplicative requirements, then only referencing requirements that are specific to certain uses/districts/situations. |
| General Finding | | | 🛠 | Section 403 and 404 use the term "Master Plan" in a way that is inconsistent with other jurisdictions and generally accepted meanings of the term. Master Plan in these sections refers to both individual site plans typically completed in one phase as well as larger, phased developments. Consider replacing the term Master Plan with Site Plan in most instances and only use Master Plan to refer to standards that apply to larger, phased developments. |
| **403-2.3** Additional Evaluation Criteria | 🚫 | | 🛠 | Most of the evaluation criteria in this section are not clear and objective. Some housing developments are exempt from this section, but not all housing development in all districts. These criteria must be replaced with a reference to a set of clear and objective standards that an applicant can meet to demonstrate consistency with the criteria or they must be used as an alternative approval pathway for projects that elect to not meet the clear and objective standards. |
| **403-2.4** Needed Housing | | | 🛠 | This provision includes a broad statement that "*Discretionary permit procedures and standards shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay*". This statement appears to be based on an older version of the clear and objective statute (ORS 197A.400). The "unreasonable cost or delay" rule applies to clear and objective standards, not only discretionary standards. The statement does not provide much guidance for applicants or staff to determine if a standard causes "unreasonable cost or delay". Consider modifying or removing this statement because the CDC as a whole must comply with the relevant statute. |
| **403-4.7** Section 413 - Parking and Loading | | | 🛠 | This section states that parking maximums do not apply outside the UGB. It would be more user-friendly to include this clarification in Section 413, but there is no such language in that section. |
| **404: Master Planning** | | | | |
| **404-1.1(C)** Type I, Site Analysis of a New Use or Expansion of an Existing Use | | | 🛠 | Duplex reference is likely unnecessary given that duplexes are now allowed on any lot where a single detached dwelling is allowed. |
| **404-1.2** Type I, Site Analysis of a New Use or Expansion of an Existing Use | 🚫 | | 🛠 | This standard is unclear if it refers to a 50% increase in units, square footage, or vehicle trips. Clarification recommended. |
| **404-1.3** Type I, Site Analysis of a New Use or Expansion of an Existing Use | | | 🛠 | The language "on-site analysis including the area within 50 feet of the proposed development" may be confusing for applicants if there is also a future phase of development within that same area. It is unclear if the "Immediate Site" or "Future Site" submittal requirements would apply to this area. This section is an example of application submittal requirements distributed throughout the CDC. |

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
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| **404-1** Type I, Site Analysis of a New Use or Expansion of an Existing Use, Table 1 | ⊘ | | 🛠 | Several of the informational submittal requirements detailed in Table 1 are not clear and objective. The bullets in the table are not very descriptive and specific. Some of these requirements duplicate requirements that are detailed in other sections. Staff report that many applicants are not fully complying with these submittal requirements and it may be unrealistic to expect full compliance as written. Consider completely replacing this table if all application submittal requirements are consolidated into fewer sections. If not, ensure these requirements are more clearly specified or provide references to more detailed requirements in other sections. |
| **404-2** Modification of Standards through the Site Analysis | | | 🛠 | This provision allows for a 10% reduction to setbacks and lot dimensions when necessary to retain natural or topographic features. It is unclear if this modification is separate from, or can be combined with, an Adjustment or Variance under Section 435. Consider clarifying this relationship or removing this provision and allowing these modifications through Section 435. |
| **404-4** Planned Development | | 🏘 | | Given allowances for Middle Housing and other changes to the CDC in recent years, the Planned Development (PD) process and standards may benefit from a comprehensive review. It is unclear if PDs continue to be an attractive and useful option to obtain greater flexibility and if the PD requirements are aligned with County policy goals. For example, some jurisdictions require a diversity of housing types in planned developments. That is not the intent of the County's PD option, but it could be used to encourage smaller/attached housing in these projects. |
| **404-4.3** In the R-5 District | | 🏘 | | This standard limits attached dwellings to a duplex on parcels less than 2 acres in the R-5 district. Given that a range of Middle Housing options are now permitted in the R-5 district, this may be an unnecessary limitation and discourage developers from pursuing a PD with attached dwellings in R-5. |
| **404-4.4(A)** Modification of Standards through the Planned Development | | 🏘 | | This standard requires any on-street parking removed by a narrower roadway width to be replaced with off-street parking spaces. State rules prohibit the County from requiring a minimum amount of parking in urban districts. The CDC no longer requires on- or off-street parking. Given this context, this standard may be inconsistent with other standards and may not be enforceable under state rules. |
| **404-4.4(I)** Modification of Standards through the Planned Development | | 🏘 | | Privacy enhancement standards are only applied to the lowest density districts and could add unreasonable cost and delay by complicating siting. |
| **404-4.5** Recreational Facilities Standards for Open Space | | 🏘 | | Potential unnecessary barrier to require two recreational facilities for developments under 10 acres. Consider reducing or simplifying the standard. |
| **404-5.1** Flexible Design Option for Regulated Affordable Housing | | 🏘 | | To encourage private, for-profit developers to consider using this option, consider only requiring a percentage of the units in the development to be income restricted. Some for-profit developers may be incentivized to include income-restricted units if they are able to access the flexibility provided by these standards. |

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| **404-5.1(B)** Flexible Design Option for Regulated Affordable Housing | | ✓ | | To encourage private, for-profit developers to consider using this option, considering allowing for a higher maximum income, such as 100% of Area Median Income (AMI). This could make the option more economically attractive to for-profit developers. |
| **404-5.3** Review Type | | ✓ | | The flexible design options are classified into two categories by procedure type (Type II or Type III). The uncertainty, time delay, and risk associated with a Type III approval may discourage developers from pursuing those options. Consider allowing for any of the options to be reviewed under a Type II procedure. |
| **404-5.4(B)** | | ✓ | | This provision allows building height to be increased above the district maximum to the "minimum extent needed to achieve allowed residential density". The height "needed" to achieve allowed density is subjective and many factors affect the ideal building height at a given density. Consider replacing this standard with a more objective standard, such as the number of feet or stories above the maximum height. |
| **404-5.4(E)** | ✓ | | | Income-restricted affordable housing must be permitted as a standalone use (not part of a mixed use development) in most commercial districts under 197A.445(2)(b). Consider modifying or replacing this standard to be consistent with this statute, or at least not to be more restrictive. |
| **404-5.4(J)** | | ✓ | ✓ | This standard allows relief from the Screening and Buffering standards of CDC Section 411. If those standards are modified or eliminated, this standard could be simplified or removed. |
| **404-5.5 (A) (1)(b)(ii)** | | ✓ | | This standard allows a 50% increase in density if an on-site gathering space is provided. If the size requirement is based on all residents using the space at the same time, that could require a very large amount of space. It also doesn't reflect how common spaces are used (often by just a small subset of residents at one time). Consider modifying to allow a smaller space to qualify. |
| **406: Building, Siting, and Architectural Design** | | | | |
| General Finding | | | ✓ | Many standards in this section are duplicative of standards in Section 403. Consider if the standards can be consolidated.<br><br>This section is text-heavy and could benefit from being simplified into tables. |
| **406-2** Additional Requirements for Type II and Type III Development | ✓ | | | Standards 406-2.1 through 2.3 are not clear and objective. |
| **406-3** Energy Conservation Guidelines | ✓ | | | Standards 406-3.1 through 3.3 are not clear and objective. |
| **406-4** Privacy Guidelines | ✓ | | | Standards 406-4.1 through 4.2 are not clear and objective. |

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| **406-5** Storage | ⊘ | | | This standard is not clear and objective. |
| **406-6** Mixed Solid Waste and Recyclables Storage Facilities | | | 🛠 | Consider moving this section before the "Additional Standards for Type II and III Development" above, since applicable to all development types. Otherwise, it gives the impression that 406-1 covers all that applies to Type I procedures. |
| **406-7** Submittal Requirements | | | 🛠 | This is an example of submittal requirements that are distributed across the CDC. Consider centralizing these requirements in a table to identify which applications require which submittal information. This would allow applicants to easily see the totality of submittal requirements for the development applications they are subject to. |
| **407: Landscape Design** | | | | |
| **407-1.2** Minimum Landscape Standards | | 🏘 | | Not allowing sloped areas to count toward minimum landscape requirements could be a barrier to housing development. |
| **407-1.3** Minimum Landscape Standards - Residential | | 🏘 | | The minimum 25% percentage landscaping that applies to “All other residential development” is relatively high and may be a barrier to housing development. This standard appears to only apply to attached dwellings on individual lots (townhomes) that are not Middle Housing and other attached dwellings in certain districts. Consider reducing this standard to 15-20% consistent with other housing types. |
| **407-2** Standards for Landscaping Materials | ⊘ | | | This standard is not clear and objective and could be modified to function as a purpose statement rather than a substantive standard. |
| **407-2.1** Allowable Materials | ⊘ | | | This standard is not clear and objective. It is not clear if the non-plant “features” in (C) count toward the maximum of 25% materials other than planting materials. |
| **407-2.2(A)** Prohibited Materials | ⊘ | | | This standard not clear and objective because it relies on materials “identified by the Director”. |
| **407-2.3** | ⊘ | | | This standard is not clear and objective because it includes subjective considerations for material selection and siting. |
| **407-3.3** Submission Requirements | | | 🛠 | These sections may have opportunities for consolidation and streamlining of submittal requirements. |
| **407-4** Landscape Plan | | | 🛠 | These sections may have opportunities for consolidation and streamlining of submittal requirements. |
| **407-5** General Provisions and Guidelines | ⊘ | | | These standards are not clear and objective. |

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| **407-6.2** Parking Area Landscaping | 🚫 | | | This standard is not clear and objective. |
| **407-6.7** | 🚫 | | | This standard is not clear and objective. |
| **407-8.3** and **8.6** | | | 🛠 | Standards could be presented in a table to be easier to read. |
| **408: Neighborhood Circulation** | | | | |
| General Finding | | | | Section 408 may be affected by the County's future implementation of revised land use requirements under the Transportation Planning Rule (OAR 660-012-0330). Recommend a comprehensive review of this section for compliance with these rules as part of a future TSP update. |
| **408-3** Definitions | | | 🛠 | Staff report that the definitions of accessway, bikeway, and pedestrian way can be unclear or the use of these terms may be inconsistent across the CDC. |
| **408-3.6** Pedestrian Oriented Use | | | 🛠 | The meaning of the term "commercial centers" in this definition could be more clearly defined or specified. |
| **408-5.1(E)(1)** | | | 🛠 | This is an alternative approval standard so does not need to be clear and objective. However, it would be helpful to specify the maximum grade at which a street and accessway is "practicable." |
| **408-5.2(C)** | 🚫 | | | This standard is not clear and objective because it relies on the Review Authority to determine if additional accessways are required based on pedestrian demand. |
| **408-5.2(E)** | 🚫 | | | This standard is not clear and objective because it relies on the Review Authority to determine if accessways may be required to stub to adjacent property. |
| **408-5.2(F)** | | | | This standard is not clear and objective because it says trails "may be required". |
| **408-5.4(B)** | 🚫 | | | This standard is not clear and objective because it relies on the Review Authority to determine if additional accessways are required based on pedestrian demand. |
| **408-5.4(F)** | 🚫 | | | This standard is not clear and objective because it relies on the Review Authority to determine if accessways may be required to stub to adjacent property. |
| **408-5.4(G)** | 🚫 | | | This standard is not clear and objective because it says trails "may be required". |

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
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| **408-6.3(C)** | ⊘ | | | This standard is not clear and objective because "reasonably direct" is not specified and it relies on the Review Authority to determine if additional accessways are required based on pedestrian demand. |
| **408-6.3(E)** | ⊘ | | | This standard is not clear and objective because it relies on the Review Authority to determine if accessways may be required to stub to adjacent property. |
| **408-9** Accessway, Trail and Greenway Design | ⊘ | | | This standard is not clear and objective because "wherever practical" is not specified. |
| **408-9.8** | ⊘ | | | This standard is not clear and objective because it relies on the county engineer or building official to determine if additional accessway lighting is required and it does not specify "excessive amounts of light". |
| **408-10.1(E)** | ⊘ | | | This standard is not clear and objective because "most reasonably direct" is not specified. |
| **408-10.3(A)** | ⊘ | | | This standard is not clear and objective because "as direct as practicable" is not specified. |
| **408-10.3(C)** | ⊘ | | | This standard is not clear and objective because connections "…likely to be used at night must be lighted" is not specified. |
| **409: Private Streets** | | | | |
| General Finding | | | 🛠 | Staff report that Section 409 is unclear about when a private street is allowed to be constructed in lieu of a public street. 409-3.1 applies criteria for when a private street may be permitted, but it could be clarified that public streets are required in any instance where these criteria cannot be met. |
| General Finding | | | 🛠 | Section 409 includes detailed engineering standards for pavement width, requirements for curbs/sidewalks, and structural construction standards. These standards may be more appropriate to be located within the Road Design and Construction Standards than the CDC. If migrated, these standards can be more easily amended and may allow more discretion for staff to allow exceptions or alternative designs. |
| General Finding | | | 🛠 | Section 409 uses gendered terms ("his designee") that should be updated. |
| **409-3.3(A)** Local Residential Streets | | 🏠 | 🛠 | The minimum pavement width and requirement for curb/sidewalk on both sides of the street for any private street that serves nine or more units may present barriers to infill development on smaller sites. The area required to meet this standard can consume a large portion of a site. Consider reducing minimum pavement width, allowing sidewalks on only one side of the street, and/or raising the threshold for (# of units) when this standard is required. |

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| **409-3.8** Modification of Private Road Standards | | | | This provision requires a variance (Section 435) to approve a modification to the standards for private streets. The variance approval criteria are relatively stringent and may be difficult to satisfy for many projects, though flexibility on certain standards may be warranted and support housing development. Consider allowing for an adjustment in lieu of a variance to modify these standards. Alternatively, if standards are migrated to Road Design and Construction Standards, allow modifications through a design exception process. |
| **410: Grading and Drainage** | | | | |
| **410-1.2** Grading Plan | | | | This is an example of submittal requirements that are distributed across the CDC. |
| **410-1.2(D)** Erosion Control Plan | | | | The Washington County Erosion Control Plans Technical Guidance Book has been replaced by Chapter 14.12, Grading, in the Wash. Co. Code of Ordinances. This reference should be updated. |
| **410-3** Criteria for Approval | | | | Most of these standards are not clear and objective. Recommend a comprehensive review of each standard to determine if it can be rewritten to be clear and objective or if it can be replaced with a reference to technical, objective standards in Chapter 14.12. |
| **410-4** Landslide Study Area Requirements | | | | This has been confusing to some community members, who thought the County had adopted landslide study area maps for the whole county. The County only has two areas where these apply - North Bethany and Bonny Slope West. Clarification recommended by adding, 'as applicable' or '(North Bethany and Bonny Slope West)' after the reference to landslide study areas. |
| **411: Screening and Buffering** | | | | |
| **411-1** Applicability | | | | This section states that Section 411 setbacks are additive to setbacks required by residential and institutional districts. This may result in unnecessarily large setbacks in some cases. Consider allowing the area of a district setback to count toward meeting these special setback requirements. |
| **411-1.3** | | | | Section 411 is another example of a standard that applies to non-Middle Housing and not to Middle Housing. This further encourages developers to build under a Middle Housing pathway if possible. |
| **411-5** Screening & Buffering Matrix | | | | Some of these screening and buffering requirements may be unnecessarily high and present barriers to housing, especially on infill sites. Consider a comprehensive evaluation of this matrix and specifically these questions:<br>• When the adjacency is residential-to-residential, are the higher levels of screening/buffering (Standards 4-6) necessary? |

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| | | | | • Given middle housing can be developed at ~25 units/acre in many low density districts and are exempt from these standards, should a multi-unit dwelling (non-Middle Housing) be required to provide this high level of screening/buffering?<br>• If adjacent site is developed, should the standards for residential districts be based on the district or could they be based on the actual density/housing type on the adjacent site?<br><br>Footnote 1 of the matrix is not clear and objective because it relies on the Review Authority to determine the appropriate screening/buffering standard. |
| **411-5.2** | 🚫 | | | This standard is not clear and objective because "near the property line as practical or most effective" is not specified. |
| **411-6** Screening & Buffering Standards, Table | | 🏘 | 🛠 | There are no instructions for how to use this table. Consider providing instructions prior to the table that outline the steps (identify type, choose setback option, apply plant unit multiplier, etc.)<br><br>Since these setbacks are additive to base district setbacks, any development requiring larger than 20 feet could result in a large area of the site being dedicated to buffering/screening. This is less of an issue on larger sites, but potentially a major barrier to housing on smaller infill sites. |
| **411-7** Structures | | | 🛠 | Update graphics for clarity and legibility. |
| **413: Parking and Loading** | | | | |
| **413** Definitions | | | 🛠 | It can be more user-friendly to have definitions centralized in one section in the CDC. That would make Section 106 longer, but most users will search for the term they need, so having it in one place is easier because they may miss this section in 413 and assume a term is defined in Section 106. |
| **413-1** Development Permit for Parking Areas | 🚫 | | | This provision allows for an off-street parking area in conjunction with a detached dwelling on an existing lot to be exempt from Development Permit requirements. This may conflict with middle housing rules that require Middle Housing to be subject to the same review processes as single-unit dwellings (OAR 660-046-0115 and OAR 660-046-0215). |
| **413-2.8** General Requirements | | | 🛠 | Opportunity to centralize submittal requirements, similar to other instances in the CDC |
| **413-3** Off-Street Parking Lot Design | | 🏘 | | These standards require a 24' wide two-way aisle in parking lots. Some jurisdictions allow for a 20-22' aisle width for two-way traffic. A small reduction can add up on a large site. Consider allowing for a narrower aisle. |

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| **413-4.11** and **413-4.12** | | 🏘 | | These standards require a 10' wide driveway for each parking space and a 20' wide driveway when curb cut is shared with adjacent lot. Some jurisdictions allow for an 8-9' driveway for each parking space. For shared driveways, there are driveway designs that are narrower at the street (14-16') and taper wider as they approach the garage. This can save front yard space and reduce the width of the curb cut. |
| **413-4.13** | | | 🛠 | On-street parking is no longer required so this standard should either be applied to all driveways or modified to be an advisory guideline. |
| **413-6.1** Minimum and Maximum Off-Street Parking Requirements | | | | The organization of this section could be improved to make it clearer that parking minimums do not apply within the UGB, but parking maximums do apply, and the inverse outside the UGB. The table should be reviewed to confirm that all of these uses are actually allowed in at least one of the districts outside the UGB. |
| **413-6.1(A)(2)** Minimum and Maximum Off-Street Parking Requirements – Room and Board | 🚫 | | 🛠 | This use is similar to an SRO. When implementing SRO requirements, consider replacing this term with SRO. |
| **413-6.1(A)(2)** Minimum and Maximum Off-Street Parking Requirements – Auto Wash | | | 🛠 | This standard is based on the number of employees that work at the business. Consider basing on a different factor because number of employees may change over time, especially as a result of automation. |
| **413-6.9** | | | 🛠 | If this section is reorganized to clarify how parking minimums/maximums apply within/outside UGB, this standard may need to be migrated or deleted. |
| **413-7.3** Vanpool/Carpool Parking | | | 🛠 | Replace the term "handicapped parking" with "accessible parking". |
| **413-9.1** Drop-off and Loading Requirements - Residential | | 🏘 | 🛠 | This standard requires one drop off/loading space for buildings over three stories. The height of a building may not be the most appropriate measure for whether drop-off/loading spaces should be required. The area required for a drop-off loading space may present barriers to housing development. Consider replacing with a threshold based on density and/or total number of units in one building. |
| **413-9.4** Drop-off and Loading Requirements - Commercial | | 🏘 | | Some mixed use buildings could have more than 5,000 square feet of ground floor commercial space and would be required to provide a drop-off/loading space. If this space needs to be adjacent to the street, it could consume significant site area. Consider whether threshold could be higher or not required for mixed use buildings unless otherwise triggered by the residential requirement. |
| **413-10** General Drop-off and Loading Space Requirements | | 🏘 | | For residential, clarify if the drop-off space can be contained within a parking lot drive aisle. For example, the curb area adjacent to the building but also used as one lane of a two-way drive aisle. |

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| **413-10.2** | 🚫 | | | This standard is not clear and objective because “directly accessible to main structures” is not specified. |
| **415: Lighting** | | | | |
| **415-1** Applicability | | | 🛠 | This applicability statement could be more precise. It refers to attached units that are not Middle Housing, but the remainder of Section 415 appears to apply to any “structure other than a detached dwelling or attached dwelling of less than three units” (415-2). This creates confusion, as most other “Applicability” subsections in the CDC describe how the overall section applies to various uses (e.g. Section 408-2). |
| **415-2** Lighting Plan | | | 🛠 | An instance of submittal requirements being distributed throughout the CDC |
| **415-3** Definitions | | | 🛠 | Opportunity for centralized definitions that can be more user-friendly. |
| **415-5** General Provisions, Figures | | | 🛠 | Figures could be improved. They are abstract so it is not immediately apparent what they are portraying. Labels or more context (a light post) could help. Presenting them side-by-side could also make the difference in angles more prominent. |
| **416: Utility Design** | | | | |
| **416-1.2** General Provisions | 🚫 | | | This standard is not clear and objective because terrain/soil/geologic conditions are not specified. Additionally, the phrases "part of an urban infill process", “surrounding development” and “wherever feasible” could be clarified. |
| **416-1.3** General Provisions | 🚫 | | | This standard is not clear and objective because “when possible” is not specified. |
| **416-1.5** General Provisions | 🚫 | | | HB 2138 allows water and wastewater to be combined for units in a Middle Housing Land Division, but the County retains the option to require that they be separate if the applicable public works standards do not allow shared services. Amendments needed if County elects to allow shared utility lines. |
| **417: Irrigation** | | | | |
| General Finding | | | 🛠 | Consider consolidating this section with Section 407 to reduce the number of sections in CDC. |
| **418: Setbacks** | | | | |
| **418-1** Obstruction in Required Yards | | 🏘 | | Wheelchair ramps are not a permitted obstruction. Staff report this has been an issue. Consider allowing special exemptions for wheelchair ramps. |

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| **418-1.1** Obstruction in Required Yards | | | | This is a complex standard regulating projection of architectural features. Consider replacing the standard that scales with the size of the side yard (i.e., architectural features may extend into the side yard 2 inches for each foot of side yard width) with a flat maximum depth of the projection. |
| **418-2 .1** Additional Setbacks Required for Future Right-of-Way | | | | A Single Detached Dwelling Unit or its expansion, a Duplex on an approved Duplex lot (Section 430-13.3), or Middle Housing are exempt from additional setback requirements for future right-of-way. This could result in dwelling units needing to be relocated in the future due to planned roadway improvements. Consider if this exemption can be eliminated or modified. |
| **418-4.1** Fences and Retaining Walls | | | | These standards could be presented in a table and the corresponding figures could be revised for clarity and legibility. |
| **419: Height** | | | | |
| General Finding | | | | Staff find it difficult to interpret "Maximum Building Height" for structures with multiple eaves and/or peaks. Clarification in this section or in the Definitions section (106) recommended. |
| **419-1** | | | | When a subject property is adjacent to a property in another district that has a lower height restriction, this standard requires the lower height restriction of the adjacent district to apply to the portion of the development on the subject property that is within 20 feet of the adjacent district. In some cases, this could require a significant step-down in height, which adds cost and complexity to construction. Consider removing this requirement or only requiring a step-down to a height that is lower than subject district, but not the same as the adjacent district. |
| **419-2** | | | | This standard is "sloped" height limit. It allows height to increase on the subject property at a ratio of 1 foot of height to 1 foot of horizontal distance beyond 20 feet from the adjacent property with lower height standard. This type of standard often results in a lowered maximum height on a relatively large portion of the site. In practice, this often means developers will try to site the entire building far enough from the property line to avoid needing to do multiple height step-downs, especially on smaller sites. Consider removing this requirement or modifying it so it allows for maximum height of subject site across a larger portion of the site. |
| **420: Creation of Lots Below 20,000 Square Feet in the R-9, R-15, R-24, and R-25+ Districts** | | | | |
| General Finding | | | | Consider incorporating these standards into another section to reduce the number of sections in the CDC. |
| **421: Floodplain and Drainage Hazard Area Development** | | | | |
| **421-2.8** Historic structure (C) and (D) | | | | Consider replacing general/national references with Oregon/local references, particularly given the state has an approved program. |

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| **421-4**, **421-5**, and **421-6** | | | 🛠 | The beginning of these sections state: "Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan…". However, state and national requirements may not permit these plans to supersede the standards of Section 421. Confirm and remove if accurate. |
| **421-4.8** Uses and Activities Permitted Through a Type I Procedure | | | 🛠 | Change reference from "single-family residence" to "Single Detached Dwelling". |
| **421-4.10** Uses and Activities Permitted Through a Type I Procedure | | | 🛠 | Consider adding a list of acronyms at the beginning of this section or in the CDC to use throughout the CDC. |
| **421-7.5** Development Standards for all Type II and Type III Floodplain and Drainage Hazard Area Uses or Activities | | | 🛠 | Confirm there has been a successor to "44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor)" and replace this reference with the successor in the reference if applicable. |
| **421-7.8** Development Standards for all Type II and Type III Floodplain and Drainage Hazard Area Uses or Activities | | | 🛠 | Confirm the reference to "Open Channel Hydraulics" (1988) is current. |
| **422: Significant Natural Resources** | | | | |
| **422-3** Definitions | | | 🛠 | Consider migrating this section to Section 106 if all definitions are consolidated in the CDC. |
| **423: Environmental Performance Standards** | | | | |
| **423-1** Existing Uses | | | 🛠 | Consider removing the "effective date" in this section as it is inconsistent with the rest of the CDC and it is unclear what date it refers to. |
| **423-2** New Uses | | | 🛠 | Consider removing the "effective date" in this section as it is inconsistent with the rest of the CDC and it is unclear what date it refers to. |
| **423-8.2** Heat and Glare | 🚫 | | | This standard is not clear and objective because "directed entirely away from adjacent properties" is not specified. Additionally, CDC 415-4 contains the standards for lighting. Maximum illumination and maximum height of luminaire vary, depending on whether the luminaire has no cutoff, a cutoff at an angle of greater than 90 degrees, or a cutoff at an angle of less than 90 degrees. However, it seems that 415-4.1 would allow a luminaire with no cutoff (i.e. an unshielded light source), as long as the maximum illumination was low and the light pole was short. This appears to be inconsistent with directing exterior lighting "entirely away" from adjacent properties. Consider amendments to ensure consistency with Section 415. |

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| **423-9.3** Storage | | | 🛠 | Consider referencing the limits to fencing in 422 in this section for clarity. |
| **426: Erosion Control** | | | | |
| **426-3.1** Erosion Control Plan. | | | 🛠 | The Washington County Erosion Control Plans Technical Guidance Book has been replaced by Chapter 14.12, Grading, in the Wash. Co. Code of Ordinances. This reference should be updated. |
| **426-4** Erosion Control Plan | | | 🛠 | The Washington County Erosion Control Plans Technical Guidance Book has been replaced by Chapter 14.12, Grading, in the Wash. Co. Code of Ordinances. This reference should be updated. |
| **427: Solar Access Standards** | | | | |
| General Finding | | | 🛠 | Staff and stakeholders report that this section is rarely applied to development. The standards are very prescriptive and complex and perceived as impractical to implement. This CDC section was added in 1989 via A-Eng Ord 376. Preliminary research indicates there is no state requirement to apply solar access regulations such as these. Further research is needed to determine if there is a clear rationale for preserving these regulations if they are not being enforced or implemented. |
| **428: Forest Structure Siting and Fire Safety Standards** | | | | |
| **428-3** Standards for Dwellings and Structures, Including Replacement Dwellings, Reviewed Through a Type I Procedure | 🚫 | | | This provision is inconsistent with ORS 215.130(8), because it allows replacement of a nonconforming dwelling to be processed as a Type I, and not a Type II as required by ORS 215.130(8) and 215.416(11). Amendments recommended to comply with this requirement. |
| **428-3.1** Forest Structure Siting Standards for Dwellings and Structures | | | 🛠 | It may be possible to organize these standards into a table for better usability. |
| **428-4** Standards for Dwellings and Structures Reviewed Through a Type II Procedure | | | 🛠 | TVFR commented that these standards do not provide clear guidance or authority for the Fire Marshal to approve reduced firebreaks, which creates liability concerns and implementation challenges. Consider working with TVFR and other fire districts to evaluate if the standards need to be amended and develop an alternative standard that is more specific and clearer. |
| **428-4.4(A)** Standards for Dwellings and Structures Reviewed Through a Type II Procedure | | | 🛠 | This standard requires an applicant to submit a letter from a fire protection consultant. Staff report that this requirement as currently written is a potential development application roadblock, as there don't appear to be such consultants. This standard needs more study to ensure that fire protection measures will be provided, or that restrictions will be placed on development if fire protection measures won't be provided. |

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| **428-4.4(D)(3)** Standards for Dwellings and Structures Reviewed Through a Type II Procedure | | | 🛠 | Staff report that Oregon Department of Forestry (ODF) and TVFR are no longer providing fire break review or recommendations. Therefore, this alternative option for compliance with fire break standards is not available to property owners. Consider modifying this standard or providing an alternative process to address these issues for rural dwelling proposals within TVFR's district or outside of any fire district. |
| **429: Bicycle Parking** | | | | |
| **429-2(A)** Applicability | | | 🛠 | This use category appears to exclude middle housing quadplexes or cottage clusters with 4+ units, but that could be clarified. The table in 429-6.1(B) clarifies this, but it could also be referenced here. |
| **429-4.4** General Requirements | | | 🛠 | Instance of submittal requirements being distributed throughout the CDC |
| **429-5** Definitions | | | 🛠 | Instance of definitions distributed throughout the CDC. |
| **429-6.1(C)** Number of Bicycle Parking Spaces Required – Table A: Long-Term Spaces | | 🏘 | | This standard requires one long-term bike parking space per unit. This could add significant cost to a multi-dwelling development as long-term parking usually must be indoor. The City of Portland recently reduced long-term bike parking requirements to 0.7-1.0 per unit (depending on location) as part of a regulatory streamlining project. The change is temporary and expires in 2029. A cost study was conducted, and it concluded that long-term bike parking was a substantial cost. Recommend further evaluation of this standard. |
| **429-6.1(D)** Number of Bicycle Parking Spaces Required – Table A: Long-Term Spaces | | | 🛠 | "Retirement Center Apartments" is not a defined term and not used in other sections of the CDC. Consider replacing with a defined use. |
| **429-6.3(A)** Number of Bicycle Parking Spaces Required - Table A: Long-Term Spaces | | | 🛠 | References "Section 413-6.3 A. - F. and J. - N." Section 413-6.3 only includes subsections A and B. Correct reference should be to appropriate subsections of 413-6.1. |
| **429-7(A)** Bicycle Parking Location | 🚫 | | 🛠 | This standard is not clear and objective because "well-used building entrance" and "direct access" is not specified. Additionally, the standard could provide specific criteria for when short-term bike parking may be located in the right-of-way. |
| **429-7** Bicycle Parking Location | 🚫 | | 🛠 | This standard is not clear and objective because "secure, well-lighted area", "well-used building entrance", and "direct access" are not specified. These standards do not provide clear guidance for what constitutes a bike parking area qualifying as "long-term" vs. "short-term". It appears long-term bike parking could be outside and uncovered. In practice this does not seem to support the intent to provide secure long-term parking, especially for residential. Minimum standards to more clearly define a "secured" area may be necessary. |

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| **429-11** Bicycle Parking Lighting | ⊘ | | | This standard is not clear and objective because "thoroughly illuminated" is not specified. |
| **429-12(B)** Exemptions from the Minimum Bicycle Parking Requirements Standards | | | 🛠 | Although CDC includes special use standards for Drive-In Theaters (430-43), a CDC search indicates these are not allowed in any County land use district, so 430-43 will likely be deleted. This mention of drive-in theaters should likewise be deleted. |
| **430: Special Use Regulations** | | | | |
| **430-1.1** Residential | | | 🛠 | 430-1.1.A lists allowed types of residential accessory structures, and 430-1.1.B lists several development standards that apply to them. However, those development standards only apply to residential accessory structures in the urban area. In the rural area, residential accessory structures are not subject to any development standards except the setback requirements of the district. Consider separately listing the development standards that apply to residential accessory structures in the rural area (which are limited to the setback requirements of the district). |
| **430-2.1** Accessory Dwelling Unit | | 🏠 | | This standard requires, when two ADUs are provided, that one unit must be detached and one unit must be attached to the primary dwelling. Given that someone could build a detached or attached triplex in residential districts, which is functionally similar to a house with two ADUs, this standard may be unnecessarily restrictive. |
| **430-2.1(C)(1)** Accessory Dwelling Unit | | 🏠 | | This standard requires a detached ADU to be located at or behind at least one street-facing wall of the primary dwelling. Given that a detached duplex has no standards limiting placement of each unit relative to the other unit, this standard may unnecessarily limit flexibility for siting ADUs where the house has a large front setback. |
| **430-2.1(C)(3)** Accessory Dwelling Unit | | 🏠 | | This standard requires ADUs to meet the rear setback of the base district. This limits flexibility for siting ADUs on existing lots, which may be constrained by trees, slopes, or other existing accessory structures. Consider allowing a minimum 5-foot rear setback for ADUs that are one-story and applying a larger setback for two-story ADUs. |
| **430-2.1(E)** Accessory Dwelling Unit | | 🏠 | | This standard requires ADUs to be no taller than the primary dwelling. This may be restrictive on lots with an existing single-story house. A two-story ADU may be preferred to preserve yard space or other reasons. Consider removing this standard or replacing with a maximum height that allows at least a two-story ADU. |
| **430-2.2** Accessory Dwelling Unit | ⊘ | | | HB 2138 authorizes the County to allow ADUs on child lots in a middle housing land division. If the County elects to do this, this provision should be changed. |
| **430-8** Alteration, Restoration or Replacement of a Lawfully Established Dwelling, in the EFU, EFC, AF-20, AF-10, AF-5 and RR-5 Districts | ⊘ | | | This standard allows the alteration or replacement of a (nonconforming?) dwelling on resource lands and exception lands through a Type I procedure, which is inconsistent with ORS 215.130(8) and ORS 215.416(11), which require nonconforming use reviews to be a Type II process that includes public notice. HB 2192 (2023) added new, more lenient criteria for altering, restoring or |

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| | | | | replacing lawfully established dwellings on resource lands. The County is required to apply these new criteria (See OAR 660-033-0130(8)). |
| **430-9.1(B)** Ambulance Service | 🚫 | | | Change term from single-family to single-detached dwelling. |
| **430-11** Amusement Park | | | 🛠 | This is another instance of a definition for a term being distributed throughout the CDC. |
| **430-11.1-11.5** Amusement Park | | | 🛠 | This section is a good example of some inconsistencies in the way that lists are structured in the CDC. This section uses five numbered subsections for a list. Other sections use lettered paragraphs (A, B, C, etc.). Consider adopting more consistent conventions for structuring lists. |
| **430-13** Attached Dwelling Units (except those that meet the definition of Middle Housing in Section 106) | | 🏘 | 🛠 | This entire section potentially could be removed. There are several issues:<br>• Limitations on attached dwellings in the R-5 district (430-13.1) are very restrictive, especially since Middle Housing is now allowed in that district.<br>• Buffering requirements and perimeter setbacks in R-5 and R-6 (430-13.2) have been identified as potentially unnecessary barriers to attached dwellings in those districts.<br>• "Duplex on approved duplex lot" (430-13.3) is not necessary because most if not all of these lots have been built out, and duplexes are now allowed on any lot where a single detached home is allowed. |
| **430-19** Boarding House (including Bed and Breakfast Facilities for more than five persons) | | | 🛠 | This use category may need to be removed and replaced by SRO because the use is substantially similar. |
| **430-25** Campground | 🚫 | | | The term "Campground" may fall under the state definition of an RV park under ORS 197.492. If so, then ORS 197.493 applies and residential (long-term) occupancy of an RV must be allowed in Campgrounds. County can require each RV that is used for residential occupancy to be lawfully connected to water, sewer, electric. Further research and coordination with DLCD is needed to determine if this use would be classified as an RV park under state law. |
| **430-35** Convenience Grocery | | | 🛠 | These standards are relatively discretionary. They do not need to be clear and objective under state law, but more objective standards might encourage this use in more places, which is helpful for walkability and mixed use development patterns. |
| **430-35.3** Convenience Grocery | | | 🛠 | This section says that a convenience grocery in the R-25+ district must be "pedestrian oriented." This term is not clearly defined and specific standards would be appropriate. Additionally, compliance with CFEC Walkable Design Standards may require the County to apply similar standards to this use in all zones where it is permitted. |
| **430-37.1(A)(2)** and **430-37.1(B)(5)** Single Detached Dwelling Unit on Lot | 🚫 | | | These standards require a Single Detached Dwelling Unit or Duplex to "…utilize at least five of the following design features…". These features are consistent with the definition of a residential |

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| of Record, Middle Housing Duplex, and Type II Middle Housing | | | | design standard under SB 974 and may not be applied to developments with more than 20 units (except multi-dwelling structures) under SB 974. Recommend removing these standards or adding an exception for projects with more than 20 units. These standards may also be grouped together in a separate design standards section in the CDC, but the standards could not be applied to developments more than 20 units. |
| **430-37** Single Detached Dwelling Unit on Lot of Record, Middle Housing Duplex, and Type II Middle Housing, Figures | | | 🛠 | Figures would be improved with more clear annotation/labels indicating what is being shown and a more consistent style convention. |
| **430-37.2** Rural | 🚫 | | | A third farm dwelling / income option needs to be added here under 430-37.2.A(1), to capture the farm dwelling allowance in ORS 215.213(1)(f). Additionally, a corresponding new farm dwelling use allowance needs to be added to 340-4.1 and 344-4.1. |
| **430-37.2(D)** Rural | | | | Despite the title of this section, the text refers to the subject dwelling as an "Accessory Dwelling Unit" several times. This has led rural applicants to think it refers to rural ADUs. This issue is proposed for correction in Ordinance No. 912, the Rural ADU ordinance. |
| **430-41** Drive-in or Drive-up Establishment | 🚫 | | | These standards are not as prescriptive in regard to making drive-throughs more pedestrian-friendly as required by OAR 660-012-0330 (CFEC "Walkable Design Standards"). Consider updating to include additional standards like requiring a pedestrian service window, limiting service drives adjacent to street, and marked pedestrian crossings. |
| **430-43** Drive-In Theater | | | 🛠 | This use is uncommon today and is not permitted in any of the land use districts. Consider removing these special use regulations. Several districts allow theaters but prohibit a drive-in theater. Drive-in theater is not defined in Section 106. A definition is included at the beginning of this section. To clarify what is prohibited where theaters are allowed, consider adding a definition to Section 106. |
| **430-46.2** Flag Lot | 🚫 | | | This standard is not clear and objective because "shall be oriented to provide the maximum privacy" is not specified. |
| **430-46.4** Flag Lot | 🚫 | | | This standard is not clear and objective because it does not specify what type of landscaping and fencing is required. |
| **430-46.10** Flag Lot | 🚫 | | | This standard is not clear and objective. The standards of 430-37.1(B) have a similar intent but are clear and objective. Consider applying similar standard to flag lots. |
| **430-48** Firearms Training Facility | | | 🛠 | Section has no requirements. If definitions of uses are consolidated in the CDC, this definition can be migrated to that section. |

Issue Type Legend: 🚫 Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **430-53.1** Day-Care Facility | | | 🛠 | These standards include more restrictive development standards than apply to housing in that same district. They may be a barrier to locating day care facilities. Additionally, further research is needed to determine if recent changes in state law that pertain to child care facilities will require amendments to this section. |
| **430-53.5** Retirement Housing Community | | | 🛠 | Clarify the standard "community is open to pedestrian and vehicular circulation". Previous version of this standard included the provision "is not gated". This may need to be added or otherwise clarified. |
| **430-55** Guest House | | | 🛠 | This appears to be a legacy use prior to requirement to allow ADUs. All of these standards could be avoided by classifying the structure as an ADU. Consider removing this use from the CDC. |
| **430-63** Home Occupation | | | 🛠 | These standards could be evaluated comprehensively given increased work from home since Covid-19. Consider removing references to where the use is allowed across land use districts since these allowances are included in Article III. |
| **430-63.1(F)** Home Occupation | | | 🛠 | "One ton" is a manufacturer's rating and is an outdated classification of trucks not commonly used in the industry today. |
| **430-63.1(G)** Home Occupation | | | 🛠 | Remove reference to US Postal Service and replace with a more generic term that includes other shippers/distribution companies, including Amazon. |
| **430-63.1(I)** Home Occupation | | | 🛠 | Noxious? Per Sheriff's Office there is no consistently effective way to measure noise despite WCC provisions. Consider removing or modifying standard |
| **430-63.2(H)** Home Occupation | | | 🛠 | "One ton" is a manufacturer's rating and is an outdated classification of trucks not commonly used in the industry today. |
| **430-72** Infill | | 🏘 | | This is another example of a standard that applies to non-Middle Housing and not to Middle Housing. This further encourages developers to build under a Middle Housing pathway if possible. |
| **430-72.3(B)(1)** Infill | | 🏘 | | This standard may add costs to infill development but also protects privacy for adjacent residents. Further research needed to determine if modifications to the standard could reduce cost impact or provide more flexibility. |
| **430-75.1(D)** Minimum Standards for All Manufactured Dwellings | | | 🛠 | Consider replacing "meet Code" with "meet Building Code" for clarity. |
| **430-75.1(E)** Minimum Standards for All Manufactured Dwellings | 🚫 | | 🛠 | This skirting standard is not permitted under ORS 197.498 because it does not apply to single-unit dwellings. |

Issue Type Legend: 🚫 Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **430-75.2(C)** Manufactured Dwelling Sites | | | | This standard could be interpreted to mean that off-street parking is required, but it is not. Consider modifying to: "Any proposed access and parking must meet...". |
| **430-76** Manufactured Home | | | | Add R6-NB and R9-NB or remove reference to districts all together as these are addressed in Article III.<br><br>ORS 197.478 requires that design and development standards that apply to manufactured homes must also apply to single-detached dwellings, except those providing protective measures under statewide goals and related to thermal envelope performance standards. The following standards must be removed or applied equally to both housing types:<br>• 430-76.1: Minimum square feet<br>• 430-76.3: Pitched roof<br>• 430-76.7: Garage/carport materials<br><br>The standards of 430-76.9 appear to apply equally to single-detached dwellings but may be prohibited for larger projects under SB 974 and represent a barrier to manufactured homes. Consider removing these standards. |
| **430-76.8** Manufactured Home | | | | Consider removing this requirement that a manufactured home cannot be located within or adjacent to a structure subject to the Historic and Cultural Resource Overlay District. This is permissible under state law but it presents a barrier to manufactured homes. |
| **430-77.2** Manufactured Dwelling Park | | | | This standard requires a minimum lot size of three acres. Minimum lot sizes for manufactured dwelling parks must be more than one acre under ORS 197.480. Consider reducing to one acre or less. |
| **430-77.3** Manufactured Dwelling Park | | | | These standards limit manufactured dwelling parks to density of ten units per acre or the district density, whichever is less. In higher density districts, this is an unnecessary limit on density. Given that manufactured dwellings are one story and must meet separation, setback, access requirements, it may be unnecessary to further limit density below that of the underlying district. Consider removing this standard and allowing base district maximum density to apply in all cases. |
| **430-77.4 – 77.9** Manufactured Dwelling Park | | | | The following standards are more restrictive than applied to other housing types and may present barriers to manufactured dwelling parks:<br>• 430-77.4 and 430-77.5: Special setback requirements<br>• 430-77.6: Site plan requirements to show all door openings<br>• 430-77.9: Minimum detached storage space |
| **430-79** Manufactured Dwelling Subdivision | | | | Consider adding a subsection specifying requirements for approving subdivisions for manufactured home parks established prior to July 2, 2001 meeting the applicable requirements under ORS 92.835-845. |

Issue Type Legend: Legal Compliance Barriers to Housing Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **430-79** Manufactured Dwelling Subdivision | | | | The following standards are more restrictive than applied to other housing types and may present barriers to manufactured dwelling parks:<br>• 430-79.1: Minimum lot size of five acres<br>• 430-79.5: Siding materials<br>• 430-79.9: Minimum separation<br>• 430-79.10: Perimeter setbacks<br>• 430-79.13: Site plan requirements to show all door openings |
| **430-79.11 and 12** Manufactured Dwelling Subdivision | | | | These standards are not applied to other housing types and may be more appropriate as district-specific standards than only applying to manufactured dwelling subdivisions. |
| **430-82** Neighborhood Commercial (In Conjunction with Resident Care Facility or Retirement Housing Community) | | | | These standards are relatively restrictive of commercial uses in a Resident Care Facility or Retirement Housing Community. Consider modifying or treating this use as an allowable accessory use within standards for the primary uses, per standard conventions for other uses. See 430-71 and 312-3.2 for examples. |
| **430-83** Neighborhood Commercial (In the R-25+ Residential District) | | | | These standards are relatively restrictive and may present major barriers to mixed use development in the R-25+ district. Consider the following modifications:<br>• 430-83.1: Allow commercial use to occupy more than 2,000 square feet or 20% of gross floor area.<br>• 430-83.4: Remove this limitation based on proximity to other commercial areas. |
| **430-84.1** Middle Housing Types | | | | Per HB 2138, must allow additional units for duplex-quadplex if one unit is affordable or accessible. Modifications needed to definitions of these housing types. |
| **430-84.2(A)(5)** Duplex Standards | | | | Per HB 2138, must also allow an existing duplex to be retained on the site. |
| **430-84.3(A)(3)(b)** Triplex and Quadplex Standards | | | | HB 2138 authorizes the County to allow ADUs on child lots in a middle housing land division. If the County elects to do this, this provision should be changed. |
| **430-84.3(A)(6)** Triplex and Quadplex Standards | | | | Per HB 2138, must also allow an existing duplex to be retained on the site. |
| **430-84.3(B)(3)** Triplex and Quadplex Standards | | | | These design standards may be disallowed by SB 974 for projects with more than 20 units. Further research needed to determine how standard will be applied if it is part of a larger subdivision or MHLD that meets this threshold. |
| **430-84.4(B)(2)** and **(4)** Townhouse Standards | | | | These design standards may be disallowed by SB 974 for projects with more than 20 units. Further research needed to determine how standard will be applied if it is part of a larger subdivision or MHLD that meets this threshold. This standard is in DLCD Model Code so it is anticipated that DLCD will clarify that as part of rulemaking and an update to that model code in 2026. |

Issue Type Legend: Legal Compliance Barriers to Housing Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **430-84.5(A)(6)** and **(8)** Cottage Cluster Standards | ⊘ | | | State rules for the max number of cottages in cottage cluster and maximum footprint may change per HB 2138. |
| **430-84.5(B)(2)** Cottage Cluster Standards | ⊘ | | | This standard may be disallowed by SB 974, which lists "Front or back yard area landscaping materials or vegetation" as a residential design standard. This standard is in DLCD Model Code so it is anticipated that DLCD will clarify that as part of rulemaking and an update to that model code in 2026. |
| **430-84.5(B)(6)** Cottage Cluster Standards | | 🏠 | | This parking setback of 20 feet was raised as a barrier by housing developers. Consider reducing to 5-10 feet.<br><br>The limitation on parking directly abutting a shared courtyard could also be modified for flexibility. Consider allowing parking to abut the shared courtyard but only for a maximum length of 10-20 feet. This would enable a few parking spaces to be sited there while not detracting from the intent of a common courtyard. |
| **430-84.6 (2)** Middle Housing Conversion Standards | ⊘ | | | Standards for conversions of existing buildings to middle housing may be impacted by HB 2138. |
| **430-88.2** Outdoor Performing Arts Center | | | 🛠 | Consider removing this standard because it is redundant, and may not be consistent with, the findings already required for this use by 346-4.2. |
| **430-89** Park and Ride Facility | | | 🛠 | Remove/replace reference to Transit Corridor or a Timed Transfer Station as they are not defined or used in the CDC. |
| **430-99** Membership Organization | | | 🛠 | Consider defining membership organization for clarity and modifying standards associated with this special use. |
| **430-101.1** and **101.2:** Professional Office (in a Residential District) | | 🏠 | | These standards are relatively restrictive and may present major barriers to mixed use development in the R-25+ district. Consider allowing commercial uses to occupy more than 20% of gross floor area. |
| **430-109.7(A)** New Telecommunication Facilities | | | 🛠 | This provision states that stealth towers up to 200' in height are allowed as Type I use in all districts. However, CDC 340-4.1.K (EFU) and CDC 344-4.1.K (AF-20) say that all towers up to 200' in height require a Type II review. Recommend correcting this discrepancy between 430-109.7.A and 340-4.1.K/CDC 344-4.1.K. |
| **430-121 Schools, Including Nursery (Private and Public)** | ⊘ | | | Consider modifying this section to clarify how it relates to child care facilities in ORS 329A.250, ORS 329A.030, 329A.250 to 329A.450, and 329A.500. |
| **430-135.1 (B)** Temporary Use | | | 🛠 | Define semipublic property for clarity. |

Issue Type Legend: ⊘ Legal Compliance 🏠 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **430-135.1 (C)(6)** Temporary Use | 🚫 | | | This section should be amended to include an allowance for the temporary residential occupancy of an RV during a natural disaster per ORS 197.493. |
| **430-135.1 (J)(3)** Temporary Use | | | 🛠 | The application submittal requirement for OLCC written approval in CDC 430-135.1.J(3)(e) should be struck because OLCC won't issue their approval until LUT approves the mobile food site application. The same issue appears to affect the application submittal requirements for Mobile Food Site (Large) in CDC 430-81.2.C. |
| **430-147.4** Zero Lot Line Development | 🚫 | | | This standard is not clear and objective because "adequate spacing" and "adequate access" is not specified. |
| **431: Transit Oriented Design Principles, Standards and Guidelines** | | | | |
| General Finding | | | 🛠 | More clarity and specificity could be provided about how an applicant can apply under the standards vs. principles. It appears applicants can mix-and-match responding to principles and standards, but that is not explicit. The principles are also very high level. It may be advantageous to have more specific guidelines and even, in some cases, a 1:1 relationship between a standard and the corresponding guideline.<br><br>There may be opportunity to consolidate some of these standards with standards in other sections and as part of implementing CFEC Walkable Design Standards requirements under OAR 660-012-0330. |
| **431-1** Intent and Purpose | | | 🛠 | It is more common in other jurisdictions to use the term "guidelines" in the way that "principles" are used in this section. May confuse applicants. Guidelines are usually considered alternatives to standards, while principles are higher level statements of intent. |
| **431-2** Conflicts | 🚫 | | | These standards apply to single-unit dwellings and non-Middle Housing duplexes if part of a standard land division. If that land division includes more than 20 units, then SB 974 may prohibit some of these design standards. |
| **431-3.5** Main Building Entrance | 🚫 | | | This standard is not clear and objective because there is no criteria or standard for determining which entrance is the main entrance if there are multiple entrances. |
| **431-3.9** Transit Street | | | 🛠 | This term could be amended to match the classifications' uses in the transit system map in the TSP. |
| **431-3.10** Streetscape. | | | 🛠 | The TSP has a different definition of streetscape. Consider if this definition needs to align. |
| **431-3.14** Build to Line | | | 🛠 | This definition could be more specific. Typically, this is defined line within a certain distance of a street lot line and building must be sited between build-to-line and street lot line. |

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **431-4.1(B)** Principles | | | ✓ | This appears to mean block dimensions must be smaller rather than larger, but it could be amended for clarity. |
| **431-4.2(C)(3)** Standards | | ✓ | | This provision requires applicants to demonstrate that a modification is "minimum necessary to address the constraint". Some jurisdictions offer an alternative criterion that the proposed design "equally or better achieves the intent of the standard". Offering this criterion as an alternative could provide more flexibility than current criteria. |
| **431-4.2(D)** Standards | | | ✓ | Consider consolidating these road and block requirements with similar standards in Sections 408, 409, and/or 501. |
| **431-4.2(D)(6)** Standards | | | ✓ | This table number reference is no longer correct with the updated Transportation System Plan (TSP) and needs to be modified. |
| **431-5** Streetscapes for Pedestrians | | | ✓ | The Type II standards in Sections 431-5, 431-6, 431-7 and 431-8 are visually overwhelming large blocks of text. The standards are difficult to identify. Reformatting the standards into tables could improve their ease of use. The design standards tables in North Bethany Subarea Plan ASC 2 (Main Street) are a good example of this type of formatting. |
| **431-5(A)(1)** Streetscapes for Pedestrians | | | ✓ | Consider removing reference to Pedestrian Enhancements Design Guideline Booklet as it is likely not used anymore. |
| **431-5(B)(1)** Streetscapes for Pedestrians | | ✓ | | This standard requires buildings to be built to sidewalk edge for 90% of length of street frontage. This is a relatively high standard. There is flexibility by applying under the principles or for certain streets below, but the standard should be evaluated to determine if it has been difficult to meet for past developments and more flexibility is needed. |
| **431-5(B)(8)(a)** Streetscapes for Pedestrians | | ✓ | | This standard requires a relatively deep and long weather protection feature. Five feet deep is a more common requirement. This is also a relatively costly standard because it is required along the entire length of the building. Consider limiting to 50-75% of building length. |
| **431-5(B)(8)(b)** Streetscapes for Pedestrians | ✓ | | | This standard is not clear and objective because the minimum dimension of amenities is not specified. |
| **431-5(B)(10)** Streetscapes for Pedestrians | ✓ | | | This standard is not clear and objective because it uses concepts like "compatibility" and "character" that are subjective. |
| **431-5.2(B)(1)** Building Entrances | ✓ | | | This standard is not clear and objective because a "well-demarcated walkway" is not specified. |
| **431-5.2(B)(4)** Building Entrances | ✓ | | | This standard is not clear and objective because a "well-demarcated, unobstructed, and well-lighted pathway" is not specified. |

Issue Type Legend: ✓ Legal Compliance ✓ Barriers to Housing ✓ Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **431-5.3(B)(2)** Building Façades | ⊘ | | | This standard is not clear and objective because "Darkly tinted windows and mirrored windows" is not specified. Consider using a visible transmittance measure. |
| **431-5.3(B)(6)** Building Façades | ⊘ | | | This standard is not clear and objective because it uses subjective terms like "monolithic" and "pedestrian scale". Consider alternative measurable standards for articulation. |
| **431-5.3(B)(11)** Building Façades | ⊘ | | | SB 974 may prohibit these design standards for projects with more than 20 units because they primarily address aesthetic concerns. |
| **431-5.3(B)(12)(a)** Building Façades | ⊘ | | | This standard is not clear and objective because the minimum dimensions of a parapet or cornice are not specified. |
| **431-5.3(B)(12)(b)** Building Façades | ⊘ | | | This standard is not clear and objective because it uses subjective terms like "undifferentiated blank walls". Consider alternative measurable standards for articulation. |
| **431-6.2(B)(6)** Parking Area and Garage Design | ⊘ | | | This standard is not clear and objective because "active uses" and "shall be designed to allow for conversion" is not specified. |
| **431-7.2(B)(1)** Amount and Size | ⊘ | | | This standard is not clear and objective. This is more appropriate as an applicability statement or principle. |
| **431-7.2(B)(3)** Amount and Size | | 🏘 | | These minimum area standards may become excessive for larger developments. Consider reducing to no more than 50 square feet per unit. |
| **431-7.3 (B)(2)** Open Space Design | | 🏘 | | This standard is not practical or enforceable because it's not known whether children will occupy specific residential developments. In practice, this means a play structure is probably required for any housing except an age-restricted retirement community. Consider either requiring a play structure for all housing or not requiring at all. |
| **431-7.3(B)(3)** Open Space Design | ⊘ | | | This standard is not clear and objective because "adequately illuminated" is not specified. |
| **431-8.2** Transitions in Density | | | 🛠 | These screening/buffering/height stepdown standards would be easier to read in a table format. |
| **431-8.2(A)** Transitions in Density | ⊘ | | | This standard is not clear and objective because "similar massing and height" is not specified. |
| **431-8.2(B)** and **(C)** Transitions in Density | | 🏘 | | These standard limits both height and housing type adjacent to R-5 and R-6 districts. A stepdown may be warranted but limiting to 35 feet or average height of adjacent development within 100 feet of the property line may be excessive and present barriers to housing. |
| **431-9.2** Landscaping | ⊘ | | | This standard is not clear and objective because it does not specify if landscaping is required or not. |

Issue Type Legend: ⊘ Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **435: Variances and Adjustments** | | | | |
| **435-1** Purpose | | | 🛠 | The "hardship" criterion is limited to variance applications, not adjustments. This language should be modified to reflect that the approval criteria for adjustments do not rely on a hardship determination. |
| **435-3.2(A)** Type II Adjustment | | 🏘 | | These are difficult criteria to satisfy for an applicant and difficult criteria to dispute for staff. Consider the following alternatives:<br>• Special conditions or circumstances exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.<br>• The special conditions and circumstances do not result from the actions of the applicant, and such conditions and circumstances do not merely constitute financial hardship or inconvenience<br>• The adjustment is the minimum necessary for reasonable use of the property.<br>• The proposal equally or better meets the intent of the standard or otherwise mitigates for the impact of not meeting the standard.<br><br>Additionally, some jurisdictions offer two tiers of an adjustment, such as “minor” and “major”. The above approval criteria could apply differently to each tier. Consider offering two tiers with different levels of adjustment for each. |
| **440: Nonconforming Uses and Structures** | | | | |
| General Finding | | | 🛠 | This section presents several issues and correction of those issues may involve associated amendments to other CDC standards. ORS 215.130(11) contains a 20-year look-back limitation on NC uses, and Current Planning had asked that this look-back limitation be added to CDC 440. Counsel had indicated this lookback is a “free pass” once 20 years have elapsed. If this look-back limitation gets codified into CDC 440, its placement should be carefully considered. Should it be placed in 440-3 or 440-6 or elsewhere in that section? It is not clear whether placing the look-back limitation solely in 440-6 is sufficient, because the limitation may apply to 440-5 as well. |
| **440-2.1** Exemptions | | | 🛠 | This standard could be clarified. |
| **440-2.6** Exemptions | 🚫 | | | HB 2138 authorizes the County to allow ADUs on child lots in a middle housing land division. If the County elects to do this, this provision should be changed. |
| **440-5.1** Restoration or Replacement of a Nonconforming Use or Structure Made Necessary by Fire, Other Casualty or Natural Disaster | | | 🛠 | If a dwelling is nonconforming due to dimensional standards, and is damaged or destroyed by fire, other casualty or natural disaster, consider if it should be allowed to be restored or reconstructed with those same dimensional nonconformities through a Type I procedure. |

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **440-6.2** Alterations Permitted Through a Type II Procedure | ⊘ | | 🛠 | As part of any future overhaul of the CDC 440 standards, consider requiring the replacement, relocation, repair or remodel of nonconforming manufactured dwellings to comply with CDC 430-76 rather than CDC 430-75.1.<br><br>These standards may also conflict with ORS 197.498, which states that manufactured dwellings cannot be subject to standards that do not apply to single-unit dwellings. |

# Article V: Public Facilities and Services

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **501: Public Facility and Service Requirements** | | | | |
| General Findings | | | 🛠 | Article V is a significant component of the overall development review process for transportation. The other transportation related components include: the Transportation Development Tax, Resolution & Order 86-95, the TSP and the Road Design and Construction Standards (RDCS). Transportation Planning staff are working on multiple initiatives that may result in amendments to Article V, including:<br>• Resolution and Order 86-95 update<br>• Active Transportation Plan update<br>• Regional Transportation Functional Plan update<br><br>Any amendments to Article V will need to be coordinated with this ongoing work.<br><br>Known general issues with Article V include the following:<br>• There are conflicts with other sections that need to be corrected.<br>• Many provisions rely on the Review Authority or County Engineer to determine what standards apply. It may be possible in some of these cases to specify the standards in the CDC. For example, are there provisions that the County engineer routinely makes a similar determination on, and could this decision be codified?<br>• Middle housing requirements related to transportation.<br>• Staff are unclear how to make decisions on right-of-way (ROW) permits when a road is private and shared with other property owners. Are they to conduct a sight distance determination for a private road? Does only the developing property have the burden of any road improvements through the ROW permit, even if other properties also access the private road? |
| **501-2.6(B)** Application of the Public Facility and Service Standards Inside an Urban Growth Boundary | | | 🛠 | Staff state that this provision appears to require Service Provider Letters (SPLs) under 501-8.1 A and 501-8.2 A for single-detached dwellings and middle housing, but that may not be correct:<br>• Single Detached Dwellings are currently processed through building permits without full land use review. SPLs are not typically required.<br>• Middle Housing Duplexes were intended to be exempt from SPLs in line with Single Detached Dwellings. |
| **501-8.2(A)** Service Provider Documentation | | 🏘 | 🛠 | May need to be revised/clarified for service providers, such as schools, as this requirement can cause unnecessary delays in development. |
| **501-8.4** Dedication of Right-of-Way | | | 🛠 | Conflict between 302-2.4 A (2) (and comparable sections for other R districts) and 501-8.4. May require right-of-way dedication twice where housing construction occurs after land division and TSP standard is less than Article III standard. |

Issue Type Legend: 🚫 Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **501-8.5(F)** Access to Public Roads/Sight Distance | | | | Staff comments indicated that the County does not provide this service anymore and requires applicants to supply Sight Distance Certifications prepared by engineers, which is costly and could be considered a barrier to housing. |
| **501-8.8** Definitions | | | | Consider moving definitions to the beginning of Article V, or else to the Definitions section of Article I |
| **501-9.6** Limited Application of the Public Facility and Service Standards Outside the UGB | | | | This section applies to ROW permits outside the UGB. As currently worded, it says that it applies to Type II and III dwellings, but it also applies to Type I dwellings. Current planning requests that the wording of this section be changed to: *"**Type I**, II and III applications for one dwelling on an existing vacant parcel."* |
| **501: Sidewalk Standards** | | | | |
| General Finding | | | | It is common in other jurisdictions for standards related to sidewalk repair, maintenance, etc. (not associated with a development application) be located in a separate title than the development code. There may be a good reason why these provisions are here in the CDC. If not, then migrating them to a title in the Code of Ordinances could potentially simplify this section. |
| **502-2** Definitions | | | | Instance of definitions being distributed throughout the CDC. |
| **502-7.2** Land Division Sidewalk Requirements | | | | Missing reference in last sentence of standard |

# Article VI: Land Divisions and Property Line Adjustments

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **600: Introduction** | | | | |
| General Finding | | | | Consider adding an intent statement related to the goal of supporting housing production, access, and opportunity. |
| **601: Applicability** | | | | |
| **601-1.3(A)** Community Plan Provisions | | | | References to Community Plans in this section may reference standards that are not clear and objective. They are also not readily accessible or understood in some cases, because they are separate from the CDC. These Community Plan provisions may need to be incorporated into the CDC or otherwise modified to be clear and objective. |
| **602: General Provisions for Standard Land Divisions and Property Line Adjustments** | | | | |
| General Finding | | | | The phasing procedures require clarification; they are not clearly or consistently referenced throughout this article. Sections that need review for clarity and consistency include CDC 602-5, 602-8, 605-2.1, 610-2.1, 610-2.7. See also Article IV phasing requirements. Expirations for preliminary approval of a phased development are more prescriptive in the urban area than in the rural area. Should phasing be allowed for applications other than land divisions, perhaps through additions to CDC 401-404? |
| **602-1** Filing and Recording | | | | The County will need to revise to allow standard land divisions and middle housing land divisions to be processed concurrently per HB 2138. |
| **602-5.2(D)** Minor Revisions to Preliminary Approved Standard Land Divisions | | | | This standard is not clear and objective because “direct” and “circuitous” is not specified. |
| **602-5.2(F)** Minor Revisions to Preliminary Approved Standard Land Divisions | | | | This standard is not clear and objective because “minor changes” and “lot patterns” are not specified. |
| **602-8** Standards for Phased Developments | | | | This section could conflict with ORS 92.040(2) and (3), unless County has specified the time period where the regulations at the time of the land use application are applicable. |
| **603: Subdivision Committee** | | | | |
| General Finding | | | | This committee does not appear to have been formed. If this committee is inactive then this section can be removed. |
| **605: Standard Land Divisions and Property Line Adjustments Inside an Urban Growth Boundary** | | | | |

Issue Type Legend: Legal Compliance Barriers to Housing Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| General Findings | | | 🛠 | Staff request for change to rural and urban Property Line Adjustment standards, which refer to "lot lines" when they should refer to "property lines."<br><br>Need to clarify if a property straddles a UGB whether this section or 610 takes precedence.<br><br>Phasing procedures require clarification. |
| **605-1.1 (B)** Property Line Adjustments Permitted Through a Type I Procedure | | | 🛠 | These criteria could be more easily understood by supplementing with a figure. |
| **605-1.2** Submission Requirements | | | 🛠 | This is another instance of submittal requirements distributed throughout the CDC. |
| **605-1.3** Review Standards | | | 🛠 | It would be more user-friendly to enumerate these criteria in a list. Clarify if variance or Type II adjustment applies to second sentence. |
| **605-2.1(A)** Preliminary Review | | | 🛠 | The assumption is that this refers to a Type III variance and not a Type II adjustment, but Section 435 seems to use the terms interchangeably. |
| **605-2.3** Submission Requirements for Preliminary Review of Urban Standard Land Divisions | | | 🛠 | This is another instance of submittal requirements distributed throughout the CDC. |
| **605-3.2** Storm Drainage Systems | 🚫 | | | Some of these standards are not strictly clear and objective. Can instances of uses of terms like "adequate" or "appropriate" be replaced with references to applicable engineering standards? |
| **605-3.3** Streets and Street Improvements | 🚫 | | | Some of these standards are not strictly clear and objective. Can instances of uses of terms like "adequate" or "appropriate" be replaced with references to applicable engineering standards? |
| **605-3.3(D)** Streets and Street Improvements | | | | This standard is not clear and objective because "compatible in character, width, grade and alignment" is not specified. |
| **605-3.3(H)** Streets and Street Improvements | | | | This standard is not clear and objective because "general public convenience and safety", "safe and efficient traffic flow", and "discourage through traffic" are not specified. |
| **605-3.4(C)** Public Utilities | 🚫 | | | This standard is not clear and objective because "not hazardous to the public or unsightly in appearance" is not specified. |
| **605-3.6(C)** Lots or Parcels | 🚫 | | | This standard is not clear and objective because it uses the phrase "wherever possible". |
| **605-3.7(A)** Blocks | 🚫 | | | This standard is not clear and objective. Can this be replaced with reference to Section 408 standards? |

Issue Type Legend: 🚫 Legal Compliance 🏘 Barriers to Housing 🛠 Streamlining and Usability

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **605-3.8** Easements | 🚫 | | | This standard is not clear and objective because "as deemed appropriate" is not specified. |
| **606: Middle Housing Land Division** | | | | |
| General Finding | 🚫 | | | This section needs to be modified to allow standard land divisions and MHLD to be reviewed concurrently per HB 2138. |
| Description | 🚫 | | 🛠 | It may be unnecessary to list all the districts where this applies and middle housing is allowed. HB 2138 authorizes the County to allow ADUs on child lots in a middle housing land division. If the County elects to do this, this provision should be changed. |
| **606-1.2** Notice of complete application | 🚫 | | | HB 2138 states that jurisdictions regarding MHLD "Shall provide notice of the decision to the applicant but may not require that notice be given to any other person." This section must remove notification to CPO and property owners and all subsequent sections that reference A(2-3). |
| **606-3.1 (C)(2)** Appeals—Procedures and Timing | 🚫 | | | HB 2138 states a jurisdiction "May not hold a hearing on the application or allow any third party to intervene to oppose the application." Legal counsel should confirm that application cannot be appealed by anyone except the applicant. |
| **606-3.1 (E)(1)** Hearings officer | 🚫 | | | Must remove the requirement for appeal notifications to parties other than the applicant per comment regarding limitations on notice in 606-1.2. |
| **606-4.1 (B)(6)** Review of Middle Housing Land Divisions | 🚫 | | | This section does not comply with HB 2138 because it requires that the remaining unit meet the definition of middle housing and each unit be on a separate lot. |
| **606-4.1 (B)(8)** Review of Middle Housing Land Divisions | 🚫 | | | HB 2138 clarifies that the County may allow for shared utilities but retains the option to require that they be separate if the applicable public works standards don't allow shared services. This current code allows it for sewer/storm, but not water. If County allows for shared utilities, this provision should be amended. |
| **606-4.1 (C)** Review of Middle Housing Land Divisions | 🚫 | | | HB 2138 requires County to allow submission "before, after or at the same time." This provision allows for same time or after, but not before. |
| **606-4.1 (D)(14)** Review of Middle Housing Land Divisions | 🚫 | | | HB 2138 clarifies that the County may allow for shared utilities but retains the option to require that they be separate if the applicable public works standards don't allow shared services. |
| **606-4.1 (E)(2)** Review of Middle Housing Land Divisions | 🚫 | | | HB2138 requires local government approval of a plan or plat that includes further division of one or more of the resulting lots or parcels if those parcels may be used to achieve the minimum density of the zone. This provision may need to be modified to state that further division of the lot is prohibited unless it is necessary to meet the minimum density. |
| **606-6** Subsequent Land Divisions and Property Line Adjustments | 🚫 | | | HB2138 requires local government approval of a plan or plat that includes further division of one or more of the resulting lots or parcels if those parcels may be used to achieve the minimum |

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| | | | | density of the zone. This provision may need to be modified to state that further division of the lot is prohibited unless it is necessary to meet the minimum density. |
| **606-10 (B)** and **(C)** Development on Lots or Parcels Resulting from a Middle Housing Land Division | 🚫 | | | HB2138 requires local government to allow ADUs on a resulting lots or parcels if those parcels may be used to achieve the minimum density of the zone. This provision may need to be modified to state that ADUs are prohibited unless it is necessary to meet the minimum density. |
| **610: Standard Land Divisions and Property Line Adjustments Outside an Urban Growth Boundary** | | | | |
| General Findings | | | 🛠 | Staff request for change to rural and urban Property Line Adjustment standards, which refer to "lot lines" when they should refer to "property lines." |
| **610-1.1(A)(4)** Property Line Adjustments | | | 🛠 | Consider clarifying if this standard or Section 605 would apply and how it applies if property is partly outside and partly inside the UGB. |
| **610-1.2** Submission Requirements | | | 🛠 | Instance of submittal requirements distributed throughout the CDC. |
| **610-2.1 (A)(1)** Procedures | | | 🛠 | Same comment as in 605: does this only refer to a Type III variance or is it inclusive of Type II adjustment? |
| **610-2.7** Phased Development | | | 🛠 | CDC 610-2.7 applies only to rural land divisions; there's no corresponding phasing provision for urban land divisions. Phasing procedures require clarification. |

## Article VII: Public Transportation Facilities

| Section/Subsection | Issue Type(s) | | | Findings and Recommendations |
|---|---|---|---|---|
| **Article VII** | | | | |
| General Finding | | | 🛠 | Article VII should be further studied for opportunities to streamline it. Article VII was added to the CDC through A-Engrossed Ord 421 in 1992; that ordinance should be reviewed. |
| **701-2** Project Categories | | | 🛠 | These categories generally align with Type I-III review procedures. Further research needed to determine if it is feasible to apply the same procedure types to these facilities as to land uses/development activities. |
| **701-5** Review Procedures | | | 🛠 | If projects are subject to same procedures, is it necessary to classify them with the A/B/C titles? Further discussion with the County Engineer would be required to better understand the history and whether changes are warranted. |
| **708: Submittal Requirements** | | | | |
| General Finding | | | 🛠 | Instance of submittal requirements distributed throughout the CDC |
| **712: Pedestrian, Bicycle, and Transit Facilities** | | | | |
| General Finding | | | 🛠 | Consider if the standards of this section could be consolidated into another section. |
| **712-4** | | | 🛠 | There are multiple definitions for “Bikeways” across the CDC and other regulations. Consider consolidating with one definition. |