

Housing Hillsboro Code Amendments

Frequently Asked Questions

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General HB 2001 Information

Is Hillsboro required to adopt these rules?

Yes. House Bill 2001 (HB 2001), adopted in August 2019 by the Oregon Legislature, applies to all cities with populations over 10,000 people. HB 2001 requires that these cities allow “middle housing” in zones which were otherwise restricted to single family detached dwellings. Middle housing includes duplexes, triplexes, quadplexes, cottage clusters and townhomes. Cities with populations greater than 25,000, like Hillsboro, must follow the rules for “large cities.”

Does HB 2001 require all cities to adopt the same standards?

No. The Department of Land Conservation and Development (DLCD) adopted minimum standards for compliance with HB 2001 as well as a Middle Housing Model Code. Cities have the option of drafting their own regulations that comply with HB 2001, or applying the Model Code. Hillsboro is drafting its own regulations.

When is this happening?

The updates to Hillsboro’s Community Development Code (CDC) must be effective by June 30, 2022, or the Model Code regulations will automatically apply.

Which zones in Hillsboro will be affected by HB 2001?

HB 2001 will apply to the following 13 zones within Hillsboro’s city limits:

- **Single Family Residential Zones:** SFR-10, SFR-8.5, SFR-7, SFR-6, SFR-4.5, SCR-DNC, SCR-OTC, SCR-LD
- **Multifamily Zones:** SCR-MD, MFR-1
- **Mixed-Use Zones:** MU-VTC, SRC-V, MU-N

These are the residential and mixed-use zones in which single family detached dwellings are permitted.

Do these rules mean that middle housing will be required in these 13 zones, and on every lot?

No. HB 2001 requires that middle housing be allowed in these zones, not that middle housing is required to be built on every lot. Property owners will have discretion on how they would like to develop their property under the terms of HB 2001. Additionally, it may not be feasible to add additional dwelling units to certain properties due to constraints such as slope, natural resources, parking requirements, limited access (flag lot), etc.

Do these new rules apply to historic districts and neighborhoods with Homeowner's Associations (HOAs)?

Yes, HB 2001 applies to historic districts and neighborhoods with HOAs.

- **Historic Districts:** Clear and objective design standards have been developed for Hillsboro's two historic overlay district: SCR-DNC and SCR-OTC. Middle housing must be permitted in these districts.
- **HOAs:** The Covenants, Conditions and Restrictions (CC&Rs) of an HOA may prohibit more than one dwelling unit on a lot and can effectively prohibit the development of middle housing and Accessory Dwelling Units (ADUs) in a neighborhood. Under HB 2001, new CC&Rs that prohibit middle housing or ADUs are prohibited. However, Hillsboro does not have the authority to eliminate or enforce CC&Rs.

Development Standards

What will be the siting standards for middle housing?

Middle housing will be subject to siting standards such as minimum setbacks, maximum lot coverage, and maximum height. These standards will be "clear and objective" and, in general, will equally apply to single family detached dwellings in the same zones. Certain development standards (such as lot size) are subject to specific limitations under the State's rules.

Will there be design standards for middle housing?

Yes. Standards addressing design features like window orientation and front door location will apply based on housing type and certain development thresholds such as number of dwelling units. These standards will be "clear and objective" and most will equally apply to single family detached dwellings in the same zones. Some new design standards – such as the proposed new standards for cottage cluster housing - will apply only to middle housing.

What does "clear and objective" mean as applied to siting or design standards?

"Clear and objective" means measurable and not open to interpretation. For instance, a minimum setback of 20 feet is a measurable standard that is not open to interpretation. On the other hand, wording like "good design" or "compatible material" is subjective and open to interpretation. HB 2001 requires that standards for middle housing be clear and objective.

How will design standards ensure that new housing matches existing neighborhood style?

Currently, building design standards apply to accessory dwelling units, townhomes, and multi-family development. There are also design standards that apply to single-family dwellings in subdivisions of eight or more lots. For smaller single-family developments and duplexes, the only applicable standards are the dimensional site design standards such as setbacks, lot coverage and building height. The proposed Housing Hillsboro amendments will generally require single family and middle housing development in the same zone to meet the same building design standards. The proposed "clear and objective" design standards can provide some continuity between older development and new middle housing, although there is no

intent or guarantee that new middle housing units will “match” existing development. Wherever possible, the existing design standards have been retained.

Will maximum density standards apply to middle housing development?

It depends. Residential zone standards typically identify a minimum and maximum density, which is calculated by dividing the number of dwelling units by the net acreage of the site. For instance, four dwelling units (du) located on a ½-acre (ac) lot yields a density of 8 du/ac. Except for townhomes, maximum density standards will not apply to middle housing development in zones subject to HB 2001. Density on a middle housing lot will ultimately be determined by lot characteristics, dimensional standards and required parking. Townhome development will be limited to 4 times the base zone’s maximum density, up to 25 dwelling units per acre.

Will middle housing be required to provide parking for the new units?

Yes. All housing types (except for ADUs) will be required to provide at least one off-street parking space per dwelling unit.

Procedures

What are middle housing land divisions?

Middle housing land divisions are a special type of land division required by Senate Bill 458. Senate Bill 458 allows middle housing developments to be divided so that each unit is on its own lot and can be individually owned. The intent of the legislation is to enable more affordable homeownership opportunities. Middle housing projects must meet a specific set of criteria to qualify for a middle housing land division. Cities cannot apply all the same requirements that they would in a typical land division—such as requiring that each new lot have frontage on a street.

I have a single detached home on a lot with a large back yard. Can I build a duplex on the same lot, or will I have to divide the lot first?

You will have to divide the lot before constructing a new duplex, triplex or quadplex structure. However, cottage cluster development would be permitted without a land division.

What is the difference between an Accessory Dwelling Unit (ADU) and a Cottage Cluster?

An Accessory Dwelling Unit (ADU) is only permitted on the same lot as a single detached dwelling or a townhouse, and only one ADU is allowed per lot. ADUs are limited to 750 square feet of floor area and do not require additional parking. System Development Charges (SDCs) do not apply to ADUs.

A Cottage Cluster is a group of 3-8 cottages around a shared courtyard on one lot. Individual cottages are limited to a footprint of 900 square feet and a total floor area of 1,400 square feet. One parking space is required for each cottage. Cottage clusters are allowed in all Middle Housing zones and can incorporate a single detached dwelling. SDCs apply to each cottage.

Why are Planned Unit Development (PUD) provisions changing?

In Hillsboro, PUD applications require significant discretion by reviewers. In some zones, certain housing types are only permitted as part of a PUD (e.g., multi-dwelling structures in single-

dwelling zones) or PUDs are required for all development over a certain size. However, because of the State’s requirement to have “clear and objective” standards for housing, if a housing type is available in a zone, the code must provide a clear and objective process to allow it. Jurisdictions may provide discretionary processes (such as a PUD) in addition to a clear and objective process, but PUDs cannot be the only option for applicants to develop housing. The proposed amendments resolve this issue but keep the current PUD process as a flexible option for developers.

Will Middle Housing developments need a Type II Development Review permit through the Planning Division, or will a Type III public hearing be required for Middle Housing developments?

Neither. Because the development standards are “clear and objective”, development for most middle housing in HB 2001 zones will be reviewed as part of a Building Permit application. Plans will be submitted and reviewed for compliance with the clear and objective development and design standards through a new “Zoning Review” checklist that accompanies the Building Permit.

Applicants can request an “adjustment” to any of the clear and objective design standards; in that case, the application is elevated to Type II Development Review.

Outreach and Draft Amendments

I am interested in adding middle housing to my property; where do I start?

A public review draft of the code amendments was posted on January 18, 2022 to the project page on the city’s website. Additionally, the Housing Hillsboro team hosted two virtual meetings to provide project updates, answer questions, and hear feedback from the community. Links to the draft code amendments and a recording of the zoom meeting can be found on the project web page, [here](#).

Note that the draft amendments are subject to change based on community feedback, further refinement by the project team, and the hearing bodies (Planning Commission and City Council) that will make the recommendation and decision, respectively, on the Housing Hillsboro amendments. Following adoption of the middle housing amendments in June 2022, Development Services staff will be the point of contact for processing development applications and will be the lead implementers of the code.

What else is included in the proposed Housing Hillsboro CDC Amendments?

In addition to the HB 2001 amendments, the Housing Hillsboro project incorporates the following State legislations:

- **Senate Bill (SB) 8:** Requires cities to allow certain affordable housing projects in any zone except “heavy industrial” zones without requiring a zone change or conditional use permit if certain criteria and standards are met.
- **SB 458:** Requires cities to allow certain middle housing land divisions.

- **SB 1051:** Expanded the requirement for clear and objective development standards to all housing inside an urban growth boundary.
- **HB 2008:** Requires cities to approve the development of certain affordable housing projects by nonprofit corporations organized as religious corporations.
- **HB 2583:** Prohibits cities from establishing an occupancy limit for any residential unit based on the familial or nonfamilial relationships among occupants.
- **HB 3261:** Requires cities to allow the conversion of motels and hotels to emergency shelters without conditions except those ensuring building codes and occupancy limits are met. It also allows the conversion of motels and hotels to affordable housing subject to only “reasonable regulations on siting and design.”

Lastly, the Housing Hillsboro project includes amendments that create a “clear and objective” path for attached and detached **Accessory Dwelling Units (ADUs)**.

Neighborhood Impacts

Will these changes cause single family homes to be demolished and replaced with middle housing?

Perhaps. But there are many factors and conditions that affect the likelihood of redevelopment on any particular lot. These include:

- The cost of demolition or renovation;
- Whether the property owner is interested in selling the property;
- Constraints on the property such as slope, natural resources, or limited access (flag lot);
- Sufficient demand from buyers or renters to absorb the new units;
- Compliance with Building and Fire Codes.

How will the Housing Hillsboro amendments affect the property value of existing homes?

The Housing Hillsboro amendments could have a positive or negative impact on residential property values. However, there are no criteria for evaluating impacts to property value for this or any CDC amendment or for the development or redevelopment of any singular property.