

DLCD Rulemaking Comment Form Submission 54

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Rule: MHOR Homes Phase One

Comment: Thank you for the opportunity to comment on the proposed rules implementing House Bills 2138 and 2258. I appreciate the significant effort by DLCD staff, the Rulemaking Advisory Committee, and the Commission. I also recognize Oregon's urgent need for more housing. However, I remain concerned that Oregon continues to address permitting challenges by adding new statutes, regulations, and administrative processes rather than addressing the underlying causes of delay. Whether the issue is housing, economic development, infrastructure, or natural resource protection, we continue to respond by creating new regulatory frameworks instead of improving the permitting system itself. House Bills 2138 and 2258 are the latest examples of this approach. I understand the Commission is required to implement these bills. However, the Commission has discretion regarding how broadly these rules are written. I respectfully encourage the Commission to adopt only those rules necessary to implement the legislation and avoid expanding the program beyond what the Legislature expressly required. I was encouraged that many of the same concerns I have were raised during the Rulemaking Advisory Committee process. DLCD's own materials acknowledge discussions regarding emergency access, fire turnaround requirements, utility access, and the challenges of applying one statewide development standard across Oregon's diverse communities. These concerns deserve careful consideration before becoming permanent statewide policy. Oregon has long recognized that one-size-fits-all planning does not work. The Statewide Planning Goals establish a common vision and policy framework for the state while allowing local governments to implement those goals through comprehensive plans and land use regulations that reflect each community's geography, hazards, infrastructure, economy, and character. That partnership between statewide policy and local implementation has been one of Oregon's greatest strengths. In recent years, however, the state has increasingly shifted away from that model by replacing locally developed implementation measures with statewide standards. While intended to address housing needs, these changes reduce the flexibility communities need to implement the Statewide Planning Goals in ways that protect public health and safety while responding to local conditions. Development standards such as setbacks, access, and building placement are often viewed as design standards. In reality, they exist because planning, transportation, public works, and building safety are interconnected. Land use regulations determine where development occurs, while the Building Code governs how structures are constructed. Together they protect fire and life safety, emergency access, transportation, utilities, drainage, and community resilience. A single statewide standard cannot adequately address the diverse conditions found across Oregon. If Oregon is serious about addressing the housing crisis, we must focus on fixing the permitting system itself rather than continuing to add new regulatory layers. We should streamline review processes, improve interagency coordination, invest in local government capacity, modernize permitting technology, and preserve the flexibility necessary for communities to address legitimate site-specific health, safety, and infrastructure concerns. The solution is not to preempt local regulations, create parallel permitting systems, or shift responsibilities between state and local governments. The solution is to provide local jurisdictions with the funding, staffing, technology, technical assistance, and coordinated state support needed to efficiently implement Oregon's land use program. Strengthening that partnership—not replacing it—will do far more to increase housing production while continuing to protect the public health, safety, and welfare. Thank you for your consideration.