



7/28/2026

Chair Allan Lazo,

Land Conservation and Development Commission
Oregon Department of Land Conservation and Development
635 Capitol St. Ste 150
Salem, OR 97301

Re: Comments on the Draft Administrative Rules for the Middle Housing/Oregon Homes Rulemaking

Chair Lazo and members of the Commission,

Thank you for the opportunity to comment on the proposed Middle Housing/Oregon Homes Rules (MHOR). As a jurisdiction with parcels classified as Oregon HOMES lots, we wish to express concerns regarding the expanded scope of these rules. We believe this broader application departs from the legislative intent and would necessitate a completely new land-use review process.

The legislative intent of House Bill 2258 was to establish preapproved building plans for certain middle housing and single-family homes and to apply specific siting criteria when a preapproved plan was built on a particular type of lot. The goal was to expedite development by providing a ready-to-use building plan on a ready-to-build lot.

Option three in the draft rules expands on the legislative intent and allows a developer to apply directly to a local government without DLCD preapproval for a range of building types, including attached or detached housing, accessory dwelling units, prefabricated modular housing, and multi-family dwellings with six to 12 units. This means city staff are expected to develop and apply a separate process for these applications to apply the mandated standards, in addition to the numerous code updates required by recent legislation and agency rulemaking.

Since the passage of House Bill 2001 (2019), Oregon cities have been required to implement multiple waves of housing-related code changes over the past seven years. For example:

- **HB 2003 (2020):** Requires cities over 10,000 people to analyze what housing is needed for current and future residents.



- **HB 2001 (2023):** Builds on HB 2001 to broaden the definition of “needed housing” for the purposes of a Housing Production Strategy to include middle housing and accessible housing.
- **Climate Friendly and Equitable Communities (2020):** Requires larger communities to update local land use and transportation plans to increase pedestrian and multimodal transportation options, such as removing parking minimums, requiring charging for electric vehicles in certain developments, and planning for greater development in transit corridors/downtowns.
- **SB 458 (2021):** A follow-up to HB 2001 that requires applicable cities or counties to allow middle housing lot divisions for middle housing types.
- **HB 3409 (2023):** Enacted new energy and building code provisions, including the Residential Reach Code.
- **SB 974 (2024):** Mandated additional design exceptions and limited review processes for applications to develop 20+ units.
- **SB 1537 (2024):** Required cities to streamline design and development standards for middle housing, including implementing mandatory adjustments.
 - **SB 48 (2025):** Technical fixes to SB 1537 that limit the new “goal post” provisions enabling applicants to opt into new standards.
- **HB 2658 (2025):** Prevents cities from requiring a frontage improvement as a condition of approval for a construction permit when performing certain alterations.
- **HB 2138 (2025):** Requires tree removal codes to be clear and objective, exempts traffic impact analyses for certain middle housing projects, and allows simultaneous applications for subdivision and middle housing land division.
- **HB 4037 (2026):** Introduced notice and appeal reforms for housing applications.

These efforts represent major statutory and administrative mandates, each requiring municipalities to draft, vet, adopt, and implement corresponding local code provisions—while continuing to meet the needs of applicants and expedite housing production.

The legislative intent behind statewide middle-housing mandates (e.g., HB 2001 in 2019, the follow-up in 2023, and related OHNA rulemaking) was to standardize and expedite local code updates to increase housing capacity. However, the third “pathway” in this draft rule



introduces a parallel process that adds procedural layers rather than delivering clarity and efficiency.

HB 2258 originally aimed to enable DLCD to develop plans for specific housing types suitable for the identified Oregon HOMES lot. However, the third pathway shifts this responsibility to local governments, introducing more uncertainty about the quickest route to construction. For example, Beaverton's local code is more permissive than Oregon HOMES requirements for buildings over 35 feet tall. Beaverton does not increase setbacks in this situation to incentivize greater density. As a result, some developments would benefit from the Oregon HOMES approach, some from Beaverton's regular rules, and some from the mandatory adjustments or the design-standard limitations of HB 974. This illustrates how legislation intended to make housing permitting easier ends up making it more complicated for applicants and staff.

To expedite housing production, especially for middle housing options, we recommend moving forward without option three and requiring DLCD to produce and review model building plans suitable for this program.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Elizabeth Coffey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Elizabeth Coffey

Interim City Manager