



July 14, 2026

Chair Allan Lazo
Land Conservation and Development Commission
635 Capitol St., Ste. 150
Salem, OR 97301

Delivered Via E-Mail: housing.dlcd@dlcd.oregon.gov

RE: Clackamas County Comments on Draft Rules for Middle Housing Oregon Homes (MHOR) Phase One

Dear Chair Lazo and Members of the Land Conservation and Development Commission:

Thank you for the opportunity to provide comments on the draft rules for Middle Housing Oregon Homes (MHOR) Phase One.

Clackamas County staff have participated in the Middle Housing Oregon Homes Rulemaking Advisory Committee (MHOR RAC) and we appreciated the opportunity to be involved in the rulemaking process. Through this process it has become clear that the draft Rules in **OAR Chapter 660, Division 47 (Oregon Homes)** circumvent local zoning and siting standards, and increase administrative burden for local jurisdictions. Unfortunately, despite substantial feedback from RAC members recommending changes and raising concerns, very little has changed from the original drafts of the proposed rules. It is particularly disheartening that technical feedback from local government practitioners has been disregarded; these are the people most familiar with our local communities and the practical reality of implementation of state rules at the local level.

Circumvention of Local Zoning, Density, and Siting Standards

Including multi-unit dwellings with seven to 11 units in the definition of an Oregon Homes Development has the effect of undoing local planning efforts. As written, the rules will allow multi-unit buildings in neighborhoods, currently planned for single-unit and middle housing without local community engagement in these changes. For example, under the Oregon Homes pathway a 7,000-square-foot lot zoned for single-unit or middle housing, could become eligible for an 11-unit apartment building with reduced setbacks and increased building coverage. This upzoning would be allowed without any opportunity for meaningful community feedback at the local level.

The rules also fail to consider local context, for example the proposed 5-foot setbacks do not provide an adequate front yard area to allow cars to access garages safely and would greatly complicate the future acquisition of right-of-way for future roadway improvements.

Long-Term Implementation Challenges

We disagree with the Fiscal and Economic Impact statement included in the Notice of Proposed Rulemaking that states the new rules could reduce the fiscal costs of residential review, and that the limited review process should reduce staff time for an affected project. The proposed rule changes add complexity to the overall review of permits by introducing a new process with unique regulations that staff will need to implement. The long-term implementation of the MHOR program also has not been adequately considered. For example, it will be difficult for code compliance or the tracking of the history of an Oregon Homes lot due to the various alterations allowed.

Recommendation

We recommend that the LCDC carefully consider the proposed rules and avoid adopting regulations that override local density and design standards. In lieu of adopting the proposed rules, we recommend that communities rely on the existing middle-housing regulations to guide development and design as this will maintain neighborhood consistency and minimize regulatory complexity as communities work to build homes for all Oregonians.

Sincerely,



Craig Roberts, Chair

On Behalf of the Clackamas County Board of Commissioners