



July 27, 2026
Allan Lazo, Chair
Oregon Land Conservation and Development Commission
635 Capital Street NE, Suite 150
Salem, OR 97301

Delivered Via E-Mail: Ingrid.caudel@dlcd.oregon.gov

RE: City of Bend Comments on Oregon Homes Rules, OAR 660-047 for July 29, 2026, Land Conservation and Development Commission hearing

Dear Chair Lazo and Members of the Commission:

The City of Bend provides these comments on the proposed rules, OAR 660-047, intended to implement HB 2258 (2025), the Oregon Homes Program. Thank you for the opportunity to provide these comments.

The city understands that the purpose of the Oregon Homes Program is to further streamline the permit process for new housing and ensure that more units can be built in a shorter period. That is the view the City relied upon in reviewing the draft rules and preparing the enclosed comments. We support making the program successful for builders who choose to use it. You will find the City's May 21, 2026, comments to the Rulemaking Advisory Committee (RAC) on pages 158-162 of your materials.

660-047-0010 Definitions

(1) Building Height: It still appears cities will have to use the new definition for building height for these dwelling units. We understood stakeholders were advocating for changes to the draft rules that would allow cities to use their own height requirements. We question the utility of having a different measurement for one use. We recommend deleting this definition and allowing cities to use their adopted definitions of height to reduce confusion in the permitting process.

(8)(g)(D) Oregon Homes Lot. We recommend deleting (D) from (8)(g). The goal of the program is to expedite construction of housing. This (D) adds a potential element of discretion that will lead to more time to approve a new dwelling or increased costs in redesigning a site plan to move a dwelling outside of a protected area. The city suggests focusing on lots of record that are located entirely outside of areas under a Goal 5 protection program (e.g., overlay zone).



660-047-0020, Local Government Review Process

(1) We commend changing the “must” to a “may” issue a land use decision under the proposed rule. While HB 2258 Section 2(2) states that the Commission may adopt rules that require a land use decision, we ask you to consider that doing so goes against the intent of the bill and program to speed up and increase housing production. Land use decisions involve the exercise of policy and legal judgements when applying land use standards. These decisions can be subject to appeal and a public hearing. Here, the Oregon Homes Program would rely on mostly clear and objective standards that would allow permitting to be completed using a ministerial path used for building permits.

Bend has already established a Pre-Approved Plans Program that is administered by the City’s Building Safety Division - [Pre-Approved Plans Program - City of Bend](#). These permits do not require a land use permit.

660-047-0030, Design Standards

(1) We recommend deleting (1)(d) – do not include a specific dimension in the rule for covered porches/patios. This was not addressed in HB 2258 and could function as a barrier for someone to use the program.

(2) The proposed standard for a maximum combined width of parking and vehicle maneuvering areas to not exceed 50% of a street frontage was not included in HB 2258. There is no purpose for this, and it creates a potential barrier to more housing being built as quickly as possible.

(3) Storage facilities. We recommend deleting this entire section. This topic was not included in HB 2258. These standards simply add cost and time and do not further the goal of supporting the development of more housing as soon as possible. For example, (3)(a) will require the exercise of discretion – how will a local government determine what is screened from lot lines and abutting properties? The term “Screened” is also not defined under proposed OAR 660-047-0010.

OAR 660-047-0040, Siting Standards

Please see the City of Bend’s proposed recommended changes to the redlined text in the draft amendment to OAR 660-047-0040(1).

Provide a setback of 5 feet on all sides of the building or the distance required for a proposed or existing utility easement or franchise utility easement. For buildings greater than 35 feet in building height, the setbacks must be 10 feet on all sides. For garages the setback must be 22ft if facing the street. Building height is defined in OAR 660-047-0010.

- **Modify the 5-foot setback requirement.** Add provisions allowing for increased setbacks along streets and alleys when necessary to accommodate existing or planned right-of-way improvements.



- **Remove the additional setback requirement for buildings exceeding 35 feet in height.** The proposed 10-foot setback standard is more restrictive than development standards currently permitted in Bend's Medium- and High-density Residential districts and could unnecessarily limit housing development opportunities.
- **Allow local jurisdictions to establish garage setback standards.** Remove the proposed 22-foot garage setback requirement and defer to locally adopted standards, particularly where those standards are less restrictive and better aligned with local development patterns.
- **Address clear vision triangle requirements.** Add language recognizing the need to maintain clear vision areas for traffic safety at driveways and intersections, consistent with local development regulations. For reference, see Bend Development Code (BDC) 3.1.500.

(3) The city also questions the need for the proposed requirement of 15% of the gross site area provided as outdoor area. This topic was not addressed in HB 2258, and the statute does not require rulemaking for this.

Thank you for the opportunity to provide these comments. Please include them in the hearing record.

Sincerely,

Renee Brooke
Planning Manager
Community Development Department
rbrooke@bendoregon.gov



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