Washington County CDC Assessment

Technical Advisory Committee Meeting #2

October 29, 2025

CASCADIA PARTNERS

WASHINGTON COUNTY OREGON

AGENDA

1	Introductions and Project Updates	10 minutes
2	Statutory Compliance	20 minutes
3	Streamlining and Usability and Discussion	50 minutes
4	Public Comment	5 minutes
5	Next Steps and Project Timeline	5 minutes

INTRODUCTIONS – PROJECT TEAM

Washington County
Land Use & Transportation

- Suzanne Savin, Senior Planner (Project Manager)
- Theresa Cherniak, Principal Planner
- Anne Kelly, Senior Planner

Cascadia Partners
Consultant Team

- Rachel Cotton (Project Manager)
- Jamin Kimmell, Partner
- Lydia Ness, Senior Associate

INTRODUCTIONS – TAC MEMBERS

Fair Housing Council of Oregon	John Miller
Home Builders Association	Matt Wellner
Community Representative	Mary Manseau
Metro	Glen Hamburg
Clean Water Services	Elle Worrlein
Department of Land Conservation and Development (DLCD)	Laura Kelly
Community Partners for Affordable Housing (CPAH)	Christopher Ibeling

City of Beaverton	Jana Fox
Washington County LUT - Current Planning	Anne Elvers
Washington County Planning Commissioner	Amber Rosenberry
Washington County Engineering	Stacy Shetler

Project Updates

PROJECT UPDATES

Staff and CP reviewed the Community Development Code (CDC) to identify where changes are needed to:

- Comply with state housing statutes
- Reduce regulatory barriers to housing production and other development
- Facilitate use of the CDC overall

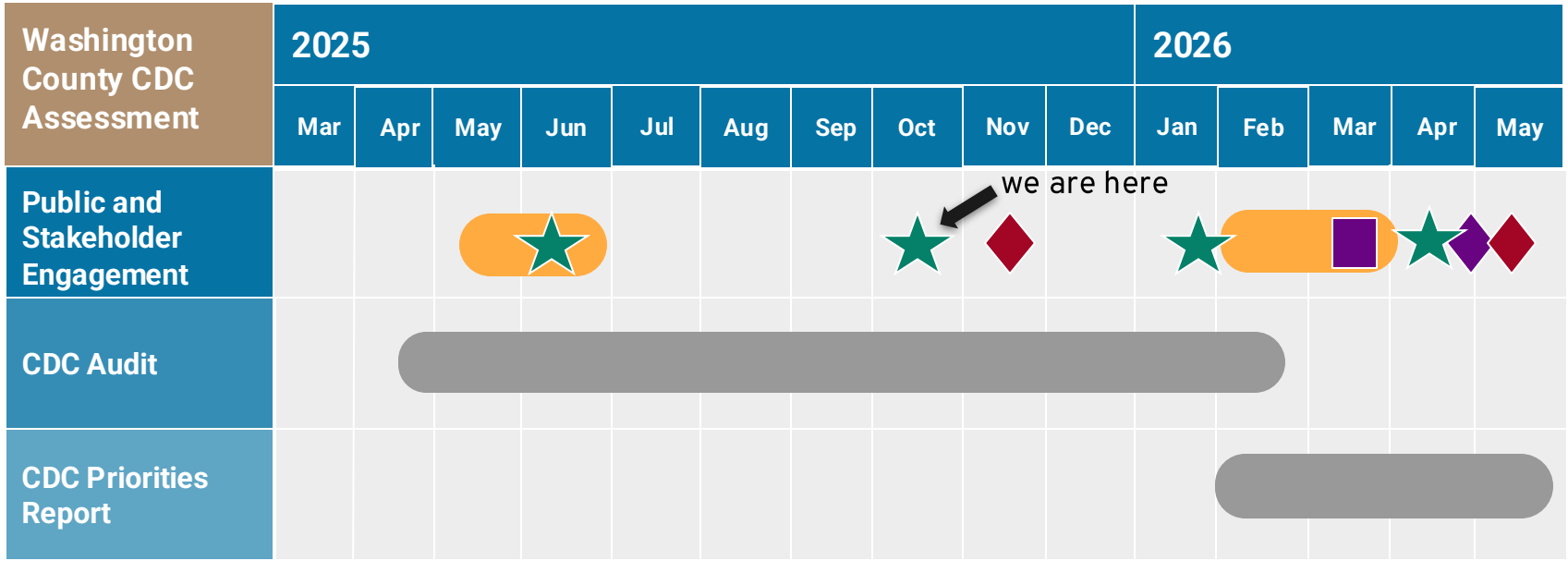
The assessment also flagged:

- Inconsistent, outdated, and repetitive standards
- Standards that are not clear and objective

The CDC Assessment Progress Report summarizes key findings and highlights preliminary concepts for addressing identified issues.

Content on barriers to housing and equity goals and a detailed inventory of issues related to specific CDC sections will be part of the upcoming draft (to be reviewed at TAC #3).

PROJECT TIMELINE



Statutory Compliance

Clear and Objective Requirements

State law requires counties to adopt **clear and objective standards, conditions, and procedures** when regulating the development of housing, including:

- Development standards (e.g. setbacks, building height)
- Design standards
- Land use application approval criteria (partitions, subdivisions, and site reviews) related to housing

Alternative approval options are not required to have clear and objective standards, so long as there is a separate approval pathway that is clear and objective.

Example (Sec 431-5.2B(1))

Not clear and objective:
"Entrances set back from the sidewalk shall have a well-demarcated walkway leading to them."

Clear and objective:

"Entrances set back from the sidewalk shall have a clearly identifiable walkway through the use of elevation changes or different paving material leading to the entrance."

Clear and Objective Requirements

A number of CDC sections will likely need amendments to make them clear and objective.

Some examples of sections containing standards that are not **clear and objective** include (but are not limited to):

- Article III: Land Use Districts, Sections 302-309, 311, 390, 391
- Section 408: Neighborhood Circulation
- Section 411: Screening and Buffering
- Section 413: Parking and Loading
- Section 431: Transit Oriented Design Principles, Standards, and Guidelines
- Many sections reference Community Plan requirements and these will need to be reviewed to ensure they are clear and objective.

Housing-Related Statutes

Statute	Related Bill(s)	Statutory Requirement/Topic	Finding
ORS 197A.420	HB 2001 (2019) HB 2138 (2025)	Middle Housing	Complies (pre-HB 2138)
ORS 92.031	HB 2001 (2019) HB 2138 (2025)	Middle Housing Land Divisions	Complies (pre-HB 2138)
ORS 197.478	HB 4064 (2022)	Manufactured Homes	Partially Complies
ORS 197.493	HB 2809 (2021) HB 2898 (2023)	Occupancy of Recreational Vehicles (RV)	Partially Complies
ORS 197.660 to 197.670		Residential Homes and Facilities	Partially Complies
ORS 197.480	HB 4064 (2022)	Manufactured Home Parks	Does not comply
ORS 197A.430	HB 3395 (2023) HB 2138 (2025)	Single Room Occupancies (SRO)	Does not comply

2025 Housing-Related Legislation

Rulemaking is the process through which state agencies create rules to implement laws.

- **Oregon Revised Statutes (ORS)** are the codified laws of the State of Oregon, and can be adopted, amended, or repealed by the Oregon Legislature.
- The Department of Land Conservation and Development (DLCD) typically **engages in rulemaking** whenever the legislature adopts a land use planning statute.
- Because rulemaking involves interpretation and public review, **many statutes include effective dates** to give agencies time to complete the process.
    - **Some** requirements require no further clarification and **take effect immediately.**
- Cascadia Partners has identified **sections of the CDC** that will need updates based on **2025 legislation.** DLCD is developing guidance to clarify some requirements of this legislation through rulemaking.

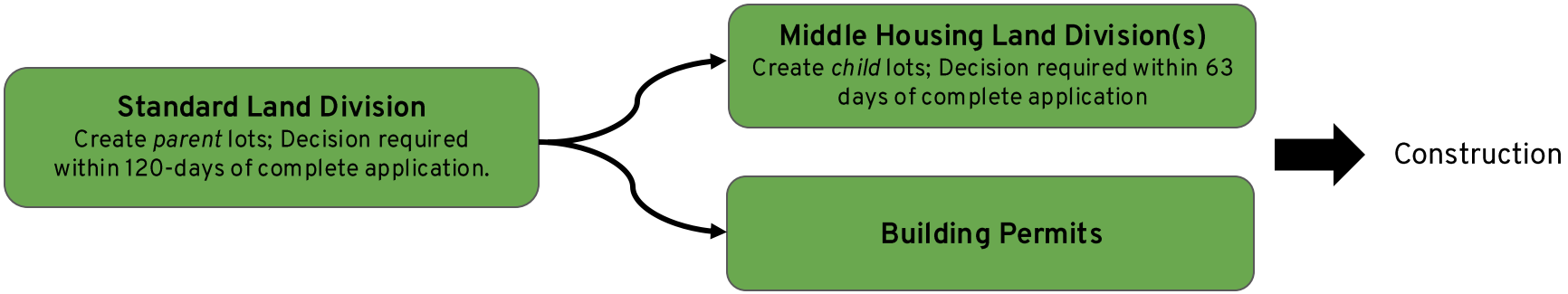
House Bill 2138: Middle Housing and Infill Development

Passed in the 2025 legislative session, the bill includes the following:

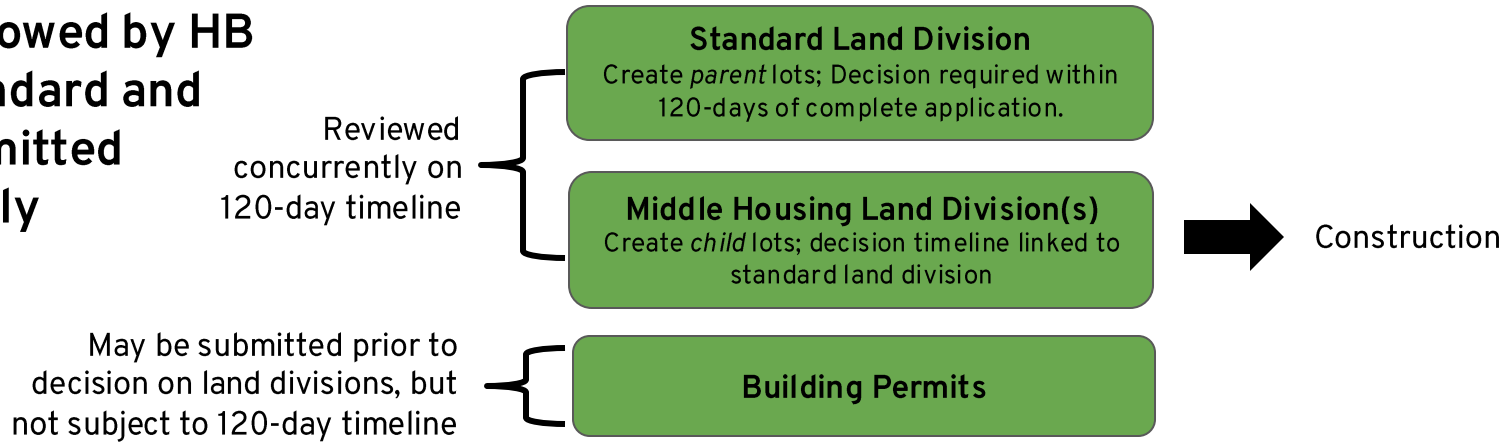
Middle Housing

- **Middle Housing Land Divisions** (effective immediately):
  - No hearing or "third-party intervention" allowed for MHLD application. County may provide notice of the decision, but only the applicant may appeal the decision.
  - Must allow MHLD applications to be submitted before, after, or with building permits
  - Must allow standard land division and MHLD to be reviewed concurrently on 120-day timeline
  - Standard land division procedures and timeline apply if submitted concurrent with MHLD, including notice and appeals
  - County *may* allow an ADU and/or further divisions of a "child" lot
- **Duplex, triplex, and fourplex** (by Jan 1, 2027):
  - Must allow attached or detached; can retain existing house, duplex or ADU

Current CDC process for Standard + Middle Housing Land Division



Process allowed by HB 2138 if standard and MHLD submitted concurrently



House Bill 2138: Middle Housing and Infill Development

Passed in the 2025 legislative session, the bill includes the following:

Middle Housing

- **Density bonus** (by Jan 1, 2027)**:**
  - Required for affordable/accessible ownership +1 unit for duplex/triplex
  - +2 units for quadplex/cottage cluster/townhouse
- **Cottage clusters** (by Jan 1, 2028)**:**
  - Attached or detached (up to 4 units per cluster)
  - “Small footprint” for unit size defined by rule

House Bill 2138: Middle Housing and Infill Development

Single Room Occupancy (SRO) (by Jan 1, 2027):

- Not currently included in the CDC
- Must be allowed to be detached, with specific requirements for maximum allowed densities and parking

Promoting Housing Density (by Jan 1, 2027)

- HOA/CC&R bans on **middle housing or ADUs** inside the UGB where single detached is allowable are void
- Tree removal rules must be **clear and objective**

Rulemaking

- DLCD to complete by **Jan 1, 2028**

Senate Bill 974: Residential Development Application Approval Processes

Passed in the 2025 legislative session, the bill relates to how jurisdictions apply design standards to housing developments:

- Prohibits a local government from applying design standards to residential developments inside UGBs with **20 or more units** (except for multifamily buildings)
- Design standards include elements such as **facade materials, roof form, window elements, etc.**
- Design standards **do not include** building height, setbacks, and other regulations pertaining to health, environment, and safety
- Effective on September 23, 2025 and sunsets on January 2, 2033

Discussion Questions

- Do you have any questions about the statutory compliance review?
- Do you have any questions about new changes introduced by House Bill 2138 or Senate Bill 974?

Streamlining and Usability

Streamlining and Usability: Overview

Purpose:

- Identify CDC regulations that create complexity or barriers to using and/or understanding code
- Evaluate if code organization or structure increases delays, staff effort, and/or creates challenges for developers and applicants

Focus Areas:

- Potential barriers for new, smaller, or less experienced development applicants
- Redundant or inconsistent sections that slow staff review and permitting
- Opportunities to simplify organization, clarify standards, and improve usability

Key Findings

- The findings are **preliminary** and focus on a number of issues related **the usability and complexity** of the CDC.
- Each finding is accompanied by **preliminary concepts** for improving the usability of the code.

Organization of Permitted Uses is Complex

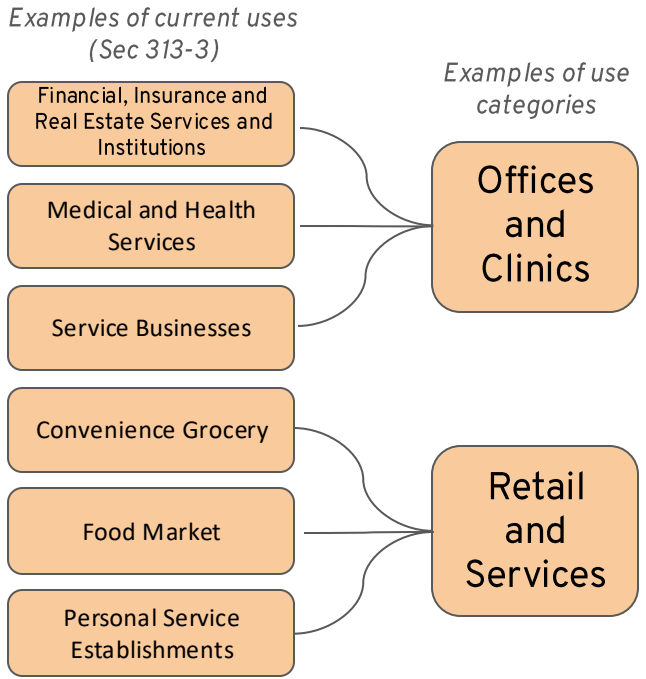
Issue: Use lists are overly detailed and fragmented, requiring users to cross-check multiple sections.

Impact

- Slows review process and increases confusion
- Makes the code harder to interpret for new or infrequent users

Preliminary Concepts

- Group uses into clear, defined use categories.
- Present permitted uses and review procedures in tables with cross-references to applicable standards.



Repetitive Land Use Districts

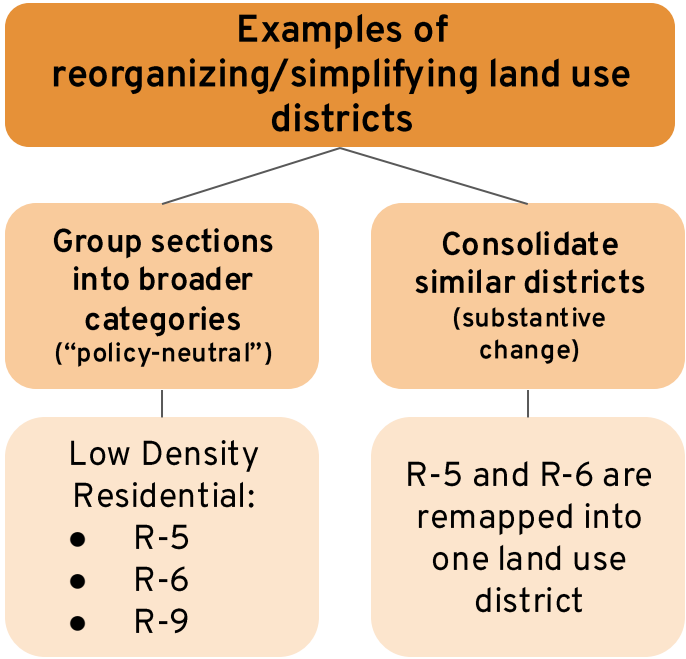
Issue: Each district has its own section, with overlapping or duplicative standards.

Impact

- Redundant content and large number of sections
- Makes code updates time-consuming and prone to error

Preliminary Concepts

- Group districts into broader categories (e.g., “Low Density Residential”).
- Consider consolidating substantively similar districts, such R-5 and R-6.
- Reorganize Transit-Oriented Districts as an overlay district.



Redundant Design and Development Standards

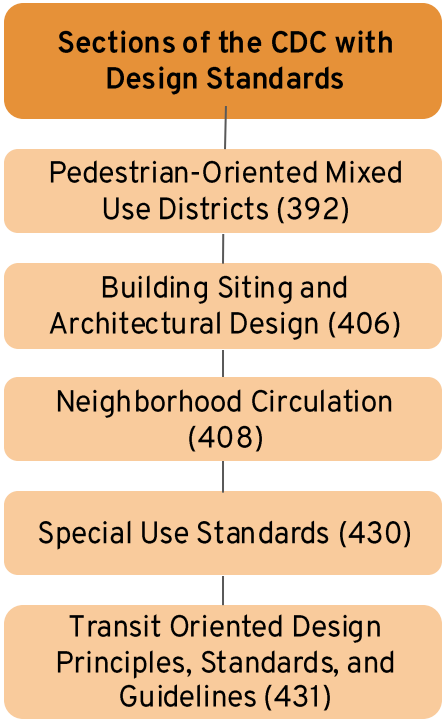
Issue: Similar design and development standards appear in multiple sections across the code.

Impact

- Creates redundancy and confusion over applicability
- Adds complexity to updates, Climate-Friendly and Equitable Communities (CFEC) compliance and SB 974 compliance

Preliminary Concepts

- Consolidate similar standards into fewer sections
- Align updates with upcoming CFEC requirements for compact, mixed-use development
- Modify or change design standards impacted by SB 974 or determined to be barriers to housing and equity



Scattered Application Requirements and Approval Criteria

Issue: Submittal and approval criteria are distributed throughout the CDC.

Impact

- Makes it difficult for applicants to identify all required submittal materials and approval criteria
- Increases risk of incomplete applications and review delays

Preliminary Concepts

- Centralize all application requirements and criteria in one article
- Consider migrating submittal requirements to published forms outside the CDC for clarity and flexibility

Example outline of an "Applications" chapter:

- Threshold(s)
- Procedure Type
- Approval Criteria
- Submission Requirements
- Conditions of Approval
- Appeal of a Decision
- Expiration of a Decision
- Extension of a Decision

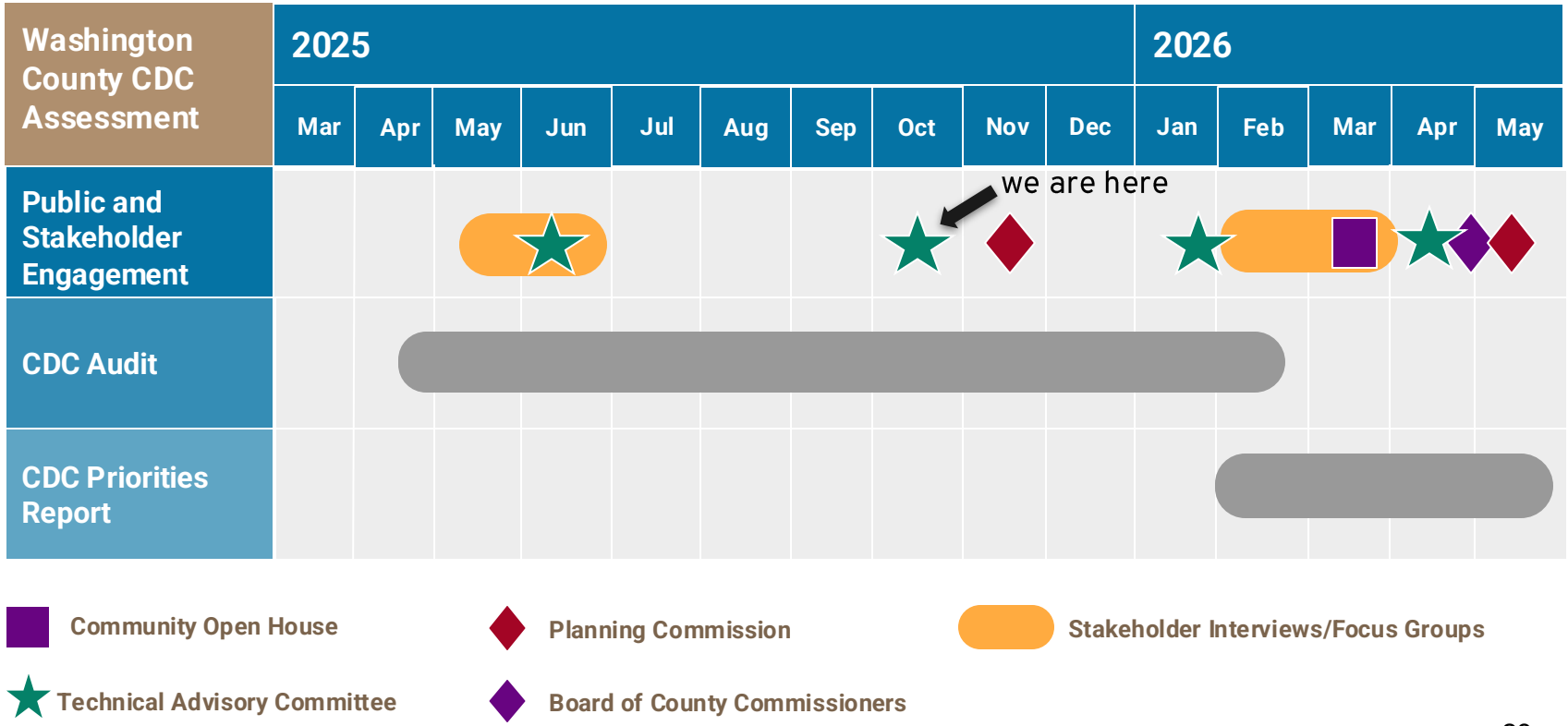
Discussion Questions

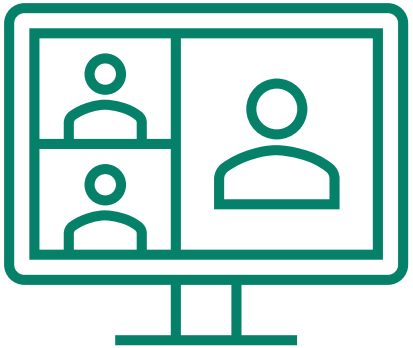
- Are there any code findings or preliminary concepts that you have concerns about?
- Are there usability issues that you're aware of in the CDC that have not been addressed in the findings summarized here and in the progress report?

Public Comment

Next Steps and Schedule

PROJECT TIMELINE



TAC # 3 DETAILS

- Next TAC meeting will be in Mid-January 2026.
- Staff will be in touch to schedule.
- Draft summary report will be shared in advance of meeting.
- We suggest a 2 hour meeting – would this work for you?