

Housing Variety and State Law Fact Sheet

A 2019 state law known as House Bill 2001 (HB2001) requires cities and counties to allow a wider variety of housing types in residential neighborhoods.

What types of housing? The law specifies duplexes, triplexes, quadplexes, townhouses and cottage clusters, which are often referred to as “middle housing.”

What is required? In short, the law says cities must allow:

- Duplexes on every lot where detached single-family homes are allowed
- All other middle housing types in every area where detached single-family homes are allowed. In effect, they must be allowed on a high percentage of lots.

Why is this important? Currently, many residential areas in Oregon only allow the construction of new detached single-family homes. The legislature passed this law to address problems with the housing market, including the following that exist in Beaverton:

- People with unmet needs for housing
- Residential areas with limited housing choices
- Residential segregation by race, ethnicity and income
- The need for more housing and more housing affordable at lower income levels.

What areas of Beaverton will be affected? HB2001 applies to lots or areas zoned for residential use that allows for the development of detached single-family homes. In Beaverton, this includes R1, R2, R4, R5, R7 and R10 zones. Visit this page to view city zoning for your neighborhood:

<https://gis.beavertonoregon.gov/BeavertonSearch/>.

How does this affect Beaverton?

Beaverton's existing development rules do not allow housing variety consistent with HB2001.

For example, new duplexes are not allowed in two of Beaverton's residential zones (R7 and R10) and are a conditional use in one (R5). Triplexes, quadplexes and townhouses are not allowed in any of those zones. The R1, R2 and R4 zones allow a wider variety but also may need adjustments to comply.

Two planning projects will help the city determine how to allow these new housing types in residential areas:

1. HOUSING OPTIONS PROJECT

This project will determine how additional housing types can be included in the city's residential neighborhoods and is the main way the city will comply HB2001.

Staff contact: Rob Zoeller, 503-526-3730, zoeller@beavertonoregon.gov.

Website:

www.BeavertonOregon.gov/HOP

2. COOPER MOUNTAIN COMMUNITY PLAN

This project will complete a detailed plan and develop new zoning for the 1,232-acre Cooper Mountain area, which was recently added to Metro's urban growth boundary.

Staff contact: Cassera Phipps, 503-526-2247, cphipps@beavertonoregon.gov.

Website:

www.BeavertonOregon.gov/CM

When will the changes happen? The city must adopt new land use regulations by June 30, 2022.

What are potential paths to comply with the law? State administrative rules provide multiple paths for Beaverton to comply with the law.

1. **Model code:** Beaverton must apply this code if it does not approve its own Development Code changes to implement the law.
 - Duplexes, triplexes, quadplexes, townhouses and cottage clusters would be allowed on all lots.
 - Any design standards for duplexes would also apply to single-family detached homes. The model code includes limited design standards for triplexes, quadplexes, townhouses and cottage clusters.
2. **Minimum compliance standards:** If Beaverton approves middle housing rules different than the model code, the city's code must comply with the state's minimum compliance standards.
 - Duplexes must be allowed on all lots. Triplexes must be allowed on lots at least 5,000 square feet. Quadplexes and cottage clusters must be allowed on lots at least 7,000 square feet. For townhouses, if a city establishes a minimum lot size it cannot be larger than 1,500 feet.
 - For design standards, a city may approve:
 - Design standards in the model code
 - Standards less restrictive than the model code
 - The same standards that apply to single-family detached homes
 - Design standards approved by the state that meet state guidelines.

Other important information regarding future city middle housing rules

- State rules allows cities to handle some lots differently, such as those with environmental constraints (for example, they are in floodplains or near creeks).
- Conversion of existing structures into duplexes, triplexes, quadplexes or townhouses do not have to meet design standards for new construction.
- In general, the city cannot implement rules, including design standards, that cause "unreasonable cost or delay" for middle housing.
- The city may temporarily decline to approve housing on some lots because of insufficient infrastructure (water, sewer, etc.)
- A "cottage cluster" is a grouping of smaller homes (maximum building footprint of 900 square feet) that includes a common courtyard.

State laws and rules

- House Bill 2001 text can be found here (PDF): <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled>
- The administrative rules will be posted at the following link (select "Search Current Rules," then "Chapter 660" then "Division 46.") <https://secure.sos.state.or.us/oard>

3. Alternatives to model code or minimum compliance standards:
- a. The performance standard approach allows the city to use lot sizes and/or densities to regulate middle housing as long as the city allows substantial amounts of housing in residential areas widely distributed throughout the city. Substantial amounts means:
 - i. Triplexes on at least 80 percent of lots.
 - ii. Quadplexes and cottage clusters on at least 70 percent of lots.
 - iii. Townhouses on at least 60 percent of lots.
 - b. The master plan communities approach allows Beaverton to use master plans for areas (generally larger areas not currently developed with urban residential uses) as long as middle housing is allowed and the city plans infrastructure (such as water and sewer lines) to accommodate densities of at least 20 units per acre.
 - c. Alternative siting or design standards: The city could adopt siting or design standards not allowed in the model code or minimum compliance standards if the standards do not cause "unreasonable cost or delay" in middle housing production.

To provide a sense of how the paths differ, Table 1 on the next page shows how the three most prominent paths regulate how cities treat lot sizes and density for triplexes.

What happens next?

- The Housing Options Project, over the next year or so, will develop alternative ways to allow new housing types – taking into account design and how new housing types are added to existing neighborhoods -- and work with community members and the City Council to evaluate the alternatives.

The project team will work with the community and City Council to develop and evaluate a preferred approach.

Implementation of the Council-supported preferred approach likely will involve changes to the city's Comprehensive Plan and Development Code.

- The Cooper Mountain Community Plan, in coordination with the Housing Options Project, will determine how housing variety is allowed in the Cooper Mountain growth area.
- Both projects will use a racial equity approach, consider real estate market considerations including potential involuntary displacement and take into account other city housing efforts, such as efforts to provide more affordable housing.

How do I get involved?

- Visit the project websites listed on Page 1 to sign up for project updates to learn about upcoming events and ways to provide feedback.

Table 1: Example - Three different paths for regulating triplexes under state administrative rules

	Model Code	Minimum Compliance (City rules must meet standard below)	Performance standard (City rules must allow middle housing on enough lots)
Triplex lot sizes	Allow on all applicable lots	<p>If minimum lot size in city zone is 5,000 square feet or less, the minimum lot size for triplexes may be as large as 5,000 square feet.</p> <p>If minimum lot size in city zone is greater than 5,000 square feet, the minimum lot size for triplexes may not be greater than the minimum lot size for single-family detached homes.</p>	<p>Triplexes must be allowed on 80 percent of applicable lots.</p> <p>At least one middle housing type (in addition to duplexes and cottage clusters) must be allowed on 75 percent of lots within each census block group (U.S. Census geographies with between 600 and 3,000 people).</p>
Triplex max density	No maximum density	Cities not allowed to use maximum density to regulate triplexes.	Cities may use maximum density to regulate triplexes if they achieve the performance standards in the cell above.