

HB 2138-4  
(LC 333)  
3/25/25 (RLM/ps)

Requested by Representative BOSHART DAVIS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2138**

1 On page 1 of the printed bill, delete lines 13 through 22 and delete pages  
2 2 and 3.

3 On page 4, delete lines 1 through 10 and insert:

4 **“SECTION 1. ORS 197A.420 is amended to read:**

5 **“197A.420. (1) As used in this section:**

6 **“(a) ‘City’ [or] includes land that is within a city’s urban unincor-**  
7 **porated lands.**

8 **“(b) ‘City with a population of 25,000 or greater’ includes, regardless of**  
9 **size, any city within Tillamook County and the communities of**  
10 **Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin,**  
11 **Netarts, Oceanside and Pacific City/Woods.**

12 **“[(b) ‘Cottage clusters’ means groupings of no fewer than four detached**  
13 **housing units per acre with a footprint of less than 900 square feet each and**  
14 **that include a common courtyard.]**

15 **“[(c) ‘Middle housing’ means:]**

16 **“[(A) Duplexes;]**

17 **“[(B) Triplexes;]**

18 **“[(C) Quadplexes;]**

19 **“[(D) Cottage clusters; and]**

20 **“[(E) Townhouses.]**

21 **“(c) ‘Cottage cluster’ means a grouping of attached or detached**

1 dwelling units in any configuration that includes a common courtyard  
2 or other shared community amenity and in which each unit has a  
3 small footprint.

4 “(d) ‘Duplex’ means two attached dwellings in any configuration on  
5 a lot or parcel, other than a lot or parcel created by a middle housing  
6 land division.

7 “(e)(A) ‘Middle housing’ means housing that consists of duplexes,  
8 triplexes, quadplexes, cottage clusters or townhouses.

9 “(B) ‘Middle housing’ includes dwelling units that are:

10 “(i) Additional units allowed under section 3 of this 2025 Act; and

11 “(ii) Existing dwelling units to which additional units are added  
12 under subsection (4) of this section.

13 “(f) ‘Middle housing land division’ has the meaning given that term  
14 in ORS 92.031.

15 “(g) ‘Quadplex’ means four attached dwellings in any configuration  
16 on a lot or parcel, other than a lot or parcel created by a middle  
17 housing land division.

18 “[*(d)*] (h) [*‘Townhouses’*] ‘Townhouse’ means a dwelling unit constructed  
19 in a row of two or more attached units, where each dwelling unit is located  
20 on an individual lot or parcel and shares at least one common wall with an  
21 adjacent unit.

22 “(i) ‘Triplex’ means three attached dwellings in any configuration  
23 on a lot or parcel, other than a lot or parcel created by a middle  
24 housing land division.

25 “(j) ‘Zoned for residential use’ means land that:

26 “(A) Is within an urban growth boundary;

27 “(B) Has base zoning for residential uses;

28 “(C) Allows the development of a detached single-unit dwelling;

29 “(D) Is not zoned primarily for commercial, industrial, agricultural  
30 or public uses;

1       “(E) Was created by a land division occurring on or before June 30,  
2       2021; and

3       “(F)(i) Is incorporated; or

4       “(ii)(I) Has sufficient urban services, as defined in ORS 195.065; and

5       “(II) Is not zoned under an interim zoning designation that main-  
6       tains the land’s potential for planned urban development.

7       “(2) Except as provided in subsection (4) of this section, **each county**,  
8       each city with a population of 25,000 or greater, and each [county or] city  
9       **with a population of 1,000 or greater** within [a metropolitan service  
10       district] **Metro**, shall allow the development of:

11       “(a) All middle housing types in areas zoned for residential use [that allow  
12       for the development of detached single-family dwellings]; and

13       “(b) A duplex on each lot or parcel zoned for residential use [that allows  
14       for the development of detached single-family dwellings].

15       “(3) [Except as provided in subsection (4) of this section,] Each city not  
16       within [a metropolitan service district] **Metro** with a population of 2,500 or  
17       greater and less than 25,000 shall allow the development of a duplex on each  
18       lot or parcel zoned for residential use [that allows for the development of de-  
19       tached single-family dwellings. Nothing in this subsection prohibits a local  
20       government from allowing middle housing types in addition to duplexes].

21       “[(4)(a) Except within Tillamook County, this section does not apply to:]

22       “[(A) Cities with a population of 1,000 or fewer, except inside of Tillamook  
23       County;]

24       “[(B) Lands not within an urban growth boundary;]

25       “[(C) Lands that are not incorporated and also lack sufficient urban ser-  
26       vices, as defined in ORS 195.065; or]

27       “[(D) Lands that are not incorporated and are zoned under an interim  
28       zoning designation that maintains the land’s potential for planned urban de-  
29       velopment.]

30       “[(b) This section does not apply to lands that are not zoned for residential

1 use, including lands zoned primarily for commercial, industrial, agricultural  
2 or public uses.]

3 “(4)(a) Each city required to allow middle housing under subsection  
4 (2) or (3) of this section shall allow the lot or parcel to include existing  
5 housing consisting of:

6 “(A) One single-unit dwelling;

7 “(B) One single-unit dwelling plus one accessory dwelling unit; or

8 “(C) One duplex.

9 “(b) The city may require only the new units, and not the existing  
10 units, to comply with siting and design standards adopted under sub-  
11 section (5) of this section.

12 “(c) Existing units on the lot or parcel may be separated from the  
13 new units by a middle housing land division and are considered a sin-  
14 gle unit for the purposes of such division.

15 “(5) Local governments:

16 “(a) May regulate siting and design of middle housing required to be  
17 permitted under this section, provided that the regulations do not[,] individ-  
18 ually or cumulatively[,] discourage, **through unreasonable costs or delay**,  
19 the development of all middle housing types permitted in the area [*through*  
20 *unreasonable costs or delay*].

21 “(b) [*Local governments*] May regulate middle housing to comply with  
22 protective measures adopted pursuant to statewide land use planning goals.

23 “(6) This section does not prohibit local governments from permitting:

24 “(a) [*Single-family*] **Single-unit** dwellings in areas zoned to allow for  
25 [*single-family*] **single-unit** dwellings; or

26 “(b) Middle housing in areas not required under this section.

27 “(7) A local government that amends its comprehensive plan or land use  
28 regulations relating to allowing additional middle housing is not required to  
29 consider whether the amendments significantly affect an existing or planned  
30 transportation facility.

1       **“SECTION 2. Section 3 of this 2025 Act is added to and made a part**  
2 **of ORS chapter 197A.**

3       **“SECTION 3. (1) As used in this section:**

4       **“(a) ‘Accessible homeownership unit’ means a unit of housing that**  
5 **complies with the ‘Type A’ requirements applicable to units as set**  
6 **forth in section 1103 of the December 2023 printing of the Standard for**  
7 **Accessible and Usable Buildings and Facilities (ICC A117.1-2017) pub-**  
8 **lished by the International Code Council.**

9       **“(b) ‘Affordable homeownership unit’ means a unit of housing that**  
10 **is subject to an affordable housing covenant, as described in ORS**  
11 **456.270 to 456.295, that:**

12       **“(A) Makes the unit available and affordable to purchase and to**  
13 **own for families with incomes of 120 percent or less of the area median**  
14 **income; and**

15       **“(B) Is enforceable for a duration of not less than 10 years from the**  
16 **date of the certificate of occupancy.**

17       **“(2) On any lot, parcel or area on which middle housing may be**  
18 **sited under ORS 197A.420 (2) or (3), if one or more of the units of**  
19 **middle housing is an accessible or affordable homeownership unit, a**  
20 **city shall allow the additional development of:**

21       **“(a) For any allowable duplex or triplex, one additional attached**  
22 **dwelling unit.**

23       **“(b) For any allowable townhouse or quadplex, up to two additional**  
24 **attached units.**

25       **“(c) For any allowable cottage cluster, up to two additional attached**  
26 **or detached dwelling units.**

27       **“(3) The additional units under this section are subject to the reg-**  
28 **ulations under ORS 197A.420 (5), except that a city must allow**  
29 **commensurate increases to the developable area, floor area, height or**  
30 **density requirements to allow for the development of the units.”.**

