



House Bill 2001 Background and Requirements

The Oregon State Legislature passed House Bill 2001 (HB2001) in 2019 to help provide Oregonians with more housing choices. HB2001 requires West Linn allow for the development of middle housing (duplexes, triplexes, quadplexes, cottage clusters, and townhomes) in areas where only single-family detached housing is currently allowed. The City of West Linn has until June 30, 2022 to update local codes to comply with HB2001.

HB2001 was passed to help address the housing crisis in the state by creating opportunity for the development of more middle housing types. This is particularly important in West Linn as we can provide for more housing opportunities that go beyond the classic single-family detached home.

What is middle housing?

Middle housing, as defined in HB 2001, includes duplexes, triplexes, quadplexes (fourplexes), cottage clusters, and townhouses. It is called middle housing because it offers more living units than a single-family house but less than a typical apartment building.

What is the purpose of HB2001?

Cities in Oregon are facing a housing affordability crisis. The state has not been able to keep up with the demand for dwelling units as the population has grown (~10% in the last decade). Not enough housing has been built to correspond with this growth.

Housing variety is important to address affordability and also meet the needs of the community. Approximately 78% of the housing stock in West Linn is single-family detached. This provides limited opportunity for renters or first-time homebuyers to live in the community. By creating more middle housing options, the City can help meet the needs of households of different age, size and income that go beyond the single-family detached home.

Additionally, the bill acknowledges that single-family zoning has historically been used as a tool to exclude people of color through racially restrictive covenants and redlining. The bill aims to make zoning more inclusive.

Middle Housing Types

Duplexes:

Two dwelling units on a lot, usually in a single building.



Triplexes and quadplexes:

Three or four dwelling units on a lot, usually in a single building.



Townhouses:

Homes that are constructed in a row of attached units, each on a separate lot.



Cottage cluster:

A grouping of smaller homes (maximum building footprint of 900 square feet) that includes a common courtyard.



When will these changes be in effect?

The City must adopt the new code language by June 30, 2022.

What areas in Oregon are affected?

All cities and counties with a population of 10,000 or more in Oregon must implement the bill.

What are the benefits of allowing middle housing?

- Helps meet the needs of a broader cross section of the community
- Provides housing options that are more accessible to renters and owners at more income levels
- Has a scale and appearance that can fit well within the neighborhood
- Makes efficient use of existing infrastructure

What changes will there be to West Linn as a result?

The City of West Linn's existing development rules do not allow housing variety that is consistent with HB2001.

For example, new duplexes are not allowed in a number of the City of West Linn's residential zones (R-40, R-20, R-15, R-10, and R-7). Only Zones R-3 and R-2.1 allow for multi-family residential units.

The City will be applying a blanket approach to allow all zones that allow for single-family detached to allow for all types of middle housing.

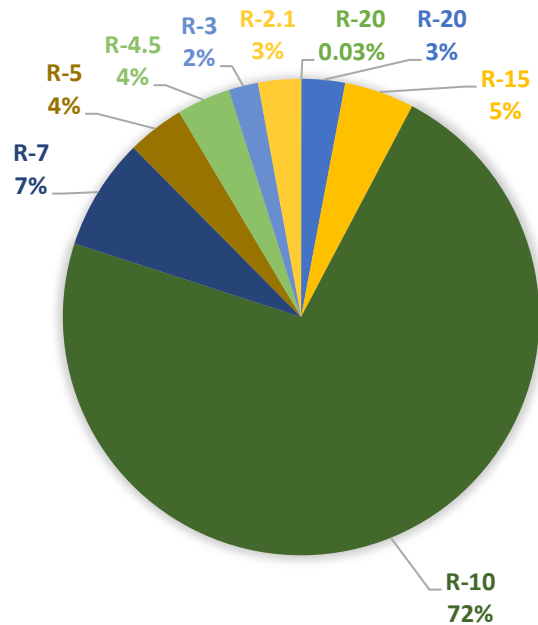
Please visit the following page to view zoning in your neighborhood:

<https://westlinnoregon.gov/maps/west-linn-maps>

The zones that would be affected are:

- R-40, R-20, R-15, R-10, R-7, R-5, R-4.5, R-3, and R-2.1

The pie chart on the right shows the City's current breakdown of gross residential zoning.



How much flexibility does the City have?

The City of West Linn has to adopt code changes consistent with Oregon Administrative Rule 660, Division 46. The City can adopt more flexible rules, which are the policy questions that City is asking the community in Phase 2.

The following are regulations that the new state bill prohibits:

- Cannot develop rules that only allow housing variety in some residential neighborhoods but not others.
- Cannot only allow single-family homes and no other housing types.
- Cannot implement rules that would cause "unreasonable cost or delay" for middle housing.
- Cannot apply rules to middle housing that are more restrictive than a single-family detached home.

If my property is affected, what will my neighborhood turn into?

The bill is aimed at making middle housing permitted in zones where it previously was not allowed. The goal of the bill is to provide the opportunity to develop different housing choices. The bill does not prohibit building detached single-

family homes and how much middle housing is built will depend on the local market.

Has any other city or state done this before?

Middle housing was more prevalent before World War II in older neighborhoods. The City of Minneapolis, Minnesota adopted a city-wide policy to allow middle housing by right in all residential zones. Oregon is the first state to pass such a bill. The City of Bend adopted new land use regulations prior to the passage of HB2001 to allow for middle housing to be built in more areas.

Can private agreements or CC&Rs restrict Middle Housing?

HB2001 does not allow new private deed restrictions/agreements such as CC&Rs (Covenants, Conditions, and Restrictions) that would restrict middle housing but it does not apply retroactively. The City is **not involved** in the enforcement of CC&Rs. After adoption of HB2001, the City would permit Middle Housing according to the new City code.

Are there different requirements for building Middle Housing?

The new state law requires that Middle Housing projects be held to the same standard for submitting a Building Permit as a detached single-family home.

Are there different standards for middle housing?

Every zone in the City has certain dimensional requirements such as minimum lot size, setbacks, lot coverage, floor area ratio, height requirements, etc. Most of the standards that are in place now would remain for that zoning designation. Some of the changes to the code would be:

- Cottage clusters and townhomes would not have to comply with the minimum front lot line or average minimum lot width.
- The average minimum lot or parcel size for an individual townhouse would be 1,500 square feet.

- Perimeter setbacks for cottages on individual lots in a cottage cluster may be 10 feet or less on all sides.
- The maximum building footprint for a cottage cluster is 900 square feet per dwelling unit. This does not include detached garages, carports, or accessory structures. A developer may deduct up to 200 square feet for an attached garage or carport.

Will accessory dwelling units still be allowed?

Yes, ADUs will still be allowed with a single-family detached dwelling. The ADU cannot exceed one bedroom and its area is limited between 250 and 1,000 square feet. To view our ADU code and its requirements, please refer to Chapter 34 in our [Community Development Code section 34.030](#). HB2001 prohibits cities from requiring owner occupancy or parking for ADUs.

How much parking will be required?

HB2001 allows the City to require up to two parking spaces for a duplex, three spaces for a triplex, four spaces for a quadplex, one space for each townhome, and one space for each dwelling unit in a cottage cluster.

The number of parking spaces is dependent on the lot size. If a detached single-family dwelling is converted to a triplex or quadplex, the City cannot require any additional parking spaces.

How is the City handling HB2001?

The City is treating the adoption of HB2001 as a two-phase project.

Phase I was completed June 2021 and was a technical exercise which included a community survey. The outcome was recommended code changes to comply with HB2001 as well as some policy questions to address during the public engagement process.

Phase 2 is our public engagement process where the City will glean community feedback on policy

choices and programs. That feedback will be used to help determine whether the City adopts the minimum to comply with HB2001 or adopts code language to implement some of the policy choices. The final action of Phase 2 will be adoption of Community Development Code amendments.

What is the decision process on updating the City's code?

Staff will hold various public events in order to elicit feedback on the policy questions. Staff will be recommending changes to the Community Development Code and Comprehensive Plan at public hearings to the Planning Commission and City Council.

Staff will be making recommendations based on public feedback, the consultant who completed Phase I, and the Oregon Department of Land Conservation and Development. In summary, staff makes a recommendation to Planning Commission who then makes a recommendation to City Council, who ultimately makes the final decision.



What policy questions are up for discussion?

Please view our handout on the policy questions that are to be discussed.

How can I be informed and involved in the process?

Visit the City of West Linn's project webpage on HB2001 for project updates and upcoming events and ways to provide feedback throughout the process.

What is the timeline for Phase 2?

We are currently in Phase 2, our public engagement process. You can find our timeline below.

