

FAQs

FREQUENTLY ASKED QUESTIONS



Expanding Housing Choice in Clackamas County

HB 2001 IMPLEMENTATION PROJECT

HB 2001

What is HB 2001? Why was it passed?

[House Bill 2001](#) (HB 2001) is a law passed by the 2019 Oregon legislature that requires cities and counties to allow certain middle housing types – duplexes, triplexes, quadplexes, townhouses and cottage clusters – in urban residential zones that already allow houses. The purpose of the law is to increase the amount of housing available to people at a variety of income levels. Since middle housing can be less expensive to build than conventional large houses, it may be possible to charge lower rents or sales prices for middle housing.

What is “middle housing”?

Middle housing includes duplexes, triplexes, quadplexes (also known as fourplexes), townhouses, and cottage clusters (several small houses centered on a common area such as a lawn or courtyard). Middle housing also includes ADUs (accessory dwelling units), which are secondary houses or apartment units on the same lot as a larger, primary house. Since Clackamas County already allows ADUs, we won't have to make any code changes related to ADUs.

The diagram below shows common of housing types considered “middle housing,” in between single-family homes and large, multi-unit apartment and condo buildings. The Oregon law refers specifically those shown below including cottage clusters (similar to the bungalow court in the diagram) and does not include live/work options (retail/business on the first floor with residential space on upper floors).



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These photos show examples of different middle housing types

Duplexes		
Townhomes		
Triplexes		
Quadplexes		
Cottage Clusters		

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Can middle housing be built anywhere?

- HB2001 only requires that Clackamas County allow middle housing in residential zones in the urban unincorporated areas of the county that already allow single-family homes.
- This law does not in any way regulate the type of housing in rural, unincorporated areas of the county.
- The county can continue to require that the property be ready for development before the County approves development. For example, if there is not sufficient water, sewer service, or transportation – then the county does not have to allow the development.
- The county can regulate the siting (size and location) and design (appearance) of middle housing as long as our regulations do not discourage the development of middle housing

What is the county doing to comply with the law?

The county must either amend its [Zoning and Development Ordinance \(ZDO\)](#), and its [Comprehensive Plan](#) by June 30, 2022, to allow for the development of middle housing in unincorporated urban residential zones or abide by the state's Middle Housing Model Code beginning July 1, 2022.

How does this affect homeowners?

HB 2001 will allow some residential property owners to pursue building an additional dwelling or dwellings on their property and, in some cases, to also convert a single-family home into multiple residential units.

How will this affect renters of residential property?

The results of HB 2001 could increase the supply of rental property by encouraging some homeowners to build a rental dwelling or dwellings on their properties.

How will HB 2001 affect residential building developers and contractors?

- Developers and contractors will have clear regulations to follow whether they are building single-family houses or middle housing.
- The new law generally requires that the same development regulations be applied to single-family houses and middle housing, so our urban residential zoning regulations will be amended to apply to middle housing.
- We plan to make the amended regulations clear and simple in order to encourage small developers, including homeowners and small homebuilders, to build middle housing.

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Will parking rules change?

HB2001 does require Clackamas County to change the current parking rules for triplexes and quadplexes. The state rules that guide the implementation of HB 2001 include specific standards that prohibit Clackamas County from requiring more than two off-street parking spaces for a duplex. They also include specific standards about parking for other middle housing types, summarized in the table below:

Lot size in square feet (sq ft)	Minimum off-street parking <u>requirements</u> must be no greater than...				
	Duplex	Triplex	Quadplex	Cottage Cluster	Townhomes
Less than 3,000 sq ft	2 spaces (total)	1 space (total)	1 space (total)	1 space per unit	1 space per unit
3,000 - 5,000 sq ft		2 spaces (total)	2 spaces (total)		
5,000 -7,000 sq ft		3 spaces (total)	3 spaces (total)		
7,000 sq ft or more		4 spaces (total)			

Though the county cannot require more off-street parking, developers could provide more than the minimum. Developers often do provide more parking than required if they think that is what the market wants.

Does this mean the county will no longer allow the building of single-family homes?

No. As in the past, the county will continue to allow the building of single-family houses on properties that are zoned for them and are ready for development.

Does HB2001 interfere with homeowner association (HOA) codes, covenants, and restrictions (CC&Rs)?

HB2001 allows most existing deed restrictions, homeowner association agreements (HOA), and covenants, conditions, and restrictions (CC&Rs) to remain as they are. However, they will be unenforceable if they both prohibit middle housing and were adopted on or after August 8, 2019. New deed restrictions, agreements, and CC&Rs are not permitted to prohibit middle housing.

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Health & Housing

How is housing related to my health?

Housing is many things: stability, part of a neighborhood or community, and an impact on residents' health. Housing stability, quality, safety, and affordability can support physical, mental, and behavioral health.

How will code changes make housing more affordable?

Since middle housing can be less expensive to build than conventional large houses, it may become possible for property owners to charge lower rents or sales prices. The updated code will allow for more housing types, such as duplexes, triplexes, quadplexes (fourplexes), townhouses, and cottage clusters (several small houses centered on a common area such as a lawn or courtyard).

How will this impact me and my family?

- If you currently own a single-family house or property zoned for a single-family house in urban unincorporated Clackamas County, you may have the option of adding one or more additional dwelling units to your property.
- If you are looking for housing in urban unincorporated Clackamas County, the proposed code changes could provide you with more housing options to rent or own because it could lead to more residential development throughout the county.

Land Use Housing Strategies Project (LUHSP)

What is LUHSP?

The proposed changes related to HB2001 are part of a three-phase Land Use Housing Strategies project – LUHSP – undertaken by the county's Planning & Zoning Division to support the development of more affordable varieties of housing in unincorporated urban areas of the county.

Why is more housing needed?

Housing in Clackamas County is becoming less affordable. This problem is worsened by a shortage in buildable residential land in the urban unincorporated area. Based on estimates in the Clackamas County Regional Housing Needs Analysis (HNA) from September 2019, unincorporated Clackamas County lacks residentially-zoned land for as many as 5,000 housing units needed in the next 20 years, over half of which would be multi-family units.

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What is the focus of each phase?

- **Phase 1:** The first phase has resulted in Board of County Commissioners approval of changes to the Zoning and Development Ordinance (ZDO) to encourage the development of more multifamily housing in urban unincorporated Clackamas County. Specifically, the approved amendments will:
 - Provide residential developers with additional entitlements (such as more units) in exchange for providing housing that is affordable for low-income households;
 - Increase maximum allowed housing density in some unincorporated commercial zones from 25 units per acre to 60 units per acre;
 - Allow a 20 percent density bonus for housing in mixed-use development in those unincorporated commercial zones;
 - Reduce overall parking requirements for multifamily developments in unincorporated commercial and residential areas, and
 - Reduce parking requirements for multifamily developments within ¼ mile walking distance of a light-rail station.
- **Phase 2:** The second phase started in January 2021 and will end in 2022. This current phase, implementing the state-required HB 2001 components, will allow more housing types in single-family residential areas.
- **Phase 3:** The third and final phase may begin after Phase 2 is complete. It could include allowing housing on religious-owned properties, preserving manufactured dwelling parks and allowing even more housing types in residential areas.

How has the public been engaged in the process?

Equitable public engagement and involvement are integral to the success of this project and is taking place throughout all phases. The primary public engagement objectives are to:

- Understand the community's priorities and concerns with regard to potential changes that may take place in their neighborhoods as a result of implementation of these strategies.
- Collaborate with community partners to advance socioeconomic, racial and transportation equity in Clackamas County.
- Lay the groundwork for updating policies and regulations to ensure the updates will be responsive to the needs of urban communities in unincorporated areas of the county.

Where can I get more information?

For more information about the HB 2001 Implementation Project and other Clackamas County efforts on housing, please visit www.clackamas.us/planning/HB2001.

For questions, please contact:

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How can I share my comments?

There are public hearings before the Planning Commission and the Board of Commissioners in for all phases of the project.

Dates, times and details will be mailed to property owners and posted online at www.clackamas.us/planning/HB2001.