CASCADIA PARTNERS

1022 NW Marshall St. Suite 380
Portland, OR 97209

www.cascadia-partners.com

MEMORANDUM

TO: Washington County CDC Assessment Technical Advisory Committee (TAC)

FROM: Jamin Kimmell and Rachel Cotton, Cascadia Partners

DATE: June 13, 2025

SUBJECT: **TAC Meeting #1 Agenda and Materials**

Thank you for agreeing to participate in the Technical Advisory Committee (TAC) for the Washington County Community Development Code (CDC) Assessment Project. The first of four TAC meetings will take place on June 25, 2025 from 2:00-3:30pm via Zoom.

The purpose of this memo is to provide an overview of the CDC Assessment Project, outline the agenda for TAC meeting #1, and introduce background materials that are recommended for TAC members to review prior to the meeting.

Project Overview

The CDC Assessment project is a review and evaluation of Washington County's land use regulations. The purpose of the project is to identify:

- Inconsistent, outdated, and repetitive standards;
- Standards that are not clear and objective, particularly as they affect housing development;
- Equity considerations and best practices, especially but not exclusively as they affect housing development;
- Where changes to the CDC structure and content are needed to:
    - Comply with applicable state housing statutes;
    - Reduce regulatory barriers to housing production and other development;
    - Facilitate use of the CDC overall; and
    - Ensure its consistency with federal, state, regional and local requirements.

The CDC Assessment Project is being conducted by Cascadia Partners, a consulting firm specializing in land use planning, under the direction of Washington County staff. The Oregon Department of Land Conservation and Development (DLCD) will also be involved in the review process and has provided funding for this work.

The project will result in two key outcomes:

- CDC Assessment Report: The purpose of this report is to identify, evaluate, and recommend changes to the CDC to address the issues described above related to legal compliance, barriers to housing, and ease-of-use.

- CDC Priorities Report: The purpose of this report is to prioritize the amendments to the CDC, based on a set of identified criteria, and organize the amendments into logical combinations and sequence for future implementation.

The assessment is the first phase of a multi-year program to comprehensively update the CDC. In addition to input from the TAC, the assessment will be informed by stakeholder interviews, broader community input through an open house, and work sessions with the Planning Commission and Board of County Commissioners.

TAC Meeting #1 Agenda

The TAC will convene for four meetings over the course of the project. The role of the TAC is to provide input on the substantive issues with the CDC and to review and provide feedback on consultant deliverables.

The purpose of TAC meeting #1 is to familiarize the committee with the project, present the findings of an initial legal compliance assessment, review key takeaways from stakeholder interviews conducted to date, and solicit input from the TAC on substantive issues with the CDC. The meeting agenda is as follows:

	Agenda Item	Time
1	Introductions	10 minutes
2	Project Orientation	5 minutes
3	CDC Orientation	5 minutes
4	Interview Report Out	10 minutes
5	Legal Compliance Audit Summary	10 minutes
6	Discussion Questions	40 minutes
7	Public Comment Period	5 minutes
8	Next Steps and Project Timeline	5 minutes

Background Materials

The following background materials are attached and recommended for TAC members to review in advance of the meeting:

- **Attachment 1: TAC Meeting #1 Slide Deck**: The attached slide deck includes project background, a summary of legal compliance findings, summary of key takeaways from stakeholder interviews, and questions for discussion
- **Attachment 2: TAC Member List**
- **Attachment 3: TAC Guidelines**
- **Attachment 4: CDC Overview Slide Deck**
- **Attachment 5: Legal Compliance Audit Table**: The consultant team has completed an audit of the CDC for compliance with a set of housing-related statutes and administrative rules. The attached table identifies the statutes reviewed, applicable CDC provisions, and an assessment for compliance.

Washington County CDC Assessment

Technical Advisory Committee Meeting #1

June 25, 2025

CASCADIA PARTNERS

WASHINGTON COUNTY OREGON

AGENDA

1	Introductions	10 minutes
2	Project Orientation	5 minutes
3	CDC Orientation	5 minutes
4	Interview Report Out	10 minutes
5	Legal Compliance Audit Summary	10 minutes
6	Discussion Questions	40 minutes
7	Public Comment Period	5 minutes
8	Next Steps and Project Timeline	5 minutes

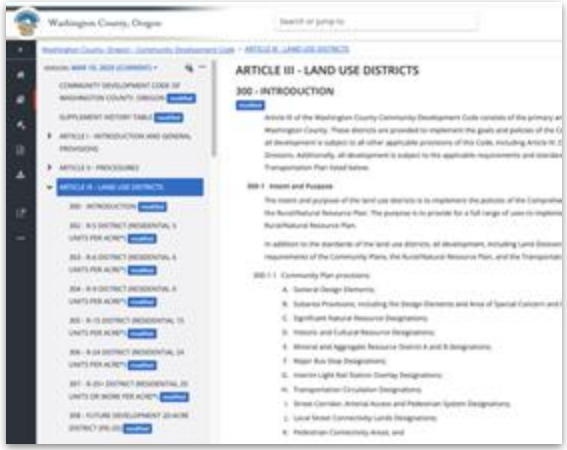
Project Orientation

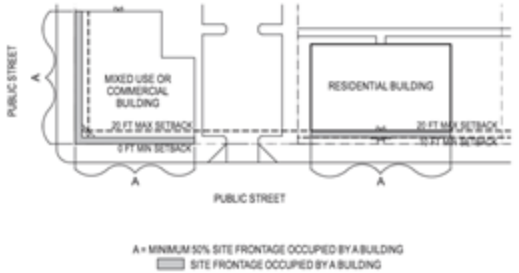
PROJECT BACKGROUND

The CDC Assessment is a review and evaluation of Washington County's Community Development Code (CDC) to identify and prioritize changes that are needed to the CDC's structure and content to:

- Ensure compliance with state requirements
- Remove obstacles to housing development
- Streamline the code for easier use

The assessment is the first phase of a multi-year program to comprehensively update the CDC.





PROJECT SCOPE

The Assessment Project will result in two key outcomes:

CDC Audit

Identify changes needed to the CDC to:

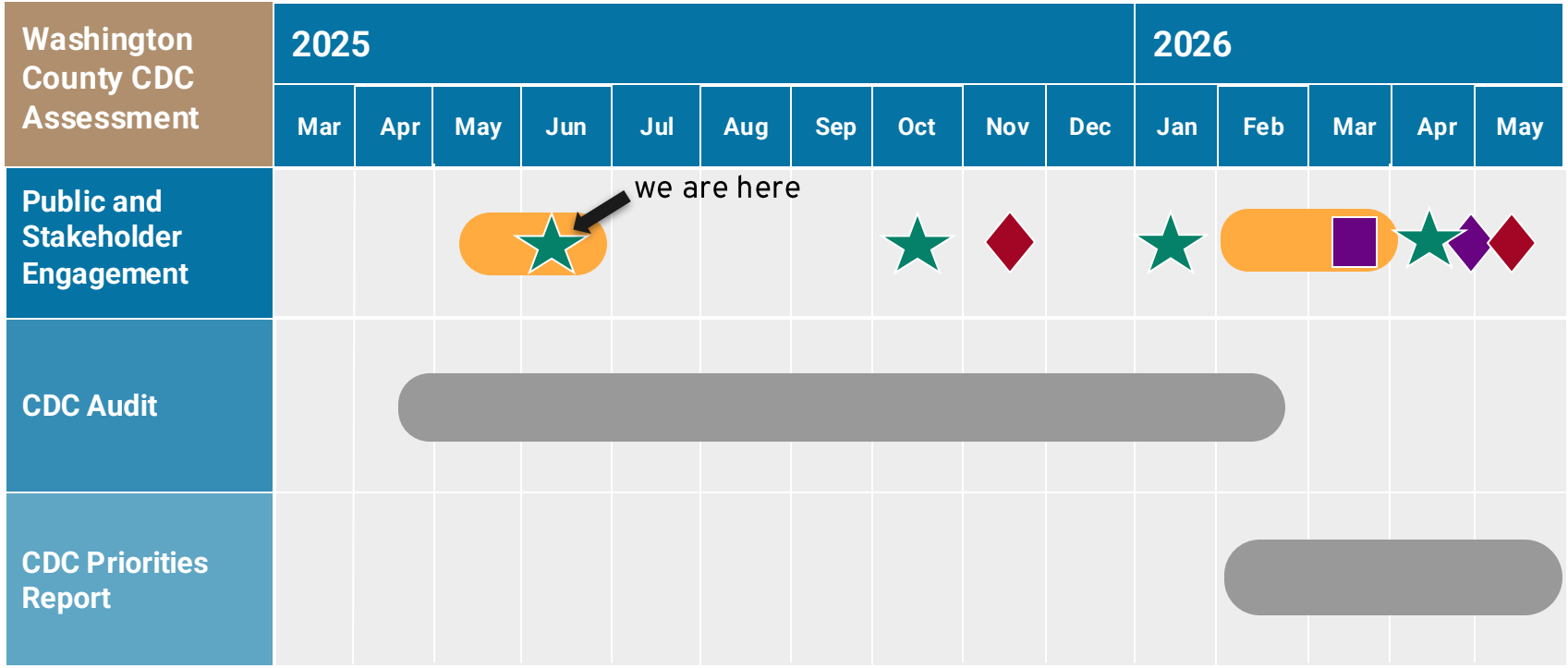
- *Meet legal requirements*
- *Remove barriers to housing development*
- *Incorporate equity best practices*
- *Streamline code for easier use*

Priorities Report

For changes identified during the audit:

- *Develop and apply prioritization criteria*
- *Recommend logical combinations and sequencing*

PROJECT TIMELINE



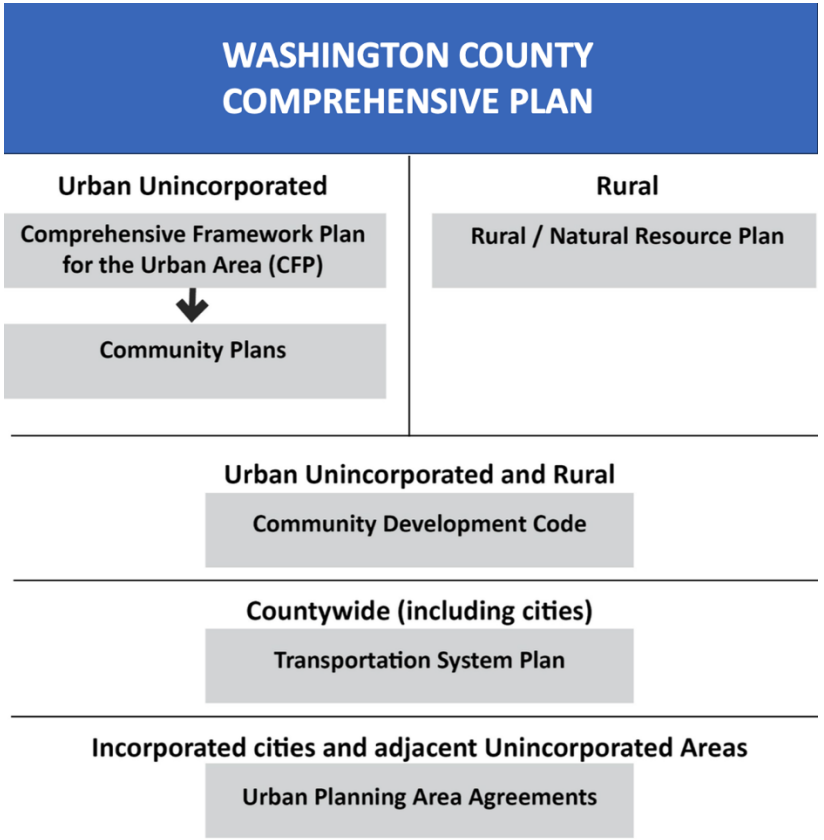
TECHNICAL ADVISORY COMMITTEE (TAC) ROLE

- Attend four meetings over the course of the project.
- Provide input and feedback on:
  - Barriers to housing production, choice, and affordability
  - Legal compliance issues
  - Ease-of-use of the CDC
- Review and provide input on draft consultant deliverables.

CDC Orientation

WHAT IS THE CDC?

- Community Development Code (CDC) is Volume IV of the County's Comprehensive Plan
- Contains standards that regulate urban and rural uses and development in the unincorporated area
- Works hand in hand with other Comprehensive Plan elements such as the Land Use District and Significant Natural Resource maps in the Community Plans and Rural/Natural Resource Plan



STRUCTURE OF CODE

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 III LAND USE DISTRICTS

Urban Districts

- Residential, commercial, industrial, institutional, mixed-use districts, North Bethany Subarea Overlay

Rural Districts

- Residential, commercial, industrial districts
- State regulations apply to Exclusive Forest and Conservation (EFC), Agriculture and Forest (AF-20), and Exclusive Farm Use (EFU) Districts

ARTICLE IV DEVELOPMENT STANDARDS

Sections 401 through 429

- Landscaping requirements, signs, setbacks and height, flood plain standards, and significant natural resource area regulations

Sections 430 Special Use Standards

- Contain additional development standards or criteria for allowed uses listed in Article III (Land Use Districts)

Section 431 Transit Oriented Design Standards

Section 435 Variances and Adjustments

Section 440 Nonconforming Uses and Structures

Questions or Comments on Project or CDC Orientation?

Stakeholder Interview Report Out

WHO WE TALKED TO

Eight group interviews held in May and June:

- ✓ Community Representatives
- ✓ Market Rate Developers/Homebuilders
- ✓ Developer Representatives
- ✓ Housing Advocates/Non-Profit Developers
- ✓ County Leadership
- ✓ County Planners

Still to come:

- ❑ County Building/Engineering
- ❑ Service Agencies

WHAT WE HEARD

HOMEBUILDERS AND DEVELOPER REPS

- CDC is generally easy to navigate due to consistency over time; has simpler standards/requirements compared to city codes.
- Meeting certain requirements can add project costs and hinder development, for example:
    - Cottage cluster design and development standards
    - Solar access standards
    - Screening and buffering standards
    - Private street design standards
    - Middle housing
    - Subdivisions and middle housing land divisions
- Neighborhood meetings for Type II land use approval add time and cost.
- Variety of housing types allowed is sometimes more important than density allowed.

WHAT WE HEARD

COMMUNITY REPRESENTATIVES

- CDC seems outdated and difficult to navigate.
- Perceived issues with transparency and public understanding of development regulations, notification processes, and state mandates.
- Participants offered suggestions to improve accessibility and clarity of the code:
    - Users guide
    - “Fast track" matrix
    - Reverse lookup function (use to allowances)

WHAT WE HEARD

HOUSING ADVOCATES/NON-PROFIT DEVELOPERS

- Limited multifamily development in County, so limited collective experience and knowledge.
- The costs of developing 5+ stories often preclude development (given limited density and achievable rents) in the County.
- Equity-related suggestions for CDC updates:
  - Do not exclude manufactured homes outside of parks through design standards
  - Reductions to open space, parking, and access requirements for multifamily development
- In cases of jurisdictional overlap, there is confusion in interpretation of requirements for public improvements.
- Entitlements granted to affordable housing through State legislation should be codified.

WHAT WE HEARD

COUNTY PLANNERS

- Potential to consolidate land use districts, remove rarely used districts.
- Use lists are cumbersome; a simplified table with references to detailed standards would be easier to use.
- Design standards can be too prescriptive and not flexible, focusing on minor details and missing some significant aspects of development.
- Adjustments, variances, and exemptions are frequently requested for setbacks, sight distance, and solar access standards.
- Regulations that are implemented by other agencies can cause delays.
- Some CDC provisions may contribute to housing inequities:
    - Minimum lot size and maximum density requirements
    - Approval processes like partitions can be opaque and complex, less accessible for lower income homeowners.

WHAT WE HEARD

COUNTY LEADERSHIP

- Basic organization of the CDC is intuitive.
- Terms and definitions could be cleaned up.
- Many land use districts have potential to be consolidated.
- Incorporating use categories (vs. long list of specific uses), tables, and illustrations would improve clarity.
- Streamlining and simplifying the code, reducing its size and complexity, helps code newcomers (both residents and new staff) become familiar quickly.
- Simplification and streamlining could reduce admin time/workload.
- Complaints received from developers seem to be more about procedures/process, less about substantive standards.
- Some specific sections of the code (such as Transit-Oriented Districts and North Bethany) may be overly complicated and prescriptive.

Legal Compliance Audit Summary

IN COMPLIANCE

The CDC was found to comply with these statutory requirements

Statutory Requirement/Topic	ORS	Finding	HFO*
Prohibition on Reduced Density or Height as Condition of Approval	215.416	Complies	
Occupancy Limit Based on Familial Relationship	90.112	Complies	
Accessory Dwelling Units	197A.425	Complies	X
Middle Housing	197A.420	Complies	X
Middle Housing Land Divisions	92.031	Complies	X

*HFO = Requirement will be addressed County's upcoming Housing Facilitation Ordinance.

PARTIAL COMPLIANCE

The CDC was found to partially comply with these statutory requirements

Statutory Requirement/Topic	ORS	Finding	HFO*
Manufactured Homes	197.478	Partially Complies	X
Occupancy of Recreational Vehicles (RV)	197.493	Partially Complies	
Residential Homes and Facilities	197.660 to 197.670	Partially Complies	
Clear and Objective Standards on Nonresource Lands and Areas Zoned for Rural Residential Use**	215.501	Partially Complies	
Affordable Housing: Expedited Review	197A.470	Partially Complies	

*HFO = Requirement will be addressed County's upcoming Housing Facilitation Ordinance.
** A comprehensive audit for clear and objective standards will be conducted as part of the full CDC Audit Report

DOES NOT COMPLY

The CDC was found to not comply with these statutory requirements

Statutory Requirement/Topic	ORS	Finding	HFO*
Manufactured Home Parks ● Prefabricated structures/dwellings must be permitted in manufactured home parks ● Min lot size must be less than one (1) acre	197.480-85 and 197.478(5)	Does Not Comply	
Single Room Occupancies (SRO) ● Must be allowed in all residential zones ● In single-unit/middle housing districts, must allow up to 6 SRO units per lot ● In multi-unit districts, must allow at density consistent with multi-unit dwellings	197A.430	Does Not Comply	X

*HFO = Requirement will be addressed County's upcoming Housing Facilitation Ordinance.

CODIFICATION RECOMMENDED

Codification is recommended for these statutes for clarity/transparency.

Statutory Requirement/Topic	ORS	Finding	HFO*
Opting-In to Amended Housing Regulations	215.427	Codification Recommended	
Manufactured Home Park Subdivisions	92.835-845	Codification Recommended	X
Affordable Housing: General Siting Allowances	197A.445(1-8)	Codification Recommended	
Affordable Housing: Redevelopment of Commercial Land	197A.460	Codification Recommended	X
Affordable Housing: Density and Height Bonus	197A.445(9-10)	Codification Recommended	X

*HFO = Requirement will be addressed County's upcoming Housing Facilitation Ordinance.

Questions or Comments on Legal Compliance Summary?

Discussion

TOPIC #1: STAKEHOLDER INTERVIEWS

Did any of the points raised by the stakeholders resonate with you?

Did any of the key takeaways from the stakeholder interviews surprise you, based on what you know about/experience interacting with the CDC or with codes more generally?

What issues with the CDC were not identified in the report out from stakeholder interviews?

TOPIC #2: BARRIERS TO HOUSING

In your view, what CDC regulations may present unnecessary barriers to housing production, choices, and affordability? If you don't know the CDC specifically, what types of regulations present the greatest barriers?

Food for thought:

- Density limitations that are overly restrictive
- Prohibitions or special limitations on certain housing types
- Development standards that are unnecessarily restrictive (height, setbacks, lot coverage, open space, etc.)
- Design standards that are overly prescriptive or add to construction costs
- Procedural requirements that add time, cost, or uncertainty

TOPIC #3: EASE-OF-USE/STREAMLINING

In your view, in what ways is the CDC difficult to use or understand or could be streamlined or simplified to make it easier to use? If you aren't familiar with the CDC specifically, what ways have you seen used elsewhere to streamline or simplify code?

Food for thought:

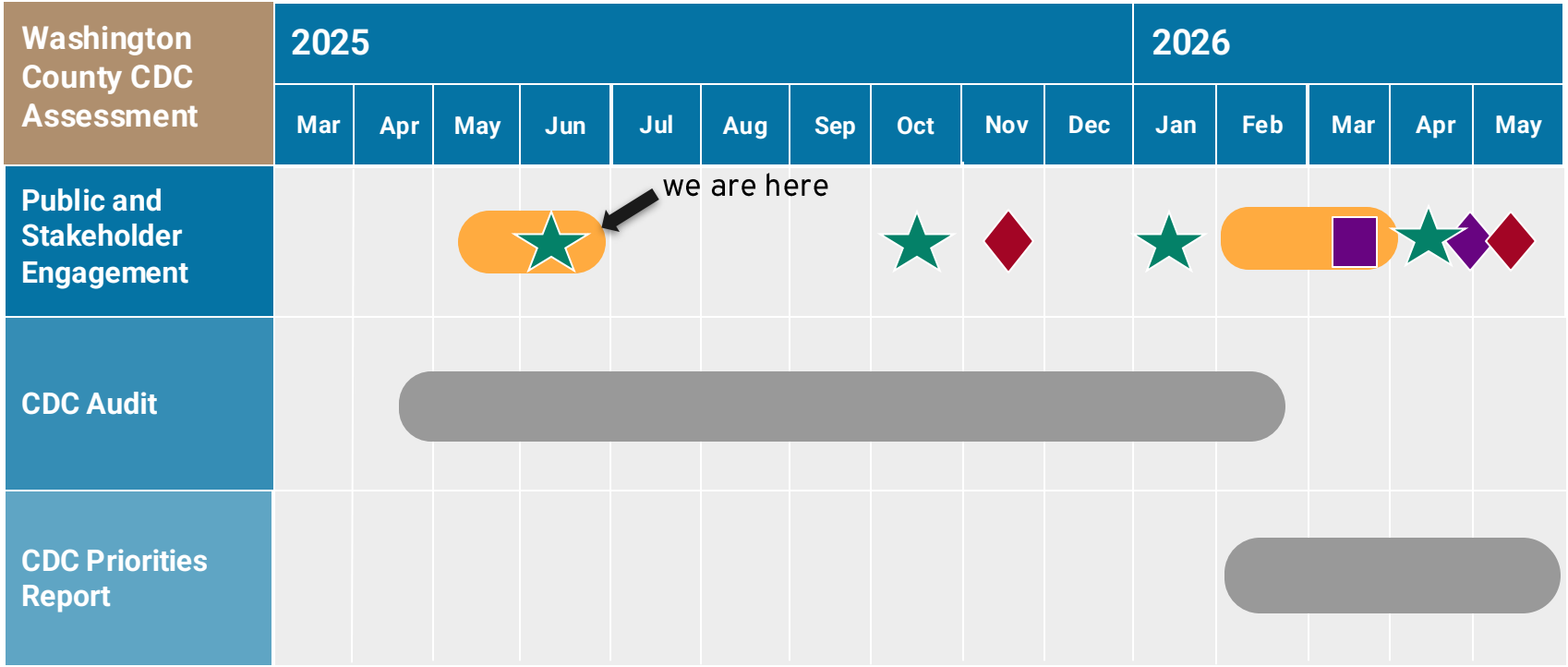
- Unnecessarily complex rules or standards
- Unclear rules or standards
- Rules or standards that are located or organized in a manner that makes them difficult to find
- Regulations that may be in conflict or redundant with each other

Public Comment Period

Next Steps and Schedule

PROJECT TIMELINE AND NEXT STEPS

Expect to hear from us in September to schedule TAC #2



Community Development
CODE ASSESSMENT
EVALUACIÓN DEL CÓDIGO DE
desarrollo comunitario

Washington County CDC Assessment Project, Technical Advisory Committee

Group or Agency	**Representative(s)**	**Title**
Fair Housing Council of Oregon	John Miller	Executive Director
Home Builders Association	Matt Wellner	Consultant, former PC member
Community Representative	Mary Manseau	Committee for Community Involvement (CCI) Steering Committee, former PC member
Metro	Glen Hamburg	Senior Regional Planner
Clean Water Services	Elle Worrlein	Development Services Program Manager
Department of Land Conservation and Development (DLCD)	Laura Kelley	Regional Representative
Community Partners for Affordable Housing (CPAH)	Christopher Ibeling	Housing Developer
City of Beaverton	Jana Fox	Current Planning Manager
Washington County Current Planning	Anne Elvers	Senior Planner
Planning Commissioner	Amber Rosenberry	PC member
Washington County Engineering	Stacy Shetler Rob Saxton (alternate)	County Engineer Senior Engineer

Community Development
CODE ASSESSMENT

EVALUACIÓN DEL CÓDIGO DE
desarrollo comunitario

Technical Advisory Committee Guidelines

Purpose: The Technical Advisory Committee (TAC) will advise Washington County staff and consultants on technical aspects of the project to review and evaluate the County's land use regulations in the Community Development Code (CDC). TAC members will provide advice as representatives of their organizations.

Responsibilities

Members of the TAC are willing to:

- Attend approximately four meetings between June 2025 and June 2026. Attendance by alternates or proxies is allowed.
- Provide confirmation of attendance prior to the meeting.
- Share project information with their agency/organization when feasible and as needed.
- Represent their organization's needs and positions, as appropriate.
- Check project materials for accuracy.

Washington County staff will:

- Provide meeting materials to the TAC in a timely manner.
- Provide meeting summaries of TAC discussions.
- Summarize TAC discussions and comments at work sessions with the County Planning Commission and Board of Commissioners.
- Provide an opportunity to meet individually with TAC members as requested.

The Project Facilitator (consultant) will:

- Ensure that everyone has an opportunity to participate.
- Keep meetings on topic and moving through agenda items.
- Start and end meetings on time unless the group agrees to extend the meeting time.
- Enforce TAC meeting guidelines.
- Provide time for public comment and include public comment as an item on each agenda.

Meeting Protocols

- Meeting materials will be distributed to TAC members by email, one week in advance of meetings. To save resources, printed copies will not be provided.
- Materials will be posted to the project website in advance of the meeting.
- Members of the public can receive meeting materials by email in advance by making a request to Washington County staff (contact information below).
- If other accommodations are required for TAC members or the public to fully participate in meetings, please make those requests to County staff.
- At each meeting, members of the public will have an opportunity to address the TAC for up to two minutes per person, time permitting.

TAC Participation Rules

TAC members agree to:

- Be present, participate, share information about related topics, listen to others and be open to different ideas.
- Stay on agenda.
- Participate without dominating.
- Treat each other with dignity and respect.
- Listen until speaker finishes; allow others to share their thoughts.
- Be transparent in your communication.
- Bring information to the table that is relevant to the conversation.
- Share information with the group about other projects or approaches related to the CDC Assessment.
- Follow video call best practices:
  - Remain on camera to the greatest extent possible.
  - Stay muted until you wish to speak.
  - Use the "raise hand" function unless the discussion is more free-flowing (at discretion of facilitator).

Advisory Role of TAC

The TAC serves in an advisory role to staff on this project, with the County Board of Commissioners making the ultimate decision on the changes proposed by staff and recommendations of the County Planning Commission.

Communication between Meetings

TAC members:

- Will not provide comments on behalf of the TAC to the media or a decision-making body such as the County Board of Commissioners.
- Should direct any media inquiries about group operations or discussions to Melissa De Lyser, Public Affairs & Communications Manager, Land Use & Transportation, melissa_de_lyser@washingtoncountyor.gov or 503-846-4963.
- Are encouraged to communicate with each other and with staff between meetings.

Primary Staff Contact: **Suzanne Savin, Senior Planner and Project Manager**
suzanne_savin@washingtoncountyor.gov or 503-846-3963

Community Development Code (CDC) Overview

VOLUME IV OF THE COMPREHENSIVE PLAN

Planning Commission May 21, 2025

Land Use & Transportation

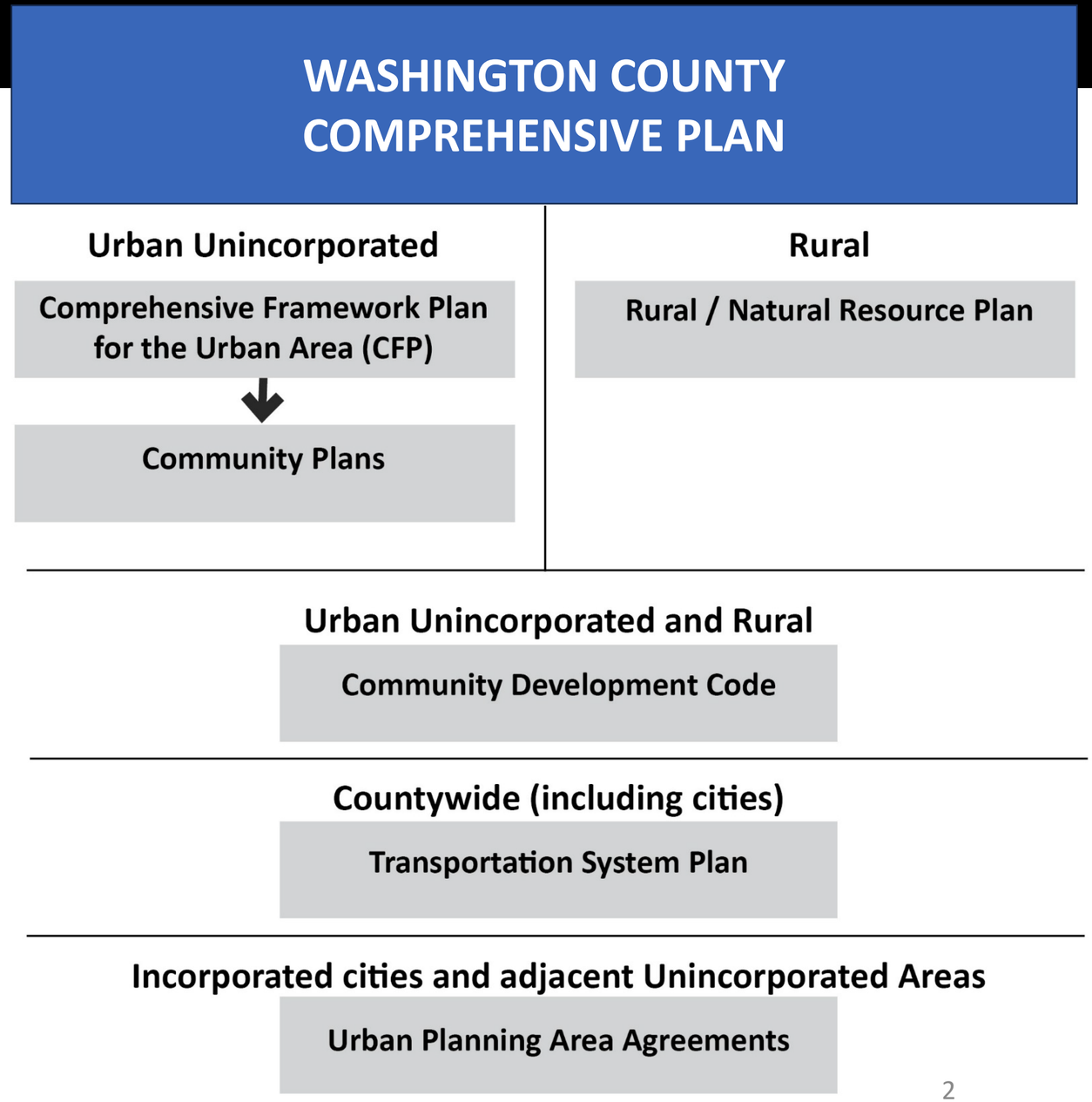
www.washingtoncountyor.gov

What is the CDC?

Community Development Code (CDC) is Volume IV of the County's Comprehensive Plan

Contains standards that regulate urban and rural uses and development in the unincorporated area

Works hand in hand with other Comprehensive Plan elements such as the Land Use District and Significant Natural Resource maps in the Community Plans and Rural/Natural Resource Plan



How do I find it?

n County - Permits P | Community Development Code | +

washingtoncountyor.gov/lut/planning/community-development-code

T WebNUT - Tran... | Oregon's Land Use... | Accela Automation... | PDox | BLDG-2413175 | Community Develo... | Transportation Syste... | CP | Web PhoneManager | Providence Director... | Geonet - Washingto... | TEST ACA

Washington County
Oregon

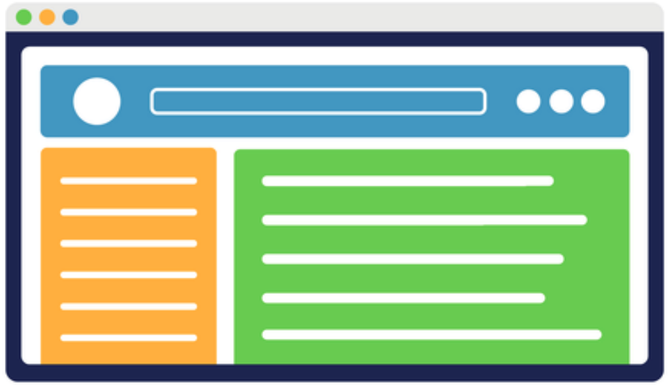
Español | Translate

Community | Businesses | Departments | Priorities | Government | Search

... > Planning > Comprehensive Plan Documents

Community Development Code (CDC)

Staff use the Community Development Code requirements to decide whether development applications can be approved and what conditions should be applied.



Code standards are adopted to implement the County's Comprehensive Plan and to protect the public's health, safety and welfare.

The Community Development Code is based on a standards from Oregon State Statutes, Oregon State Administrative Rules and ordinances adopted by the Washington County Board of Commissioners.

- Urban Planning Area Agreements
- **Community Development Code**
- Community Plans

Structure of Code

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

Purpose and scope of the Code is defined

Section 106 Definitions for terms used in the Code

Article II Procedures

Section 201-2 Lists uses and developments that do not require a development permit

Sections 202 through 212 Describe procedures for processing land development permits

Sections 213 through 217 Describe procedures for Code Compliance, Validation of an Unlawfully Created Unit of Land, and Director's Interpretation

Article II Procedures

Section 201-2 Exclusions from Permit Requirements

- Lists uses and development that do not need a permit from Current Planning
- Building permit may be required
- Property owner must ensure compliance

Type I

- Administrative review
- No discretion or conditions of approval
- Example: Accessory structures such as garden sheds, accessory dwelling unit (ADU)

Article II Procedures

Type II

- Administrative review
- Require limited discretion during review
- Impacts on nearby properties considered
- Approval of a development application required, and conditions of approval apply
- Example: Land division, parks

Type III

- Greater level of discretion during review process
- Impacts may be significant and/or involve complex development issues
- Staff makes recommendation to Hearings Officer for final decision
- Public hearing required and conditions of approval apply
- Example: Hospital, Religious Institution in a Residential District

Article II Procedures

Type IV

- Legislative actions because they involve creation and/or broad scale implementation or revision of public policy
- Staff makes recommendation to Planning Commission and/or Board of Commissioners for final decision
- Public hearing required
- Example: Plan amendment to change land use district of a property, ordinances to update Code

Article III Land Use Districts

Urban Districts

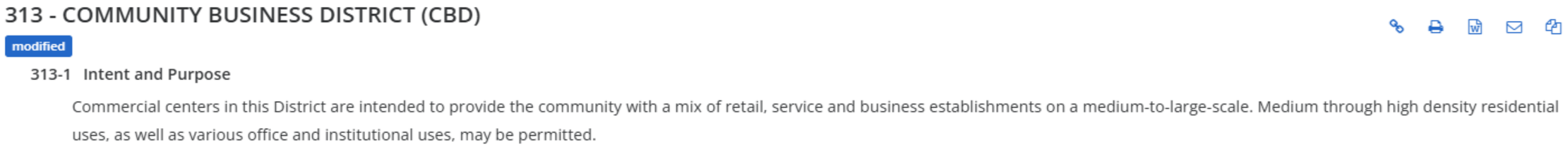
- Residential, commercial, industrial, institutional, mixed-use districts, North Bethany Subarea Overlay

Rural Districts

- Residential, commercial, industrial districts
- State regulations apply to Exclusive Forest and Conservation (EFC), Agriculture and Forest (AF-20), and Exclusive Farm Use (EFU) Districts

Article III Land Use Districts

Each district has an intent and purpose statement and allowed uses support the intent and purpose:



313 - COMMUNITY BUSINESS DISTRICT (CBD)

modified

313-1 Intent and Purpose

Commercial centers in this District are intended to provide the community with a mix of retail, service and business establishments on a medium-to-large-scale. Medium through high density residential uses, as well as various office and institutional uses, may be permitted.

- Allowed uses support the district's intent and purpose
- Retail businesses, food market, restaurants permitted in CBD
- Industrial uses such as manufacturing plants and solid waste transfer stations not permitted in CBD

Article III Land Use Districts

Prohibited uses

- Residential districts

  Structures or uses of land not specifically authorized in the residential district

- Commercial, Institutional, Industrial Districts

  Structures or uses of land not specifically authorized in the residential district unless the structure or use has similar characteristics to a listed use. Type II land use application required to determine whether use is allowed.

Article IV Development Standards

DEVELOPMENT STANDARDS

Sections 401 through 429 Landscaping requirements, signs, setbacks and height, flood plain standards, and significant natural resource area regulations

Sections 430 Special Use Standards
Contain additional development standards or criteria for allowed uses listed in Article III (Land Use Districts)

Section 431 Transit Oriented Design Standards

Section 435 Variances and Adjustments

Section 440 Nonconforming Uses and Structures

Article V Public Facilities and Services

Identifies public facilities and services necessary to accommodate development authorized by Article III (Land Use Districts) and VI (Land Divisions and Property Line Adjustments)

Section 501-1 through 501-8 Public facility and service standards for inside the UGB

Section 501-9 Public facility and service standards for outside the UGB

Sections 501-10 and 11 Special area (North Bethany and Bonny Slope) development standards

Sections 502 Sidewalk standards

Article VI Land Divisions/Property Line Adjustments

Section 605 Property line adjustments and land divisions inside the UGB

Section 606 Middle Housing Land Division

Sections 610 Property line adjustments and land divisions outside the UGB

Wrap-up

QUESTIONS?

Anne Elvers, Senior Planner

anne_elvers@washingtoncountyor.gov

Land Use & Transportation
www.washingtoncountyor.gov

Legal Compliance Audit Table: Review of Key Housing-Related Statutes

Washington County CDC Assessment Project

DRAFT (June 18, 2025)

The following table summarizes an audit of the Washington County CDC for compliance with a set of key housing-related statutes and administrative rules that have been established or amended in recent years. The purpose of this audit is to identify code amendments that will be necessary to incorporate into the overall CDC Assessment and CDC Priorities Report. The table provides a summary of the state statute/rule, identifies any applicable provisions in the CDC that relate to/implement that requirement, and provides an analysis and recommendation in response to those findings.

The status of the CDC related to each statute/rule was classified into the following categories:

- **Codification N/A:** These statutes do not need to be codified into the CDC but are provided for reference because they may impact review and decision-making related to development applications for housing.
- **Complies:** The CDC is in compliance with this statute/rule, no amendments are recommended.
- **Partially Complies – Further Codification Required:** The CDC complies with some provisions of this statute, but is not consistent with all provisions, and further codification or amendments are needed.
- **Codification Recommended:** The CDC does not include provisions that implement this statute but does not contain provisions that directly conflict with the statute. Codification is recommended for clarity and transparency to applicants/users of the code.
- **Does Not Comply - Codification Required:** The CDC does not include provisions that implement this statute and may contain provisions that directly conflict with the statute. Codification or amendments are required to ensure consistency with the statute.

#	Summary of State Statute/Rule	Audit Findings	Analysis and Recommendation
1	**Requirement to Approve Needed Housing** If an application is inconsistent with the comprehensive plan and land use regulations, the local government shall allow applicants to offer an amendment or to propose conditions of approval. If the applicant amends the proposal, the county may extend the 120 or 150 day time limit for a final decision. ORS 197.522 Amended by HB 3222 (2015)	No implementing provision in the CDC.	**Codification N/A** Does not require codification in the CDC but is an important requirement to note for the County's reference.
2	**Reduced Density or Height as Condition of Approval** Approval or denial of permits must be based on clear and objective standards outlined in the development ordinance and counties may not condition reductions in density or height for housing, except to resolve a health, safety, or habitability issue or to comply with a statewide land use planning goal. ORS 215.416 Amended by HB 2003 (2019)	207-5 Conditions of Approval 207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.	**Complies**
3	**Opting-In to Amended Housing Regulations** An applicant may "opt in" to new standards adopted by a county after the applicant submitted an application. This enables an applicant to apply a county's new development standards and criteria if they choose to, without having to withdraw and resubmit their application. ORS 215.427 Amended by SB 1537 (2024)	CDC contains no provisions that enable an application to "opt in" to new standards adopted after the application was submitted.	**Codification Recommended** **Recommendation:** Codify this allowance directly. Consider modeling from the City of Bend.
4	**Limited Land Use Decisions** Cities (not counties) must apply a limited land use decision procedure (usually called "Type II" or "Administrative") to tentative subdivision or partitions, site design review, replats, property line adjustments, and the extension/alteration/expansion of a non-conforming use.	Guidance provided by the Housing Accountability and Production Office (HAPO) in April of 2025 clarified that SB 1537 amended the definitions of Limited Land Use Decisions in ORS 197.015(12) to include replats, property line adjustments and certain nonconforming reviews as limited land use decisions, and that these definitions are applicable to both cities and counties. However, the guidance also specified that the	**Codification N/A**

#	Summary of State Statute/Rule	Audit Findings	Analysis and Recommendation
	ORS 197.195 and 197.015 Amended by SB 1537 (2024)	addition of ORS 197.195(6) clarifies that the provisions of 197.195 pertaining to procedures for limited land use decisions apply to cities but not to counties. While the requirements for procedures for limited land use decisions do not apply to counties per this interpretation, Cascadia Partners wishes to retain this row in the legal compliance checklist to document the interpretation itself.	
5	**Occupancy Limit Based on Familial Relationship** Counties may not enforce a maximum occupancy limit for any residential dwelling unit if the restriction is based on the familial or nonfamilial relationships among any occupants. ORS 90.112 Amended by HB 2583 (2021)	Current code does not establish occupancy limits based on familial relationship.	**Complies**
6	**Accessory Dwelling Units** A county with a population above 15,000 may not prohibit the development of at least one accessory dwelling unit per detached single family dwelling. Counties must: • Allows at least 1 ADU for each detached single family dwelling in zones that allow single family • Not apply owner occupancy requirements to either the primary or accessory dwelling. • Not require additional parking for the ADU ORS 197A.425 Amended by SB 1051 (2017)	**430-2 - Accessory Dwelling Unit** ADUs may be provided in conjunction with a Single Detached Dwelling Unit, as allowed by the underlying district. No mention of owner occupancy requirements. **413-6 Minimum and Maximum Off-Street Parking Requirements** No additional parking spaces required for ADUs Staff notes some potential clarifications/amendments are on the list as part of an upcoming Housing Facilitation Ordinance.	**Complies**
7	**Middle Housing** Counties within a metropolitan service district must allow duplexes on each lot or parcel zoned for residential use that allows for single family dwellings and must allow middle housing in residential areas. A county within a metropolitan service district may regulate the siting and design of middle housing provided that the regulations do	**430-84 Middle Housing** and applicable regulations in Article III (Land Use Districts) fulfills these middle housing requirements. Staff notes some potential clarifications/amendments are on the list as part of an upcoming Housing Facilitation Ordinance.	**Complies**

#	Summary of State Statute/Rule	Audit Findings	Analysis and Recommendation
	not, individually or cumulatively, discourage the development of middle housing through unreasonable costs or delay. OAR 660-046 provides detailed requirements for siting and design standards. ORS 197A.420 Amended by HB 2001 (2019)		
8	**Middle Housing Land Divisions** Land divisions creating separate lots for units in a middle housing project must be approved by a county via an expedited land division process if they meet certain criteria, including: ● Development on the original (parent) lot meets all standards applicable to that middle housing type. ● Separate utilities are provided to each unit ● Necessary easements are provided for each unit. ● No more than one (1) unit per resulting lot. ● Compliance with building code. A county may apply the following requirements: ● Prohibit further division of resulting (child) lots. ● Require notation indicating the resulting (child) lots were created via a middle housing land division. ● Prohibit an ADU on resulting (child) lots. ● Require right-of-way dedication or frontage improvements Counties cannot require each lot or parcel to have driveways, vehicle access, parking, or street frontage. Counties are not required to apply a minimum street frontage standard to Townhouses, but if they do the minimum street frontage standard must not exceed 20 feet. ORS 92.031 Amended by SB 458 (2021)	606- **Middle Housing Land Division** fulfills listed requirements of ORS 92.031 Staff notes some potential clarifications/amendments are on the list as part of an upcoming Housing Facilitation Ordinance.	**Complies**
9	**Manufactured Homes** Within an Urban Growth Boundary, counties must allow	**430-75 - Manufactured Dwelling (General Standards)**	**Partially Complies – Further Codification Required**

#	Summary of State Statute/Rule	Audit Findings	Analysis and Recommendation

	manufactured homes in single-family residential zones.
	• Exceptions allowed for historic districts or land adjacent to historic landmarks.
	• May not apply design or development standards that would not apply to single-family dwelling, except:
	  ○ Protective measure under statewide goal
	  ○ Thermal envelope performance standard
	
	ORS 197.478
	Amended by HB 4064 (2022)
		430-76 - Manufactured Home, in the R-5, R-6, R-9, R-15, R-24, R-25+, FD-20, and FD-10 Districts
		Manufactured homes are allowed in single-family residential zones but require design and development standards are more stringent for manufactured homes, e.g. **430-76.1** *The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.*
		
		R6-NB and R9-NB also allow manufactured homes but are not included in the list under 430-76.
		
		Staff notes amendments are on the list as part of an upcoming Housing Facilitation Ordinance.
			Recommendation:
			Remove all design and development standards that do not apply to single-family dwellings, except those providing protective measures under statewide goals and related to thermal envelope performance standards.
			
			Under 430-76, add R6-NB and R9-NB or remove reference to districts all together.

10	**Manufactured Home Parks** Counties must allow manufactured home parks on enough land sufficient to meet the need for manufactured housing as identified in an adopted Housing Needs/Capacity Analysis, in zones with density of 6-12 units per acre. The projection of need must be based on both population projections/demographics and to accommodate the potential displacement of residents of current manufactured home parks. Counties may apply clear and objective standards to manufactured home parks and may require a hearing prior to approval, but clear and objective standards must be the sole issue reviewed at the hearing. Counties must allow siting of prefabricated structures ("tiny homes", etc. that do not meet definition of manufactured home) in manufactured home parks. *ORS 197.480-85* Amended by HB 4064 (2022) Counties cannot apply a minimum lot size greater than one (1) acre to manufactured home parks. ORS 197.478(5)	Manufactured Dwelling Parks are allowed in all zones with a density of 6-12 units per acre, including R-6, R-9, R-6 NB, and R-9 NB. 430-77 - Manufactured Dwelling Park Note that Washington County Code uses the term "Manufactured Dwelling Park" with the following definition: *A Manufactured Dwelling Park is a parcel of land under single ownership on which two or more manufactured dwellings are occupied as residences.* The code does include a reference to "prefabricated structures" as part of its definition for manufactured dwellings. 430-77.2 requires a manufactured dwelling park to be a minimum of three acres 430-77.3 Shall maintain the density requirement of the underlying district and in no case shall exceed ten units per acre. If the underlying district would otherwise allow more than ten units per acre, any loss of density that occurs as a result of approving a manufactured dwelling park may be transferred.	**Does Not Comply - Codification Required** **Recommendations:** To fully comply with the requirement that the county must allow siting of prefabricated structures ("tiny homes", etc. that do not meet definition of manufactured home) in manufactured home parks. "Prefabricated dwellings" should be defined and added to the definition of Manufactured Dwelling in 106. The minimum lot size requirement for a dwelling park should be reduced to one acre or less. The limitation on density of manufactured dwelling parks to less than 10 units/acre may conflict with the requirement to allow manufactured dwellings in all zones with a density of 6-12 units per acre. It is recommended to allow manufactured dwelling parks at the maximum density of the underlying zone or, if the zone permits more than 12 units per acre, at least 12 units per acre.

#	Summary of State Statute/Rule	Audit Findings	Analysis and Recommendation
11	**Manufactured Home Park Subdivisions** Counties must approve subdivisions for manufactured home parks established prior to July 2nd, 2001 that meet following requirements: ● Park complies with local code standards or is an approved nonconforming use. ● No changes to the site plan or increasing number of lots. ● Lots continue to be used for manufactured homes. ● Property owner signs a waiver of right of remonstrance to formation of Local Improvement District (LID). Counties cannot apply new conditions of approval outside those conditions applied to original manufactured home park application. Tenants must be notified of subdivision application and must be offered the right to purchase their lot. ORS 92.835-845 Amended by HB 3245 (2003)	430-79 - Manufactured Dwelling Subdivision Standard Subdivision designed and approved for the sale of lots for residential occupancy in manufactured dwellings. 430-79.3 Manufactured dwelling subdivisions shall meet the lot size and setback requirements of the primary district or as approved through the Standard Subdivision's land use decision; No reference to requirement that property owner sign a waiver of right of remonstrance to formation of Local Improvement District (LID). No reference found to requirement that tenants be notified of subdivision application and must be offered the right to purchase their lot.	**Codification Recommended** **Recommendation:** Add an additional subsection to 430-79 specifying requirements for approving subdivisions for manufactured home parks established prior to July 2nd, 2001 meeting the following requirements: ● Park complies with local code standards or is an approved nonconforming use. ● No changes to the site plan or increasing number of lots. ● Lots continue to be used for manufactured homes. ● Property owner signs a waiver of right of remonstrance to formation of Local Improvement District (LID). Include clarification about the definition of “lot.” Optionally include: Tenants must be notified of subdivision application and must be offered the right to purchase their lot.
12	**Occupancy of Recreational Vehicles (RV)** Counties must allow RVs to be occupied as a residential dwelling, with no time limit, in RV parks and manufactured home parks, if lawfully connected to water and electrical supply systems and a sewage disposal system. If a manufactured home or single family home was made uninhabitable due to damages from a natural disaster, then RV may be occupied without connection to utilities while rebuilding occurs. ORS 197.493 Established by HB 2809 (2021) and 2898 (2023)	430-77 - Manufactured Dwelling Park 430-77.11 Recreational vehicles may be placed within a manufactured dwelling park if the following standards are met: A.The recreational vehicle must be occupied as a residential dwelling, and B.The recreational vehicle must be lawfully connected to: (1)A water supply system; (2)An electrical supply system; and(3)A sewage disposal system. Special conditions may be imposed on the placement of recreational vehicles provided such conditions do not impose a	**Partially Complies - Further Codification Required** **Recommendation:** Add provision for occupation of RV without connection to utilities while rebuilding occurs, pertaining to: an RV on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date: (A) The dwelling has been repaired or replaced

#	Summary of State Statute/Rule	Audit Findings	Analysis and Recommendation
		limit on the length of occupancy solely on the grounds that the occupancy is in a recreational vehicle. The CDC does not appear to contain a definition for RV parks or an allowance for occupation of RVs in the event of damages due to natural disaster.	and an occupancy permit has been issued; (B)The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or (C)Twenty-four months after the date the dwelling first became uninhabitable.
13	**Single Room Occupancies (SRO)** Within an urban growth boundary, a local government must allow up to six (6) SRO units on each lot or parcel zoned to allow a single-family dwelling, with the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five (5) or more units. SRO means a development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. 197A.430 Amended by HB 3395 (2023)	The CDC does not include a definition or allowances for SROs. Staff notes this is on the list for the upcoming Housing Facilitation Ordinance.	**Does Not Comply - Codification Required** **Recommendation:** Define Single Room Occupancy (SRO) dwellings: *a development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary and/or food preparation facilities with other units in the occupancy.* Add provision allowing up to six (6) SRO units on each lot or parcel zoned to zoned to allow a detached dwelling within the UGB. Codify allowed densities by zone in compliance with statutory requirements.
14	**Residential Homes and Facilities** Residential home means a residential treatment or training home, a residential facility, or an adult foster home, that provides residential care for five (5) or fewer individuals who need not be related. Residential homes must be: ● Allowed in any residential or commercial zone where a single-family dwelling is allowed. ● Not subject to any standard that is more restrictive than standards applied to single-family dwelling. Residential facility means a residential care, residential training or	201-2.26 Allows a permit exception for a Residential Home, as defined in ORS 197.660, in any district that allows a single-family dwelling unit as a Type I action or in any district in an existing dwelling, except in the EFU and AF-20 Districts. 430 Special Use Standards contains a definition for Resident Care Facility under 430-53.3 that does not fully align with the ORS definition. Allowances align with residential and commercial zones where a multi-dwelling structure is a permitted use.	**Partially Complies - Further Codification Required** **Recommendations:** Define Residential Facility: *Residential facility means a residential care, residential training or residential treatment facility, that provides residential care for six to fifteen (6-15) individuals who need not be related.* Allow residential facilities: ● In any residential or commercial zone where a multi-dwelling structure is a

#	Summary of State Statute/Rule	Audit Findings	Analysis and Recommendation
	residential treatment facility, that provides residential care for six to fifteen (6-15) individuals who need not be related. Residential facilities must be: ● A permitted use in any residential or commercial zone where a multi-family dwelling is a permitted use. ● A conditional use in any residential or commercial zone where a multi-family dwelling is a conditional use. ORS 197.660 to 197.670		permitted use. ● A conditional use in any residential or commercial zone where a multi-dwelling structure is a conditional use. Optional amendments for clarity Define Residential Home: *Residential home means a residential treatment or training home, a residential facility, or an adult foster home, that provides residential care for five (5) or fewer individuals who need not be related.* Add allowances for residential homes to "Uses Permitted Through a Type I Procedure": ● In any residential or commercial zone where a detached dwelling is allowed. ● In any district in an existing dwelling, except in the EFU and AF-20 Districts.
15	**Affordable Housing: General Siting Allowances** Counties must allow affordable housing outright, with no zone change or conditional use permit required, if it is located on a site that meets any one of three criteria: ● Owned by a public body, religious non-profit, affordable housing non-profit. ● Zoned for commercial uses, religious assembly, or as public lands. If land is zoned for industrial uses, additional limitations apply. Lands are exempt if they are not served by urban services, on steep slopes, floodplains, or protected due to natural hazards/resources. Affordable housing means: ● All units are affordable to families with incomes of 80% or less of AMI. ● Average of all units affordable to families with incomes of 60% or less of AMI ● Manufactured dwelling park affordable to households with incomes of 120% or less of AMI.	CDC 404-5 Flexible Design Option for Regulated Affordable Housing provides flexible design standards and density bonuses for Regulated Affordable Housing that is: A.Inside the urban growth boundary (UGB), in a district where residential uses are permitted; B.Made affordable on a continuous basis to households earning 80% of Area Median Income (AMI) or less, based on household size, as determined annually by the U.S. Department of Housing and Urban Development (HUD) for the applicable Metropolitan Statistical Area (MSA); C.Have a local, state, or federal compliance agreement or contract that ensures compliance with 404-5.1 B., above, for a minimum of 20 years from the issuance date of the occupancy permit. However, the allowances specified in ORS 197A.445(1-8) are not specifically detailed in the CDC.	**Codification Recommended** **Recommendation:.** Update CDC to codify allowance of affordable housing (as defined by this ORS) on sites owned by a public body, religious non-profit, affordable housing non-profit or zoned for commercial uses, religious assembly, or as public lands without a zone change. Include additional codification of commercial conversions to affordable housing per ORS 197A.445.

<table>
<tr><th>#</th><th>Summary of State Statute/Rule</th><th>Audit Findings</th><th>Analysis and Recommendation</th></tr>
<tr><td></td><td>ORS 197A.445(1-8)
Amended 2021, 2022, 2023</td><td></td><td></td></tr>
<tr><td>16</td><td>Affordable Housing: Redevelopment of Commercial Land
Within an urban growth boundary, a local government must allow affordable housing on land zoned for commercial uses (not industrial). Qualifying affordable housing projects must meet one of two criteria:
All units are affordable to families with incomes of 60% or less of AMI.
Mixed use development with ground floor commercial and units affordable to families with moderate income (80-120% of AMI).
The local government may only apply standards of the residential zone that are most comparable in density to the commercial zone.
Exemptions:
Vacant land
Land added to the UGB in the last 15 years.
Lands not served by urban services, on steep slopes, floodplains, or protected due to natural hazards/resources.
197A.460
Amended by HB 3395 (2023)</td><td>The allowances specified in ORS 197A.460 are not specifically detailed in the CDC.

Staff notes that 197A.445 (2), (4) and (5) are potential amendments for the upcoming Housing Facilitation Ordinance list, and they plan to look more closely at other subsections/ earlier state changes. They note that 197A.445 (3) applies to cities only.</td><td>Codification Recommended

Recommendation: Update CDC to allow affordable housing development (as defined by this ORS) on land zoned for non-industrial commercial uses. The County may limit affordable housing development to redevelopment sites and exclude it from being developed on vacant land.</td></tr>
<tr><td>17</td><td>Affordable Housing: Density and Height Bonus
Counties must provide a density and height bonus for affordable housing projects that is at least as follows:<table><tr><th>Existing Density</th><th>Density Bonus</th><th>Height Bonus</th></tr><tr><td>16 units/acre or less</td><td>200%</td><td>+12 feet</td></tr><tr><td>17-45 units/acre</td><td>150%</td><td>+24 feet</td></tr><tr><td>46 units/acre or more</td><td>125%</td><td>+36 feet</td></tr></table></td><td>The density and height bonuses specified in ORS 197A.445(9-10) are not specifically detailed in the CDC.

Staff notes that 197A.445 (9) and (10) are potential amendments for the upcoming Housing Facilitation Ordinance list, and they plan to look more closely at other subsections/ earlier state changes.</td><td>Codification Recommended

Recommendation: Amend code to provide density and height bonuses for affordable housing in addition to what is offered as part of CDC 404-5 Flexible Design Option for Regulated Affordable Housing.</td></tr>
</table>

#	Summary of State Statute/Rule	Audit Findings	Analysis and Recommendation
	Density bonus does not apply to properties not zoned for residential uses. Counties may reduce density or height bonus to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Affordable housing means: ● 100% of units affordable to families with incomes of 80 percent or less of AMI. ● Average of all units affordable to families with incomes of 60 percent or less of AMI ● Manufactured dwelling park affordable to households with incomes of 120 percent or less of AMI. ORS 197A.445(9-10) Amended by SB 8 (2021)		
18	**Affordable Housing: Expedited Review** A county with a population above 25,000 must take final action on qualifying affordable housing applications within 100 days after an application is deemed complete (120 days for all other applications). ORS 197A.470 Amended by HB 2008 (2021)	203-5 Application Submittal and Acceptance specifies that the County will take final action on "Certain multi-dwelling developments that include affordable housing, as outlined in ORS 197.311(3)" within 100 days.	**Partially Complies - Further Codification Required** **Recommendation:** Change reference to point to 197A.470 rather than 197.311(3)
19	**Clear and Objective Standards** A county may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing land within an urban growth boundary, unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, and nonresource lands and areas zoned for rural residential use. ORS 215.501 Amended by HB 3197 (2023)	346 (AF-10), 348 (AF-5) and 350 (RR-5) allow rural residential uses and must apply only clear and objective standards to housing development. These sections will be audited in detail as part of the clear and objective portion of the code audit.	**Partially Complies - Further Codification Required** **Recommendation:** Review Section 346 (AF-10), 348 (AF-5) and 350 (RR-5) to identify standards that need to be amended to be clear and objective.