

County Commissioners
Colm Willis, Chair
Kevin Cameron
Danielle Bethell



Chief Administrative
Officer
Jan Fritz

MARION COUNTY BOARD OF COMMISSIONERS

July 28, 2026

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

RE: Public Comment on Middle Housing Oregon Homes (MHOR) Phase One Rulemaking

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

The Marion County Board of Commissioners appreciates the opportunity to provide comments on the proposed Middle Housing Oregon Homes (MHOR) Phase One administrative rules.

Marion County recognizes that Oregon is facing a significant housing shortage, and we support thoughtful, innovative efforts to increase the supply of housing across our state. We appreciate DLCD's goal of creating a more predictable and efficient pathway for housing development. However, after reviewing the proposed rules, we have concerns that the Oregon Homes program, as currently drafted, may not achieve those objectives and could instead create additional complexity for local governments, applicants, and the development community.

Complexity Rather Than Streamlining

The stated intent of the Oregon Homes program is to simplify and expedite housing production through clear, objective standards and ministerial review. However, the proposed eligibility criteria for an "Oregon Homes Lot" and "Oregon Homes Development" establish an extensive list of prerequisites that applicants and local governments must evaluate before an application can even proceed. These requirements include lot size limitations, environmental constraints, development area calculations, housing type restrictions, building size caps, and other qualifying standards.

From a practical implementation standpoint, it is unclear that this process will actually be faster or easier than existing local review procedures.

Even under this program, local governments will still be required to conduct ministerial reviews of building plans for issues such as:

- Density
- Setbacks
- Building placement
- Infrastructure availability

- Building code compliance
- Other applicable development standards

Rather than replacing existing review processes, the proposal appears to create an additional layer of eligibility analysis before normal permit review can even begin.

Administrative Uncertainty

One of our primary concerns is how local governments are expected to administer this program over time.

The proposed rules do not clearly answer several important implementation questions, including:

- Will jurisdictions be expected to proactively identify and designate Oregon Homes Lots in advance?
- Or will applicants be required to demonstrate eligibility with every application?
- If eligibility is determined project-by-project, what documentation standards will apply?
- How should jurisdictions consistently track Oregon Homes Lots after approvals, redevelopment, or future property changes?

Without additional guidance, each jurisdiction may develop its own process, resulting in inconsistent implementation across Oregon and potentially reducing the certainty the program is intended to provide.

Housing Size Limitations

The proposed rules establish maximum dwelling sizes of:

- 2,200 square feet for single-family dwellings; and
- An average of 1,400 square feet for cottage clusters and multi-unit developments.

While the intent is clearly to encourage more attainable housing, these limitations raise practical concerns.

For example, most planners would generally envision cottage clusters averaging closer to 1,200 square feet or less. The proposed cap therefore may not meaningfully influence affordability for that housing type while simultaneously limiting flexibility for builders responding to local market demand.

Housing affordability is driven by numerous factors, including land costs, infrastructure, labor, permitting timelines, financing, and material costs, and limiting unit size alone is unlikely to substantially reduce housing prices.

Existing Middle Housing Framework

Oregon has already undertaken significant reforms through its Middle Housing legislation.

Local governments have invested substantial time and resources updating comprehensive plans, development codes, permitting procedures, and public outreach to implement those requirements.

County Commissioners
Colm Willis, Chair
Kevin Cameron
Danielle Bethell



**Chief Administrative
Officer**
Jan Fritz

The proposed Oregon Homes program introduces an entirely new regulatory framework alongside those existing requirements. Instead of simplifying housing production, it risks creating two parallel systems that planners, builders, and applicants must navigate.

Recommendations

Marion County respectfully recommends that DLCD:

- Simplify the eligibility requirements for Oregon Homes developments so they are easier for applicants and local governments to administer.
- Provide clear guidance regarding how Oregon Homes Lots are to be identified, verified, and tracked over time.
- Ensure the program genuinely reduces permitting complexity rather than adding another regulatory layer.
- Evaluate whether portions of the proposed program can instead be incorporated into the existing Middle Housing framework rather than creating a separate process.
- Continue working closely with local planning professionals, who will ultimately be responsible for implementing these rules on a daily basis.

Conclusion

Marion County shares DLCD's goal of increasing housing production and expanding housing opportunities for Oregonians. We believe successful housing policy should reduce regulatory complexity, improve predictability, and provide clear implementation guidance for both applicants and local governments.

We appreciate the opportunity to comment and encourage DLCD to refine these proposed rules to ensure they achieve those shared objectives while preserving efficient local administration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Colm Willis".

Colm Willis
Chair

A handwritten signature in blue ink, appearing to read "Kevin Cameron".

Kevin Cameron
Commissioner

A handwritten signature in blue ink, appearing to read "Danielle Bethell".

Danielle Bethell
Commissioner

