



April 10, 2026

Land Conservation and Development Commission
635 Capitol St. NE, Suite 150
Salem, OR, 97301-2540

RE: Rule conforming Division 46 Regulations on Residential Design Standards to SB 974 (2025)

Chair and Members of the Commission,

Thank you for the opportunity to comment on the proposed rulemaking implementing SB 974.

The proposed amendments to Division 46 would clarify that when a housing development includes 20 or more residential units, a local government may not apply the residential design standards specified in Oregon Laws 2025, chapter 330, section 8(3)(a). The City supports this clarification and finds it helpful for administering development standards and reviewing applications for compliance.

The City requests additional amendments to the draft rule that clarify and will have the effect of supporting consistent local implementation of the rule. Specifically:

- **Definition of “development of housing.”** For purposes of local permitting and land use review, does the term “development of housing” include residential land divisions, or is it limited to vertical development of residential structures?
- **Application to developments exceeding 20 units.** How should the provision be applied when a proposal meets the definition of a “multifamily structure” and includes more than 20 residential units? For example, how should a local government apply the rule to a proposal for 21 units submitted as a single application for seven multi-unit structures with three units each?

Clarification of the draft rules on these issues would assist local governments in applying the statute consistently and would help reduce uncertainty during development review.

Sincerely,

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