



INDEPENDENCE

Oregon's Story Begins Here

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

COMMENTS ON RULES FOR OREGON HOMES PROGRAM

Dear Chair Lazo,

Thank you for the opportunity to comment on the rules for OAR Chapter 660, Division 047.

The City of Independence is a community of just over 10,000 people that recognizes the importance of housing development and has used a simple set of relatively permissive regulations to promote housing development in a way that supports the character of our rural community.

As such, we generally support the concept behind the Oregon Homes rules. However, we do not believe the draft rules reflect the nuance and care of other recent State and local housing policy decisions, and we believe the rules as drafted could allow individuals to circumvent nearly all our local land use regulations. Given the potential unintended consequences of the draft, we believe additional work is needed before adopting the rules.

1. The proposed rules seek to further the State's housing efforts but are much less nuanced than recent landmark legislation such as HB 2001.

Over the past several years, the State of Oregon has pursued a series of efforts to promote new housing development. Among these, HB 2001 (2019) was particularly important legislation intended to offer Oregonians more housing choices. Key to the legislation was a breakdown of the cities to which the legislation applied: cities between 10,000 and 25,000 people in size were required to allow a duplex on every lot that allowed a single-family home, and cities over 25,000 people in size and in the Portland metro were required to allow duplexes, triplexes, fourplexes, cottage clusters, and townhomes. No requirements apply to cities with less than 10,000 people.

The draft Oregon Homes rules contain no similar population breakdown. Under the draft, small communities, which are not required to comply with HB 2001; medium-sized communities, which are required to allow duplexes; and large communities, which are required to allow fourplexes on any lot zoned for a single-family home, are required to allow up to 12 units on any Oregon Home lot. This blanket approach ignores size and nuance between cities and ultimately increases the underlying densities allowed in some communities by up to 12 times.

Nuances in parking requirements are also not considered. Under the Climate-Friendly and Equitable Communities (CFEC) program, communities larger than 50,000 in population must eliminate parking requirements. No similar limitation applies to smaller communities. The Oregon Homes rules, however, contain no similar distinction. Under the draft, communities may not require parking for an Oregon Homes development when on-street parking exists on the street frontage adjacent to the Oregon Homes Development. As OAR 660-047-0030(2) states, "If there is on-street parking on the street frontage adjacent to an Oregon Homes Development, then no parking is required..." As written, this language implies that no parking is required on site, regardless of how many housing units are proposed, if a single parking space is provided along a street. Like the requirements for allowed unit size, this proposed change would constitute a significant expansion of requirements related to parking for many communities – increasing the potential to limit parking requirements in every city and county in the state.

2. The rules apply to a significant number of lots and have the potential to strip nearly all local decision-making from development.

While some individuals have expressed skepticism about how much the program will be used, we see a high possibility of both use and abuse of the rules.

The Oregon Homes program allows an Oregon Home (i.e., up to a 12-unit development) on any lot from 1,500 to 20,000 square feet in size, so long as the site is not covered by slopes averaging more than 15 percent and is not within an area mapped as an environmentally sensitive or natural hazard area (among other items). In Independence, nearly every lot in town would qualify for the program.

Given the high number of lots that would qualify, and the wide variety of housing types that may be permitted, the program would allow:

- Uses that are not allowed in some of our existing zones.
- Densities that are greater than our existing densities.
- Heights that are not allowed under our existing zoning.
- Home designs that do not match our relatively basic design standards.

If a developer only seeks to maximize development on their site, they will propose an Oregon Homes development.

Maximizing development on all sites that qualify for an Oregon Home, however, is not the only thing that matters. In Independence, we have crafted the standards that apply to new development incrementally over the course of 50 years to promote development that respects the character of our unique community. In 2010, we adopted a simple set of Residential Design Standards intended to promote basic design features important to the community, such as garages recessed behind the main façade of a home. The overall cost of these standards on development is minimal. Through our local decision-making process, we also adopted an infill ordinance in 2026 that exceeded the requirements of HB 2001. Both regulatory changes were intended to be simple and allow dense development on sites, but to do so in a way that positively impacts the community. The draft Oregon Home rules should not allow developers to bypass these carefully created requirements so quickly.

3. Based on these considerations, we believe that the rules as drafted fail in two fundamental ways.

As drafted, the rules:

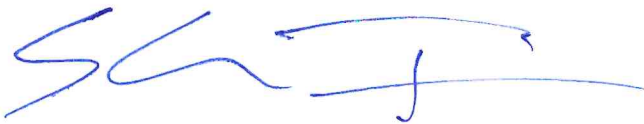
- Would use an administratively led rulemaking process to significantly exceed the more nuanced deliberations that occurred and are reflected in HB 2001 and the CFEC process.
- Would allow developers to bypass almost all rules of local jurisdictions as part of the land development process.

Given these findings, we encourage you not to pass the rules as drafted. Two relatively simple changes that we would suggest to help you address some of the limitations of the proposal are to:

1. Refer to local jurisdiction standards, crafted in response to HB 2001, to determine Site Design Requirements, such as allowed densities, housing types, setbacks, height, etc., for Oregon Home lots.
2. Strike the first sentence from OAR 660-047-0030 and require Oregon Homes Development to meet local government parking requirements or to have one space per dwelling unit on site, whichever is less.

We sincerely hope these comments assist in your review and that you do not pass these rules as written.

Sincerely,



Shawn Irvine
Assistant City Manager

