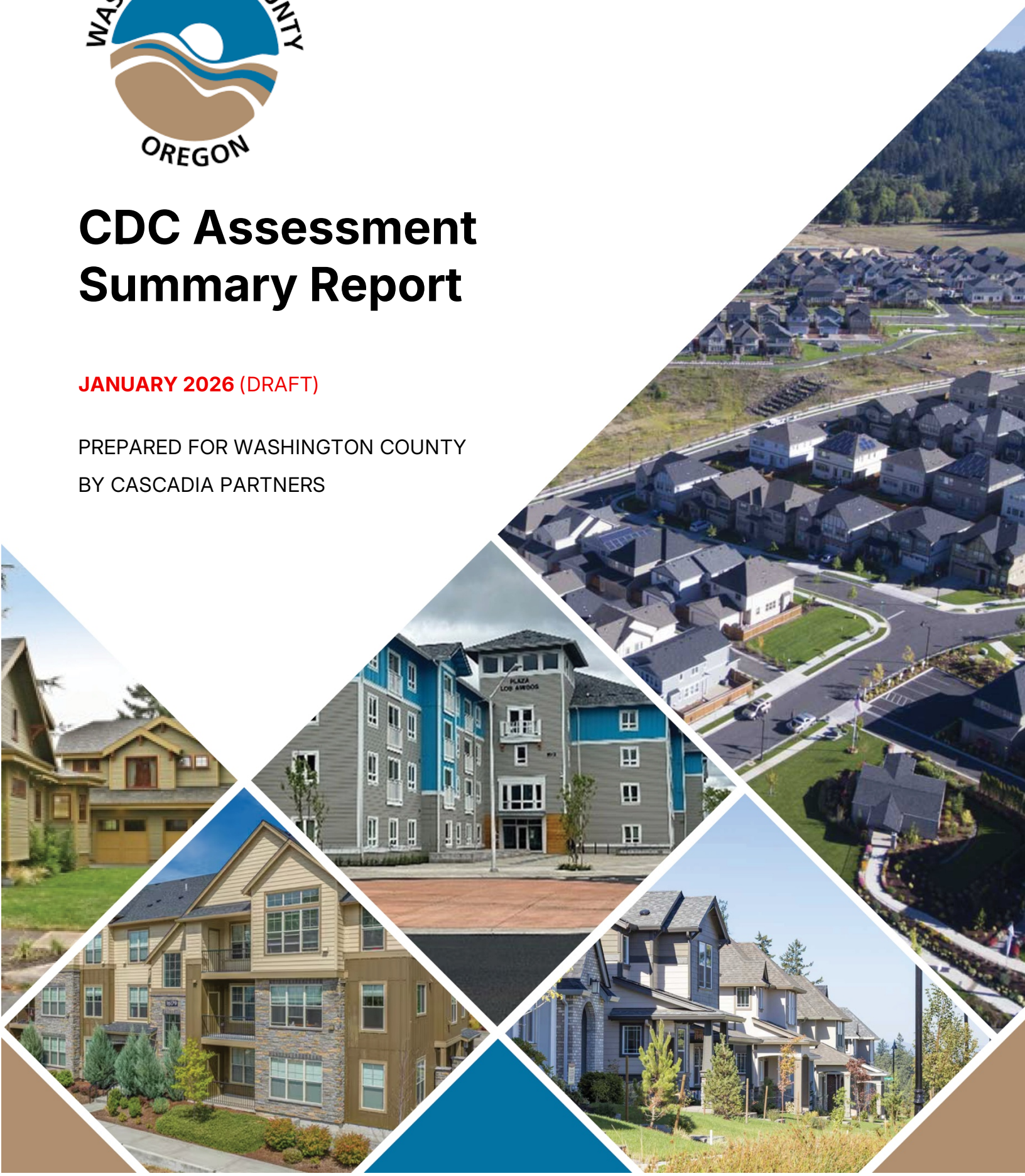
CDC Assessment Summary Report

JANUARY 2026 (DRAFT)

PREPARED FOR WASHINGTON COUNTY

BY CASCADIA PARTNERS



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Purpose and Scope of the CDC Assessment

Background and Overview

Cascadia Partners (CP) conducted a detailed assessment of Washington County's Community Development Code (CDC) in the summer and fall of 2025 to identify 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 assessment also flagged:

- Inconsistent, outdated, and repetitive standards;
- Standards that are not clear and objective;
- Fairness considerations and best practices, especially but not exclusively as they affect housing development.

The CDC's development regulations apply to all County unincorporated land, including urban unincorporated land inside the UGB and rural land outside the UGB. As such, the assessment identifies opportunities to clarify and streamline regulations applying to both urban and rural areas of the County. The assessment also documents a series of known issues with interpreting and applying regulations that have been reported by staff. For land inside the UGB, the assessment additionally identifies any barriers related to housing development.

To supplement the CDC assessment, CP conducted a series of interviews with local stakeholders for the purpose of identifying issues with using and administering the CDC, and with developing housing under the CDC standards.

This CDC Assessment Summary Report provides a concise summary of the findings from the code assessment and stakeholder interviews. It is organized into the following sections:

1. **Statutory Compliance Overview:** This portion of the report summarizes which portions of the CDC need amendments to comply with housing-related statutes and administrative rules, including legislation passed in the 2025 session. It also details areas of the CDC that may need updates to meet the requirement under ORS 197A.400 for clear and objective standards, conditions, and procedures when regulating the development of housing.
2. **Barriers to Housing Production, Access and Opportunity:** This portion of the report identifies opportunities to encourage a diversity of housing options, improve design outcomes, and eliminate or replace CDC provisions that may discourage housing production through unreasonable cost or delay.

3. **Streamlining and Usability:** This portion of the report highlights opportunities for simplification, reorganization, consolidation, and reformatting of the CDC.
4. **Appendix A: Detailed Findings per CDC Article and Section:** This appendix contains a comprehensive inventory of issues identified in the CDC organized by Article, Section, and issue.
5. **Appendix B: Stakeholder Summary Notes:** This appendix contains a summary of notes from focus group discussions held with project stakeholders in May and June of 2025.

Summary of Key Findings

The CDC is a complex set of regulations that addresses both urban and rural development issues and responds to a wide variety of land use patterns and policy goals. The CDC assessment process included a detailed review of every section of the CDC by the consultant team and staff. The review identified specific issues with certain sections or provisions, including outdated references, imprecise or undefined terms, internal conflicts, and other opportunities to improve clarity. The following summary documents key findings related to statutory compliance, streamlining and usability issues, and barriers to housing, in the CDC:

- **Statutory Compliance:** The CDC has been updated consistently in recent years to comply with housing-related legislation; as a result, the CDC complies with many housing-related statutes that were reviewed for as part of this assessment. However, the findings of the assessment indicate that a handful of targeted amendments are required to ensure ongoing consistency with statutory requirements. In addition, specific provisions within many CDC sections may need to be amended to ensure compliance with requirements for clear and objective approval pathways for housing. Housing-related legislation passed in the 2025 session will also necessitate some additional amendments to the CDC.
- **Barriers to Housing Production, Access and Opportunity:** Beyond the statutory requirements, there are additional opportunities to lessen barriers to housing production, choice, and affordability. The most significant of these barriers include:
    - Older ("legacy") housing types face stricter standards than Middle Housing. For example, requirements for building façade and garage designs, perimeter setbacks, screening and buffering, and outdoor yard areas may be excessive for housing not fitting the definition of Middle Housing;
    - Few districts allow multi-unit dwellings at densities exceeding 24 units per acre, and higher densities trigger added requirements;
    - Requirements for setbacks, lot coverage limits, height step-downs, and screening and buffering cumulatively constrain buildable area for multi-unit housing;
    - Long-term bicycle parking requirements for multi-unit dwellings are unclear;

- Current development incentives for regulated affordable housing require all units to be income-restricted at 80% of Area Median Income (AMI) or less, which prevents for-profit developers from using the incentives; and
- Commercial requirements and density limits restrict opportunities for housing development in mixed-use districts.

- **Streamlining and Usability:** The CDC has a relatively simple hierarchical structure because it is primarily organized at two levels: articles and sections. While some users find the CDC fairly easy to navigate, given its simple structure and consistency over time, feedback from other users—including developers that are new to the County, new staff, and community members—indicates that some sections of the CDC can be difficult to use and understand. The CDC has been amended substantially over time, but never comprehensively reviewed for opportunities to enhance clarity, organization, and functionality, which contributes to additional usability issues. The following are the most significant issues and opportunities related to the usability of the CDC:
  - Individual sections are inconsistently organized across CDC articles;
  - Organization of permitted uses is complex and overly repetitious;
  - Lists of density and dimensional standards are complex and repetitious, but may be easier to use in a table format;
  - Organization of land use districts into individual CDC sections is repetitious;
  - Design and development standards may be redundant across CDC sections and could be consolidated;
  - Development application requirements and approval criteria are distributed throughout the CDC and could be centralized in one section;
  - Definitions are distributed throughout the CDC and could be centralized in one section;
  - Illustrative graphics, such as those accompanying definitions, are used too sparingly and have inconsistent style conventions; and
  - Some procedures are unclear.

Next Steps

This is a draft of the CDC Assessment Summary Report. The report will be revised following an additional round of review and feedback from staff, stakeholders, the Technical Advisory Committee, and the Planning Commission to produce a final CDC Assessment Summary Report.

Following the issuance of the final report, the next phase of the CDC Assessment will be to formulate potential packages of code amendments, determine sequencing considerations, and apply a set of prioritization criteria to inform the timing of future code updates. This

work will be documented in a CDC Priorities Report. Broader community engagement activities and public review will be conducted during that phase of the project.

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Statutory Compliance Review and Recommendations

Housing-Related Statutes

A preliminary review for compliance with state statutes and administrative rules applicable to housing was conducted while reviewing the CDC for barriers to housing production and affordability. Table 1 lists the statutes reviewed and related bills, summarizes CDC compliance or non-compliance with the statute, and whether adoption into the CDC is necessary or recommended.

In cases where the finding is that the CDC "partially complies" or "does not comply," amendments will be needed to ensure consistency with the statute. Where the finding is "codification recommended," the CDC does not include provisions that implement this statute but does not contain provisions that directly conflict with the statute. In such cases, codification is recommended for clarity and transparency to applicants and users of the code. Items marked as "HFO" indicate that County staff plans to address the statutory requirement in an upcoming Housing Facilitation Ordinance.

A more detailed summary of sections containing provisions that do not comply with these statutes can be found in **Appendix A: Detailed Findings per CDC Article and Section.**

Table 1. Statutes, Requirements, and Findings

State Statute	Related Bill(s)	Requirement	Finding	HFO
ORS 227.175	HB 2003 (2019)	Restrictions on Density or Height as Condition of Approval	Complies	
ORS 90.112	HB 2583 (2021)	Occupancy Limit Based on Familial Relationship	Complies	
ORS 197A.425	SB 1051 (2017)	Accessory Dwelling Units	Complies	X
ORS 197A.420	HB 2001 (2019) HB 2138 (2025)	Middle Housing	Partially complies[1]	X
ORS 92.031	HB 2001 (2019) HB 2138 (2025)	Middle Housing Land Divisions	Partially complies[1]	X
ORS 197.478	HB 4064 (2022)	Manufactured Homes and Prefabricated Structures	Partially complies	X
ORS 197.493	HB 2809 (2021) HB 2898 (2023)	Occupancy of Recreational Vehicles (RV)	Partially complies	
ORS 197.480	HB 4064 (2022)	Manufactured Home Parks	Does not comply	

[1] Complies with currently applicable statutes and administrative rules. Amendments will be necessary to comply with legislation passed in 2025 that takes effect in the future.

State Statute	Related Bill(s)	Requirement	Finding	HFO
ORS 92.835	HB 3245 (2003)	Manufactured Home Park Subdivisions	Codification recommended	X
ORS 197.660 to 197.670		Residential Homes	Codification recommended	
ORS 197.660 to 197.670		Residential Facilities	Partially complies	
ORS 197A.430	HB 3395 (2023) HB 2138 (2025)	Single Room Occupancies (SRO)	Does not comply	X
ORS 227.178	SB 1537 (2024)	Opting-In to Affordable Housing Regulations	Codification recommended	
ORS 197A.445	Amended 2021, 2022, 2023	Affordable Housing: General Siting Allowances	Codification recommended	
ORS 197A.460	HB 3395 (2023)	Affordable Housing: Redevelopment of Commercial Land	Codification recommended	X
ORS 197A.445	SB 8 (2021)	Affordable Housing: Density and Height Bonus	Codification recommended	X

Additional legislation passed in the 2025 session, including House Bill (HB) 2138 and Senate Bill (SB) 974, introduces a number of new requirements related to middle housing, middle housing land divisions, SROs, engineering review timelines, urban housing applications, design standards, and other requirements applicable to housing. A summary of requirements and timelines for compliance that are associated with these bills can be found beginning on page 13. Some HB 2138 requirements need no further clarifications and take effect immediately. However, DLCD is developing guidance to implement other requirements of HB 2138 through rulemaking. The legislative summary included on pages 13-15 identifies sections of HB 2138 that will need to go through rulemaking before the County can codify requirements, and sections that the County will need to address separately from rulemaking.

Following is more information about the statutory requirements and compliance-related findings listed in Table 1.

Manufactured Homes

Local governments must allow manufactured homes and prefabricated structures in districts that permit single-detached dwelling units and can only apply siting and design standards that are the same as those applied to single-detached dwellings (ORS 197.478). The CDC allows manufactured homes in all residential districts that allow a single-detached dwelling, however associated Special Use Section 430-76 fails to reflect two of the districts in a list of districts where such housing is allowable (R-6 North Bethany District (R6-NB) and R-9 North Bethany District (R9-NB)). The CDC also applies design standards to manufactured homes that are not applied to single-detached dwellings (Section 430-76.1).

The CDC does not include a definition or provisions addressing prefabricated structures. ORS 197.485 requires that prefabricated structures be allowed on all land where single-detached

dwellings are allowable. While prefabricated structures are not manufactured dwellings under state law, ORS 197.485 requires that prefabricated structures also be allowed in manufactured dwelling parks.

Recommendation

Cascadia recommends that all design and development standards applied to manufactured homes that do not apply to single-detached dwellings in Section 430-76.4 be removed, except those providing protective measures under statewide goals and related to thermal envelope performance standards, which are allowable under statute. For clarity, we also recommend either adding the R6-NB and R9-NB districts to the list of land use districts in Section 430-76, or removing that section's reference to land use districts altogether. A separate definition for prefabricated structure that is consistent with ORS 197A.015(1) should be created in Section 106, with an additional entry referencing it (e.g. "see also, Prefabricated Structure") provided under Manufactured Dwelling (Section 106-131). Prefabricated structures should be added as allowed uses (within district standards) on all land where single-detached dwellings are allowable and in manufactured dwelling parks.

Occupancy of Recreational Vehicles (RVs)

ORS 197.493 requires counties to allow RVs to be occupied as a residential dwelling, with no time limit, in RV parks and manufactured dwelling parks, if the RV is lawfully connected to water, electrical, and sewage disposal systems. In addition, if a manufactured dwelling or single-detached dwelling was made uninhabitable due to a natural disaster event, counties must allow an RV to be occupied on the lot without connection to utilities while rebuilding occurs.

The CDC allows for an RV as a residential dwelling, with no time limit, in manufactured dwelling parks, if lawfully connected to water, electrical supply systems and sewage disposal systems (Section 430-77.11). Special conditions may be imposed on the placement of RVs provided such conditions do not impose a limit on the length of occupancy solely on the grounds that the occupancy is in an RV.

Recommendation

Cascadia recommends amending the CDC to permit occupying an RV without connection to utilities where a manufactured home or single-detached home was made uninhabitable due to damages from a natural disaster, until not later than the date:

- The manufactured home or single-detached dwelling has been repaired or replaced, and an occupancy permit has been issued;
- The local government makes a determination that the owner of the dwelling is unreasonably delayed in completing repairs or replacing the dwelling; or
- Twenty-four months after the date the dwelling first became uninhabitable.

Manufactured Home Parks

ORS 197.480 requires counties to allow manufactured home parks on sufficient lands: (1) in districts that allow a residential density of 6-12 units per acre and; (2) to meet the identified need for manufactured homes in the most recent Housing Capacity Analysis (HCA). 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. This means that if the County were to prohibit manufactured dwelling parks in any district that allows for a density of 6-12 units per acre, then it must do so on the basis that there is sufficient land available elsewhere in the county to meet the need for manufactured dwelling parks.

Currently, Manufactured Dwelling Parks (Section 430-77) are allowed in the R-6, R-9, R-6 North Bethany, and R-9 North Bethany Districts, which are the County's districts that meet the statute's density requirement of 6-12 units per acre. This allowance complies with the state statute. The CDC limits the density of manufactured dwelling parks to less than 10 units per acre (Section 430-77.3), which may conflict with the statute's requirement to allow manufactured dwellings in all districts with a density of 6-12 units per acre.

Recommendation

Cascadia recommends modifying the CDC density limits for manufactured dwelling parks to the maximum density of the underlying district or, if the district permits more than 12 units per acre, to at least 12 units per acre. Additionally, the CDC currently requires manufactured dwelling parks to have a minimum lot size of three acres (Section 430-77.2), which must be amended and reduced to no greater than one acre.

Manufactured Home Park Subdivisions

ORS 92.835-845 establishes a process by which counties must approve subdivisions for manufactured home parks established prior to July 2, 2001, that meet specified requirements. CDC Section 430-79, Manufactured Dwelling Subdivision, does not address the exceptions made for such subdivisions.

Recommendation

Codification of this process is not required by statute, but it is recommended by Cascadia to provide clarity to applicants. This could be accomplished by adding a subsection to Section 430-79 to specify requirements for approving subdivisions for manufactured home parks established prior to July 2, 2001, meeting the following requirements:

- Manufactured Dwelling Park complies with CDC 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 dwellings and prefabricated structures.
- Property owner signs a waiver of right of remonstrance to formation of Local Improvement District (LID).
- Tenants have been notified that a subdivision application has been submitted and that they have the right to purchase their lot.

Residential Homes

ORS 197.660 to 197.670 requires counties to allow a residential home in residential and commercial districts where a single-detached dwelling is permitted. A residential home may not be subject to any standard that is more restrictive than the standards applied to a single-detached dwelling.

In Article II – Procedures (Section 201-2.26), the CDC allows a permit exception for a Residential Home, as defined in ORS 197.660, in any district that allows a single-detached dwelling unit as a Type I action or in any district in an existing dwelling, except in the EFU and AF-20 Districts. The reference in Section 201-2.26 relies on the definition of Residential Home provided in ORS 197.660 but the CDC does not otherwise contain a definition of Residential Home. Technically, the allowance for Residential Homes in the CDC is compliant with statute, but additional amendments could be made for clarity.

Recommendation

As an optional amendment for clarity, Cascadia recommends defining "Residential Home" in CDC Section 106, and adding allowances for residential homes to "Uses Permitted Through a Type I Procedure" in all relevant sections of Article III (Land Use Districts) where the use is not otherwise prohibited by Section 201-2.26.

Residential Facility

ORS 197.660 to 197.670 requires counties to allow a residential facility as a permitted use in any residential or commercial district where a multi-dwelling structure is a permitted use and as a conditional use in any residential or commercial district where a multi-dwelling structure is a conditional use. A residential facility is defined as 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.

The CDC defines "Resident Care Facility" under Group Care in Section 430-53.3, but that definition does not fully align with the ORS definition of a residential facility. Because of this discrepancy, the CDC does not clearly indicate if a residential facility is allowed in the county's residential and commercial districts where a multi-dwelling structure is permitted.

Recommendation

Cascadia recommends amending the definition of Residential Care Facility in Section 430-53.3 to align with the definition of residential facility in ORS 197.660.

Single Room Occupancies (SRO)

Counties must allow Single Room Occupancy (SRO) units in all residential districts within an urban growth boundary (ORS 197A.430). An SRO is defined as a residential development with no fewer than four attached or detached 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 (bathrooms and/or kitchens) with other units in the occupancy. In districts that are primarily limited to single-detached dwellings within the UGB, the County must allow for up to 6 SRO units on each lot. In districts that allow for dwellings with five (5) or more units (corresponds to the CDC definition of multi-dwelling structure), the County must allow up to three times the number of SRO units allowed by the maximum density, per HB 2138 (2025).

Recommendation

The CDC is structured such that each section for each land use district includes a list of permitted uses in that district, organized under the associated review procedure required for each use. The current legislation is unclear on procedure types required for SROs, but, depending on the number of SRO units, Cascadia recommends following the same procedure type as applies to the housing type that the SRO allowance aligns with (either single-detached or multi-dwelling structures) to ensure compliance.

The CDC does not have a definition for SRO and SRO is not a listed housing type. To comply with ORS 197A.430, the County will need to:

- Add a definition for SRO to CDC Section 106;
- Amend the CDC's lower density urban residential districts to:
    - List SROs as allowed uses; and
    - State that SRO developments with six or fewer units are subject to the same procedure type as single-detached dwellings;
- Amend the CDC's residential districts that allow multi-dwelling structures to:
    - List SROs as allowed uses; and
    - State that SRO developments in these districts are subject to the same procedure type as multi-dwelling structures.

Opting-In to Amended Housing Regulations

ORS 227.178 requires governing bodies to take final action on complete applications for permits, limited land use decisions, and zone changes within 120 days. If relevant new standards are adopted by the County after an application is submitted, an applicant may elect to have their application reviewed under these new standards. This resets the timeline but enables an applicant to "opt into" a county's new development standards and criteria if they choose to, without withdrawing and resubmitting their application.

Recommendation

Codification of this "opt-in" allowance is not required, but Cascadia recommends adding relevant language to Section 203-5 to provide clarity to applicants about this option.

Affordable Housing: General Siting Allowances

ORS 197A.445(1-8) requires counties to allow affordable housing outright, with no zone change or conditional use permit required, if it is located on a site that meets specific criteria, such as being owned by a public body, religious non-profit, affordable housing non-profit; zoned for commercial uses, religious assembly, or as public lands; or entails converting an existing commercial building to affordable housing.

Recommendation

These affordable housing allowances are not codified in the CDC. Codification is not required, but Cascadia recommends adding relevant language to the CDC to provide clarity to applicants.

Affordable Housing: Redevelopment of Commercial Land

In addition to the provisions of ORS 197A.445, ORS 197A.460 requires counties to allow for redevelopment of an existing commercial use as affordable housing without regard to the ownership of the land or the development. The development must meet one of the following eligibility criteria:

- All units are affordable to households with incomes of 60% or less of Area Median Income (AMI).
- Mixed use development with ground floor commercial and units affordable to households with moderate income (80-120% of AMI).

The County may limit this allowance only to redevelopment and prohibit it on vacant land, among other factors. A county may only apply standards of the residential district that are most comparable in density to the commercial district.

Recommendation

Codification is not required, but Cascadia recommends amendments to Sections 311 (Neighborhood Commercial), 312 (Office Commercial District), 313 (Community Business District), 314 (General Commercial District), 390-13 (Neighborhood Corner Commercial), 390-14 (Neighborhood Commercial Mixed-Use District, and 392 (Pedestrian-Oriented Mixed-Use Districts) to ensure consistency with both ORS 197A.445 and ORS 197A.460.

Affordable Housing: Density and Height Bonus

ORS 197A.445(9-10) establishes that counties must provide a density and height bonus to affordable housing projects that meet the following qualifications:

- All units must be affordable to households with incomes of 80% or less of AMI, and the average of all units must be affordable to households with incomes of 60% or less of AMI.
- For manufactured dwelling parks, units must be affordable to households with incomes of 120% or less of AMI.

Recommendation

Codification is not required, but Cascadia recommends codifying the density and height bonus for qualifying affordable housing projects in the CDC to provide clarity to applicants. We also recommend amendments to Section 404-5, Flexible Design Option for Regulated Affordable Housing, to include density and height bonuses for affordable housing that are granted by this statute.

Affordable Housing: Expedited Review

ORS 197A.470 requires that counties with a population over 25,000 take final action on qualifying affordable housing applications within 100 days after an application is deemed complete, as opposed to the 120 days granted for all other applications. In Section 203-5, the CDC 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.

Recommendation

Cascadia recommends updating the statutory reference in Section 203-5 to 197A.470.

Recent Legislation: HB 2138 and SB 974

Two housing-related bills that passed in the 2025 legislative session are summarized below, including deadlines to comply. The CDC will need to be amended according to the timelines and specifications detailed to comply with the requirements introduced by the legislation. Table 2 lists the two housing-related bills, relevant section of the bill, the effective date when the section needs to be codified in the CDC, and if there is rulemaking required.

Table 2. State Bills, Effective Date, and Rulemaking Requirements

State Bill	Relevant Section	Effective Date	Rulemaking Required?
HB 2138	Middle Housing Land Divisions	Effective Immediately	No
	Middle Housing: Plexes	January 1, 2027	Yes
	Middle Housing: Density Bonus	January 1, 2027	Yes
	Single Room Occupancy	January 1, 2027	Yes
	Promoting Housing Density: Recorded Instruments	January 1, 2027	No
	Middle Housing: Cottage Clusters	January 1, 2028	Yes
SB 974	Local Residential Design Standards	September 27, 2025	No
	Engineering review timelines	July 1, 2026	No
	Urban housing applications	July 1, 2026	No

HB 2138

HB 2138 was passed in the 2025 legislative session to modify requirements for middle housing and other needed housing types. The house bill includes the following modifications for middle housing and other housing types:

Middle Housing.

- Duplexes, triplexes, and fourplexes must be allowed to be attached or detached. Retention of certain existing dwelling units must be allowed where middle housing is added on a site. These existing dwelling units include: one single-unit dwelling, one single-unit dwelling plus one accessory dwelling unit, or one duplex. This must be codified by January 1, 2027.

- Provision of a middle housing density bonus is required in exchange for proposing an affordable or accessible homeownership unit. "Accessible unit" means a unit of housing that complies with the "Type A" requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council. "Affordable unit" means a unit of housing that is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that: makes the unit available to purchase for a maximum sales price and requires that the unit be purchased by a household with an income below 120 percent of median income. The developer will receive an additional one-unit bonus for a duplex or triplex development and an additional two units for a quadplex, cottage cluster, or townhouse development. This density bonus could be offered as a standalone option or could potentially be integrated into the density bonus structure that exists in the North Bethany districts and applied more widely to other districts as a possible streamlining measure. This must be codified by January 1, 2027.
- Cottage clusters must be allowed to be detached or attached, with up to four units in a cottage cluster allowed to be attached. The maximum square footage of the building footprint (900 square feet) has been removed, and rulemaking will define the statute's 'small footprint of floor area.' This must be codified by January 1, 2028.
- **Single Room Occupancy.** Modifications to the regulation of SROs include the following and must be codified in the CDC by January 1, 2027:
    - Must be allowed to be detached.
    - Must allow up to three times the number of units allowed by the maximum density standards in districts that allow multi-unit housing of five or more dwelling units.
    - May not require more parking[2] for every three single room occupancy units than the local government requires for:
        - A single-detached dwelling, if the single room occupancy development has six or fewer units; or
        - A dwelling unit in a multi-unit housing development, if the single room occupancy development has more than six units.
- **Promoting Housing Density.** Any recorded instruments, including covenants, conditions, or restrictions, that prohibit middle housing or ADUs on land inside the UGB where a single-detached dwelling is allowable, are void and unenforceable regardless of their execution date. Additionally, a jurisdiction can only apply clear and objective standards, conditions, and procedures regulating tree removal codes related to the development of housing. This must be codified by January 1, 2027.
- **Middle Housing Land Division.** HB 2138 includes several changes to the requirements associated with middle housing land divisions. These are the most significant changes:
    - A jurisdiction must allow the middle housing land division tentative plan application to be submitted before, after, or at the same time as building permit applications.

[2] Washington County does not require any urban parking. This requirement is already met and does not need to be codified.

- A jurisdiction must also allow a standard land division intended to create parent lots for a middle housing land division (to further divide those parent lots) to be submitted concurrently with the middle housing land division application.
- Jurisdictions may choose to allow a new accessory dwelling unit on a lot created through a middle housing land division.
- A jurisdiction may also choose to allow further division of one or more of the resulting lots created by a middle housing land division.
- Jurisdictions cannot include neighbor-notification and public-comment provisions for the expedited land division process, and only an applicant can appeal an expedited land division. These provisions are effective immediately and are recommended to be codified.
- An MHLD for townhouse/cottage development is restricted to one townhouse structure or one cottage cluster. This may introduce conflicts with existing allowances for MHLD within the CDC.

For any of the above sections that require rulemaking for clarity, the house bill directs the Department of Land Conservation and Development (DLCD) to adopt pertinent rules by January 1, 2028. Cascadia recommends that the County follow the rulemaking process closely and align CDC amendments with the pertinent 2026, 2027 and 2028 deadlines. Rulemaking will include:

- Siting and design standards for manufactured middle housing,
- Siting and design standards for accessory dwelling units and single-room occupancies,
- Defining "small footprint" and "community amenity" for cottage clusters,
- Amending existing siting and design standards for middle housing,
- Defining permissible criteria for discretionary review,
- Developing model system development charges (SDCs) for residential development, and
- Estimating reasonable zoned capacity for an inventory of buildable lands.

SB 974

This bill relates to the residential developmental application approval process, focusing on engineering review timelines, urban housing applications, and design standards. The senate bill includes the following required modifications to application approval processes:

- **Engineering review timelines.** The bill defines final engineering plans and applies only to lands within urban growth boundaries that are zoned or planned primarily for residential use. Timelines are established for when a jurisdiction must approve these plans, which include 30 days to establish completeness of the application, 120 days to review and issue a decision, and optional, mutually agreed upon extensions for up to 245 days total. This requirement becomes effective on July 1, 2026. While this issue likely won't be addressed in the CDC, it will impact housing development and is therefore relevant for staff to understand.
- **Urban housing applications.** Applies new review process criteria to applications called "urban housing applications", involving increasing the allowed density of a district, a

planned unit development, or a variance for residential development on land within the UGB that is zoned or planned for residential development. This becomes effective on July 1, 2026. The process requires:

  - DLCD and property owners within 100 feet to be notified;
  - 14-day period for written comment;
  - Detailed notice of appeal procedures;
  - Allows for appeal to the Land Use Board of Appeals if the required notice is not provided

- **Local Residential Design Standards.** Prohibits a jurisdiction from applying certain defined residential design standards to residential developments inside UGBs with 20 or more units, except for multi-unit dwellings. Residential design standards are defined in the bill, and generally apply to design standards related to aesthetics, such as façade materials, roof form or materials, window elements, etc. These standards do not include building height, setbacks, or other regulations pertaining to health, environment, and safety. This became effective on September 27, 2025, and sunsets on January 2, 2033.

Clear and Objective Standards for Needed Housing

ORS 197A.400 requires local governments to adopt clear and objective standards, conditions, and procedures when regulating the development of housing, including needed housing, on land within an urban growth boundary. "Needed housing" is defined as housing by affordability level, type, characteristics and location that is necessary to accommodate the county's allocated housing need over the 20-year planning period in effect when the county's housing capacity is determined (ORS 197A.018). Further, the statute defines "needed housing" to include a wide variety of housing types. In effect, "needed housing" has been interpreted to include nearly all residential development.

Jurisdictions cannot discourage needed housing through unreasonable cost or delay. The "clear and objective" requirement pertains to development standards such as setbacks and building height that apply to housing at the time of building permit, and land use application criteria that apply to partitions, subdivisions, and development reviews.

Cascadia Partners and County staff conducted a thorough review of the CDC to identify all standards that apply to housing and determine if they are clear and objective. The following list identifies specific sections in the CDC that were identified as likely needing amendments to comply with ORS 197A.400. In the next phase of the project, CDC updates will be organized and assign a level of priority to convey the scale of changes required to achieve compliance with clear and objective requirements. A more detailed summary of sections containing provisions that are not clear and objective can be found in **Appendix A: Detailed Findings per CDC Article and Section.**

- **Article I: Introduction and General Provisions**
  - Section 106 – Definitions

- **Article II: Procedures**
    - Section 201 – Development Permit
    - 203 – Processing Type I, II and III Development Actions
- **Article III: Land Use Districts**
    - Sections 302, 303, 304, 305, 306, 307, 308, 309, 311, 346, 348, 350, 390 – Various Districts
    - Section 313 - Community Business District
    - Section 373 - Historic and Cultural Resource Overlay District
    - Section 390 - North Bethany Subarea Overlay District
    - Section 391 - Bonny Slope West Subarea Overlay District
    - Section 392 - Pedestrian-Oriented Mixed-Use Districts
- **Article IV: Development Standards**
    - Section 401 – Introduction
    - Section 403 – Applicability
    - Section 404 - Master Planning
    - Section 406 - Building, Siting and Architectural Design
    - Section 407 - Landscape Design
    - Section 408 - Neighborhood Circulation
    - Section 410 - Grading and Drainage
    - Section 411 - Screening and Buffering
    - Section 413 - Parking and Loading
    - Section 416 - Utility Design
    - Section 423 - Environmental Performance Standards
    - Section 429 - Bicycle Parking
    - Section 430 - Special Use Standards
    - Section 431 - Transit Oriented Design Principles Standards and Guidelines
- **Article VI: Land Divisions And Property Line Adjustments**
    - Section 601 - Applicability
    - Section 602 - General Provisions for Standard Land Divisions and Property Line Adjustments

- Section 605 - Standard Land Divisions and Property Line Adjustments Inside an Urban Growth Boundary

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Barriers to Housing Production, Access and Opportunity

Overview

Under Oregon Housing Needs Analysis (OHNA) requirements, local jurisdictions must analyze urban housing need in terms of type, location, and characteristics, and take actions to promote increases in supply and variety accordingly. "Needed housing," (per ORS 197A.018) is housing identified through this analysis, including but not limited to detached single-unit housing, middle housing, multi-unit housing, government-assisted housing, mobile and manufactured homes, housing for agricultural workers, housing for older persons and individuals that require accessibility features, and single room occupancies.

State statutes do not allow local jurisdictions to implement standards that could discourage needed housing through unreasonable cost or delay, and they limit scenarios in which design standards may apply, as well as the nature of those standards.

County adoption of Middle Housing standards in 2022 highlighted where some existing standards for other housing types appear outdated, overly limiting, or may add unreasonable cost and delay. The County's Middle Housing work also identified the potential to similarly update some standards for other housing.

The CDC Assessment furthers this work by systematically inventorying regulations that may present barriers to housing production overall and identifying potential amendments to reduce cost and delay and more broadly facilitate housing supply, choice, and affordability. Specifically, the project team evaluated the CDC for standards that may:

- Present impediments to building housing types that are likely to be more affordable, such as higher density multi-unit dwellings and Middle Housing; or inadvertently incentivize less affordable housing types;
- Create process barriers related to development applications, particularly for higher density multi-unit dwellings and Middle Housing;
- Contribute to a higher cost or longer timeline for development of housing;
- Provide more opportunities for a range of housing options across the County.

Barriers to Housing Production, Access and Opportunity: Key Findings and Conceptual Recommendations

A summary of the key findings of the assessment related to barriers to housing production, access and opportunity is presented below. This summary is intended as a preliminary draft of significant issues and is not a comprehensive list of all potential barriers or complications for housing development. Issues, findings, and conceptual recommendations as to how each issue could be

addressed will be supplemented and refined as this audit report is reviewed by stakeholders and staff.

Appendix A: Detailed Findings per CDC Article and Section contains a comprehensive inventory of barriers to housing-related issues identified in the CDC, organized by Article and Section. It is recommended as a reference for readers seeking detailed information about Section-specific findings.

Middle Housing and non-Middle Housing forms are comparable but subject to different standards

The County has implemented the Middle Housing requirements of Oregon's HB 2001 (2019) and associated requirements for Middle Housing Land Divisions under SB 458 (2021). Consistent with state law, the County allowed Middle Housing Duplexes, Triplexes, Quadplexes, Townhouses and Cottage Clusters in residential districts that allow single-detached dwellings, under regulations that are generally similar or less stringent than for single-detached dwellings. The state did not require jurisdictions to allow Middle Housing in districts where a single-detached dwelling is not allowed.

Long before state mandates for Middle Housing existed, however, the County already allowed housing forms similar to some Middle Housing types in various land use districts. This includes some districts where a single-detached dwelling is not allowed (and thus where Middle housing has not been allowed).

These comparable "legacy" (or older) housing forms include townhouses and attached plexes. Typical single-detached dwelling units can also be compared somewhat to Middle Housing – particularly to detached plex units and cottage units. "Legacy" housing types, however, are subject to different siting standards that were in effect prior to the allowance of Middle Housing.

As part of the analysis for this project, the project team contemplated several possible approaches to address the issue of differing standards for Middle Housing versus similar legacy housing forms. An initial approach that was considered was to treat legacy housing forms that are similar to Middle Housing **as** Middle Housing. Under such an approach, comparable legacy housing types would be removed from the CDC. Cascadia and staff decided against this approach based on the following considerations:

- Standards that apply to legacy housing forms often prescribe larger lot sizes and fewer units within a site than do Middle housing standards – accommodating bigger homes and yards than typical to Middle Housing.
- In land use districts where similar legacy and Middle Housing forms are both currently allowed, continuing to allow both would preserve the potential to suit a wider variety of household sizes, life stages, and incomes than Middle housing options alone. These products have different markets/target household sizes and affordability considerations.
- For land use districts where Middle Housing is not currently allowed but similar legacy forms are, elimination of legacy forms from the CDC would reduce housing choice.
- The state limits public improvements that can be required for Middle Housing. Eliminating a developer's choice to build legacy alternatives reduces potential for public improvement

construction as part of those developments, including street and pedestrian connections to surrounding lands.

Given the concerns listed above, and based on input from staff, Cascadia recommends the following approach to lessening this barrier:

Maintain separate classifications for Middle Housing and non-Middle Housing types but seek greater parity in certain standards that apply to both.

- Under this approach, the CDC would still regulate these uses separately. Middle Housing standards, however, would inform removal or revision of outdated and overly limiting standards that may add unreasonable cost or delay for legacy forms of housing.
- In some cases, standards not applicable to Middle Housing may present significant barriers to other housing. Lifting or modifying these requirements could provide greater parity with Middle Housing and help facilitate more housing options. These include requirements for:
    - Building façade and garage designs.
    - Expanded setbacks along site perimeters.
    - Expanded setbacks for screening and buffering.
    - Outdoor yard areas exceeding those provided by standard setbacks.
    - Unique specifications by use.
- Under this approach, the County could also consider reducing the gap between density maximums for non-middle housing as compared to unit maximums for Middle Housing. This could include consolidating two or more districts into a single district. This concept is discussed in more detail under "Opportunities to simplify and streamline the land use districts" in the next section of this report.

Few districts allow higher density multi-unit dwellings, and higher densities trigger added requirements

The CDC allows multi-unit dwellings at residential densities exceeding 24 units per acre in only a small number of land use districts: R-25+; R-25+ North Bethany; Transit Oriented Residential, 24-40 units per acre; Transit Oriented Residential, 40-80 units per acre; and Transit Oriented Residential 80-120 units per acre. In some of these districts, exceeding densities of 24 units per acre triggers additional development requirements and limitations. Some commercial and mixed-use districts allow residential development above this density level, but most of those districts require residential to be part of a mixed-use development. The County is currently considering amendments to these districts to lessen barriers to residential development as part of future code updates.

Because the CDC no longer requires off-street parking as a result of prior changes to comply with the state Climate-Friendly and Equitable Communities (CFEC) rules, achieving a density of over 24 units per acre is more feasible than in the past. A three-story multi-dwelling development with a relatively low parking ratio can commonly reach 30-40 units per acre, while meeting most

minimum open space, landscaping, setback, and lot coverage requirements. Further, developing at this higher density level can lower the overall cost of development and create opportunities for market-rate housing that is potentially more affordable.

The County will study the supply of land available in these higher density districts as part of a future state-required Housing Capacity Analysis (HCA). The County will be required to adopt an HCA by the end of 2029, and this is the appropriate venue to make a definitive determination about the supply of land available for various housing types. In the meantime, the County may consider amending existing land use districts that allow densities over 24 units per acre to reduce additional requirements such as open space, landscaping, setback and lot coverage triggered at these density levels.

Requirements for setbacks, lot coverage, screening and buffering, and height step-downs constrain buildable area

Several standards in the CDC may present potential challenges for site design for higher density housing types, particularly on smaller infill lots. Individually, these standards are not significant barriers to housing. Cumulatively, however, the standards may substantially reduce the buildable area on a site or require more complex construction types. These standards include:

- **Minimum setbacks**: In the R-24, R-24 North Bethany, R-25+ and R-25+ North Bethany Districts, front and rear setback requirements double - from 10 feet to 20 feet - for buildings exceeding 35 feet in height.
- **Maximum lot coverage**: In the R-25 District, a maximum lot coverage of 40% applies to any multi-unit dwellings that exceed densities of 40 units per acre. As discussed above, more housing projects may seek to achieve these density levels given allowed reductions in off-street parking introduced by CFEC requirements. When land that was previously required to be dedicated to parking is "freed up" as the result of no longer requiring off-street parking, it is likely that more projects can achieve densities exceeding 40 units per acre. In such cases, a lot coverage maximum of between 50-75% would be more supportive of development at this density level.
- **Height step-downs:** When a subject property is adjacent to a property in another district that has a lower height restriction, Section 419 (Height) requires the lower height restriction of the adjacent district to apply to development on the subject property that is within 20 feet of the adjacent district. Additionally, this section requires a "sloped" height limit, at a ratio of one foot of height with every one foot of horizontal distance beyond the 20-foot area. This would require buildings to step-down in height as they get closer to some property lines. This creates loss of buildable space for units in floors that must be stepped back. In many cases, developers would choose to site the building further away from the property line to avoid more costly construction methods required to step-down building height. Thus, the practical effect of this standard is often a larger setback area.
- **Screening and buffering:** Section 411 (Screening and Buffering) applies screening and buffering standards to proposed development that vary depending on the adjacencies between land use districts. Requirements range from plantings to fences and additional setbacks. In some cases, these standards would require building setbacks that are substantially larger than the building setbacks required by a property's land use district.

Screening and Buffering Types #4 - #6, for example, require minimum additional setbacks ranging from 15 to 40 feet beyond the setback required by District standards.

Minor adjustments to the above standards could provide more flexibility for site design, increase the buildable area on a site, and reduce costs associated with more complex construction methods and site improvements.

Long-term bicycle parking requirements for multi-unit dwellings are unclear

CDC Section 429 (Bicycle Parking) requires a minimum of one long-term bicycle parking space per multi-unit dwelling. The standards applying to required location, enclosure, and security of long-term bike parking are somewhat unclear in the CDC. Long-term bicycle parking is generally required to be secured and enclosed and is therefore more costly to provide. At the same time, long-term bicycle parking is important for supporting a multi-modal transportation system. State rules also require the County to require multi-unit development of five or more residential units to provide a minimum of one-half covered bicycle parking space per unit (OAR 660-012-0630(2) and (3)).

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 intended to reduce the costs of housing development. A cost study conducted as part of that project concluded that long-term bike parking was a substantial cost to development. The city's bike parking requirement reduction is temporary and expires in 2029.

The County may consider modifying the share of the bicycle parking that must be designated for long-term use and/or clarifying standards pertaining to required location, enclosure, and security of long-term bike parking, to ensure the standards support multi-modal transportation goals without adding unnecessary costs to housing development

Incentives for Regulated Affordable Housing have limited utility

The CDC currently provides an option allowing design flexibility and density bonuses to encourage regulated affordable housing development (Section 404-5). To encourage broader use of this option, the County could consider removing some of the section's more prohibitive design requirements, only requiring a percentage of the units to be income-restricted, and/or allowing a higher affordability threshold for qualifying projects.

As currently structured, these standards require that all of the units in the development be income-restricted and set a minimum affordability at 80% AMI or less. In practice, this limitation effectively excludes private, for-profit developers that may be interested in setting aside a portion of units in development to be income-restricted in order to access the benefits of concessions on certain standards. Use of these incentives by private developers is rare, but the County may consider providing this option in the CDC as an inducement to create more income-restricted units. If the County pursues this approach, the standards should be carefully calibrated to ensure they provide a potentially effective incentive for for-profit, private developers that would otherwise build 100% market-rate housing.

Commercial requirements and density limits restrict opportunities for housing development in mixed-use districts

The County has a number of mixed-use districts that do not allow for standalone residential buildings, require a certain share of the ground floor or gross floor area to be used for commercial space, and have low limits on residential density. Specifically:

- In the Neighborhood Commercial District (Section 311), Neighborhood Corner Commercial District North Bethany (Section 390-13), and the Neighborhood Commercial Mixed-Use District North Bethany (Section 390-14), residential units are only allowed on the upper floor(s) of a building.
- The Neighborhood Commercial and the Neighborhood Corner Commercial North Bethany districts limit density to 15 units per acre, which may limit the economic feasibility of mixed-use development.
- Residential uses in the Office Commercial District (Section 312) require a Type III Planned Development and are limited to no more than 50% of the total gross floor area of a mixed-use development.

The County is exploring options for reducing these barriers and increasing flexibility for residential development in mixed-use districts as part of a separate project focused on near-term amendments to the CDC.

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Streamlining and Usability

Overview

The CDC is a complex set of regulations that can be difficult to navigate and understand for some users, including developers that are new to the County, new staff, and community members. Streamlining and improving the usability of the code could have multiple benefits, such as:

- Removing barriers to entry for developers that are new to the county, smaller developers, or less experienced development applicants;
- Reducing permitting delays that could result from developers not understanding the full scope of applicable standards or misinterpreting the CDC;
- Reducing staff time in explaining the code to development applicants;
- Shortening the timeline required for staff orientation and training to administer the CDC.

Addressing some of these issues may require significant reorganization of some CDC sections or restructuring of entire articles of the CDC. In some cases, implementing these improvements may also require making substantive or policy decisions about whether to remove, replace, or modify regulations that currently apply to certain uses or districts. Therefore, in the next phase of the CDC Assessment, these streamlining and usability improvements will be considered alongside other potential changes to the CDC to organize the changes into logical packages or phases.

Key Findings: Streamlining and Usability

A summary of the findings of the assessment related to streamlining and usability is presented below. Each finding is accompanied by preliminary concepts for how that issue could be addressed with a future CDC update. These findings and conceptual recommendations have been refined through input from stakeholders and staff.

Individual sections are inconsistently organized across CDC articles

Stakeholders interviewed for this assessment indicated that the overall organization of the CDC is sound and relatively easy to navigate. The CDC's organization into seven articles is intuitive to understand. The development codes of some other jurisdictions have a relatively complex organizational structure consisting of three or more hierarchical levels. In contrast, the County's CDC has a relatively simple hierarchical structure because it is primarily organized at two levels: articles and sections. As a result, the CDC's numbering scheme is also relatively easy to navigate, with section numbers corresponding to the article the section is within.

Some sections of the CDC are very long and complex with many subsections, while other sections are very short. Examples of very short sections include:

- **Article I: Introduction and General Provisions -** Most Sections

- **Article IV: Development Standards**
    - Section 416 - Utility Design
    - Section 417 - Irrigation
    - Section 418 - Setbacks
    - Section 419 – Height

The very short sections contribute to the CDC having a large overall number of sections, requiring users to scan through many sections that may be used or referred to infrequently.

Examples of very long sections include Section 430 (Special Use Standards) within Article IV, Development Standards; and Section 501 (Public Facility and Service Requirements) within Article V, Public Facilities and Services. The long sections have relatively complex hierarchical structures with many subsections and embedded lists, which can be difficult to scan to identify relevant regulations.

Opportunities to improve the usability of the CDC include either grouping together multiple, short sections or dividing very long sections into separate sections. The goals of these changes would be to reduce the overall number of sections in the CDC, group related information together in the same section, and simplify the more complex structures of certain sections that are currently difficult to navigate.

Organization of permitted uses is complex and repetitious

CDC Article III, Land Use Districts, contains a separate section for each of the County's 38 land use districts. The section for each land use district includes a list of permitted uses in that district and the associated review procedure required for each use. Some of these use categories are highly specific ("Bus Shelter", "Ambulance Service", or "Heliport"), which contributes to long and detailed lists. The overall result is an extensive list that makes it difficult to quickly scan and identify the applicable regulations for a specific use.

Because the list of permitted uses in each district is tied to the procedure type that applies to the use, the uses themselves are organized in terms of the complexity of the review procedure needed for approval, ordered from least to most complex review procedure. Uses listed under a Type I procedure can be approved administratively under clear and objective review criteria. Type II uses trigger public notice requirements and may require a determination from staff, including specific conditions of approval to minimize impacts and/or ensure compliance with the CDC. Type III uses entail a complex review that goes through a public hearing process. While this may be intuitive for staff, most CDC users are not aware of the procedure type that applies to each use; the structure of the CDC requires users to scan multiple lists to determine if a use is permitted in a specific district. Preliminary concepts to address these issues include:

- **Establish a system of use categories.** The land use districts' permitted uses include a mix of broad use types and very narrowly defined uses. Many, but not all, of these uses are defined in CDC Section 106 (Definitions) alongside other commonly used terms in the CDC. Many other jurisdictions' development codes group uses that are regulated similarly into broader categories. Those categories are then defined in a CDC section that is

separate from the general definitions. That CDC section also may address the characteristics of the use category, examples of specific uses that fall into that category, and common accessory uses. These use category descriptions provide guidance on how to classify a use into a distinct category. A consistent system of use categories could make it easier and more efficient to determine the applicable regulations for any specific use. For an example of such a use category system, see the City of Hillsboro Community Development Code (Subchapter 12.10).

- **Organize use regulations into tables sorted by use category.** To make it easier to identify applicable regulations, the list of permitted use categories in each land use district could be organized into tables. The table would identify whether the use is permitted, the applicable procedure type for approval of the use, and cross-references to applicable standards for the use. Such tables would need to be supplemented with notes, footnotes, or cross-references in order to specify exceptions and limitations. However, a tabular format is easier and more efficient to scan. Detailing use-specific regulations in another section will help CDC users more easily find the standards that are applicable to a specific use. For an example of this format in the current CDC, see the Transit-Oriented Districts (Section 375, Table A).

Lists of density and dimensional standards are complex and repetitious

Similar to the permitted uses, each CDC land use district section organizes density and dimensional standards in lists, making identification of the density and dimensional standards that apply to a specific use or housing type relatively difficult to find. Organizing these standards into a table, with cross-references to other sections for special exceptions or circumstances, could make these standards easier to identify and understand. For an example of this format in the current CDC, see the Transit-Oriented Districts (Section 375, Tables B(1)-C(2)).

Organization of land use districts into individual CDC sections is repetitious

The CDC addresses each land use district in its own individual section. The advantage of this organization is that most of the regulations that apply to a given district are grouped together in one place. A development proposal is typically located within one land use district. Giving each land use district its own section means that CDC users don't need to sift through regulations that apply in other land use districts.

The disadvantages of this approach are that:

- Regulations that are similar or identical across land use districts are repeated in multiple sections, resulting in a large number of individual sections and a lengthier CDC;
- Repetition of similar or identical regulations over multiple land use districts makes the CDC more difficult to maintain and update over time;
- Implementing updates to the CDC requires amending each individual district and ensuring that none are missed; and

- CDC users are not able to easily identify all land use districts in which a specific use would be allowed. A CDC user is required to review the permitted use list in each individual land use district section to obtain information about allowances.

Another issue is that some of the CDC's land use districts have very similar permitted uses, allowed densities and dimensional standards. The R-5 and R-6 districts are one example of two districts that have very similar permitted uses, allowed densities, and dimensional standards. Another example is the Transit-Oriented Districts and their corresponding base land use districts (for example, the R-9 District and the TO:R9-12 District).

In addition, the substantive differences between some of the lower density residential districts (R-5, R-6, R-9, and R-15) have been reduced as a result of implementing the state's Middle Housing requirements. Middle Housing types are required to be permitted at similar densities and subject to similar dimensional standards across these districts. Non-Middle Housing types still have more meaningful differences in density and dimensional standards across these districts, however.

Opportunities to simplify and streamline the land use districts include:

- **Organize district sections into broader categories.** The current land use district regulations could be organized into broader categories without changing the underlying substantive requirements in each district. For example, the R-5 through R-9 districts could be organized into a "Low Density Residential Districts" section. That section would include tables and district-specific subsections to delineate the development standards that vary by district. Regulations that are identical across districts could be consolidated into one subsection or standard. This change could be implemented in a "policy-neutral" manner, meaning that the substantive requirements are not amended, but they are organized in an easier-to-use structure.
- **Reorganize the Transit-Oriented Districts as an overlay district.** The Transit-Oriented Districts allow for higher densities than the standard residential districts and have slightly different dimensional standards. Development in these districts is also required to meet additional design standards. These higher density allowances and additional design standards could potentially be applied through an overlay district, rather than separate base land use districts. The overlay district section would only address the standards that vary compared to the corresponding base district, as opposed to the current structure where an additional code section addresses the same set of standards as the base districts. Creating an overlay district would also reduce the number of land use districts in the CDC.
- **Consolidate districts that are substantively similar.** Going beyond a policy-neutral reorganization could include consolidating two or more districts into a single district. This would further simplify and streamline CDC Article III, in addition to organizing districts into broader section categories as described above. However, this type of consolidation would require policy changes, because it would require modifying substantive requirements that currently apply to properties in those districts, such as permitted uses, density standards, dimensional standards, or other district-specific design standards. This approach is more appropriate if the County wishes to address specific policy goals, such as removing barriers to housing development.

Design and development standards may be redundant across CDC sections

In addition to the district-specific development standards in Article III, multiple CDC sections include design or development standards. These sections include but are not limited to:

- Section 392 - Pedestrian-Oriented Mixed-Use Districts
- Section 406 - Building Siting and Architectural Design
- Section 408 - Neighborhood Circulation
- Section 430 - Special Use Standards
- Section 431 - Transit-Oriented Design Principles, Standards, And Guidelines

Typically, these standards apply to different uses/housing types or to different locations. Generally speaking, the CDC is clear on where and how these standards apply, so they are not inconsistent or in conflict with each other. However, many of these sections include design and development standards that are substantively similar or identical. Rather than replicating a similar or identical standard in multiple sections, there may be opportunity to consolidate these standards into a smaller number of sections. Within those sections, the regulations could delineate the applicability of each standard to specific uses/housing types or locations. The substantive requirement could also continue to vary by use or location as needed while being organized within fewer sections.

Additionally, new state requirements associated with the Climate-Friendly and Equitable Communities program (CFEC) will require the County to apply some of these design and development standards to a broader geographic area in the future. The land use requirements of the transportation planning rule (OAR 660-012-0330) require the county to "implement plans and land use regulations to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas." Some examples include standards for building orientation and frontage design related to setbacks and building entrances; building design standards to create an interesting and comfortable experience for pedestrians; and bicycle and pedestrian circulation standards related to connections to adjacent properties and walkway design. DLCD has published a guidebook and model code to assist jurisdictions in complying with this rule. The County must demonstrate compliance with this requirement at the time of adoption of the next Transportation System Plan (TSP).

Seeking compliance with these new CFEC requirements may lead the County to consider applying some of the design and development standards in the cited sections to a larger number of land use districts. If so, implementing this change concurrently with any changes to reorganize the design standards into fewer sections and remove unnecessarily redundant standards would make sense.

Additionally, SB 974, passed in the 2025 legislative session, prohibits a jurisdiction from applying certain residential design standards to residential developments inside UGBs with 20 or more units, except for multi-unit dwellings. Residential design standards are defined in the bill as those related to aesthetics, such as façade materials, roof form or materials, window elements, etc. If the County elects to consolidate/streamline design standards to improve usability, then it would be efficient to also modify or change the applicability of certain kinds of design standards that are impacted by SB 974 in order to comply with the statute.

Development application requirements and approval criteria are distributed throughout the CDC, rather than being centralized

The CDC does not have a specific section that addresses all the requirements and approval criteria associated with each type of development permit or application. These application-related provisions include application submittal requirements, review procedures, and approval criteria.

Rather than being grouped into one section, these provisions are currently distributed across many different sections of the CDC, including:

- Section 203 - Processing Type I, II, and III Development Actions
- Section 403 - Applicability
- Section 406 - Master Planning
- Section 406 - Building Siting and Architectural Design
- Section 410 - Grading and Drainage
- Section 605 - Standard Land Divisions and Property Line Adjustments Inside an Urban Growth Boundary

The scattered distribution of these provisions makes it difficult for development applicants to determine the full scope of submittal materials required for any specific permit or application, and the approval criteria that must be addressed.

The development codes of many other jurisdictions have a separate chapter or article that centralizes these requirements in one place. These centralized provisions usually address the review procedure for the application, thresholds for determining the applicable review procedure based on certain standards, submittal requirements, and approval criteria. For an example, see the City of Beaverton Development Code (Chapter 40 – Applications). Some jurisdictions have opted to remove development application submittal requirements from their development codes and provide them via forms published by their planning departments. Adopting a similar structure may make the CDC easier to use and reduce the potential for incomplete applications.

Definitions are distributed throughout the CDC, rather than being centralized

Most of the terms used in the CDC that require a definition are located in Section 106 (Definitions). However, several other CDC sections include definitions for terms that are typically only used within that section. This approach can be useful when a term has a unique meaning in the context of a specific CDC section, but it potentially requires users to search in multiple places to locate the applicable definition of a term. Further, users may mistakenly assume that the term is defined in CDC Section 106 and overlook another section-specific definition.

To address this issue, the County could review all the CDC's section-specific definitions and determine if they can be migrated and centralized into CDC Section 106. If terms have different meanings in different sections of the CDC, then that can be delineated in Section 106. As another streamlining measure, definitions could be ordered alphabetically and the numbers assigned to definitions could then be removed from Section 106. This would eliminate the need for renumbering within that section when adding new definitions.

Illustrative diagrams are used too sparingly and have inconsistent graphic style conventions

CDC diagrams and figures are critical for conveying information about complex development standards. Although the CDC contains several diagrams and figures intended to supplement and/or explain specific design and dimensional requirements, many relatively complex CDC standards do not have associated diagrams that would help explain them. The CDC should be reviewed to identify standards that would be more easily and accurately understood with the addition of a diagram.

Another issue is that existing CDC diagrams—such as those accompanying definitions in Section 106—have been added piecemeal over time or added from different sources. As a result, they vary widely in their graphic style conventions, such as shading to denote various elements of a site (buildings, streets, sidewalks, etc.), line styles (lot lines, setback lines, etc.) and text font. A consistent graphic style convention should be adopted for CDC diagrams, and all existing diagrams should be converted to that adopted style convention.

Some procedures are unclear

CDC Article II details the procedures used in reviewing and taking action on development proposals. In some cases, the information pertaining to specific procedures, such as Appeals (Section 209), is complex and ambiguous. There is also the need for additional clarity on Planning Commission and Board of Commissioner's roles, which are limited to certain Type III Plan Amendments, and lack of clarity on who has standing to appeal different application types.

Ways to address these issues could include creating a table to clarify procedures, for example the appeals process that pertains to each action, and making text changes. Current planning forms may also offer suggestions for formatting the CDC to align with the approval and appeals process related to specific applications.

Appendix A: Detailed Findings per CDC Article and Section

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Appendix B: Stakeholder Summary Notes

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