



October 2, 2026

Land Conservation & Development Commission
635 Capitol St., Ste. 150
Salem, Oregon 97301

Re: Oregon Homes Draft Rules – Division 47

Chair Lazo, Members of the Commission

The Association of Oregon Counties (AOC) is a non-partisan member organization that advocates on issues that unite all county governing bodies and have an impact on county functions, governance, budgets, and services.

The League of Oregon Cities (LOC) is a non-partisan member organization that advocates on issues that unite and impact Oregon's 241 cities.

First, AOC and LOC would like to give a huge thank you to Department of Land Conservation and Development staff and the Governor's Office for all the improvements in this new version of the rules. The changes surrounding natural hazards, parking and fire code are vast improvements and will make the program not only easier on implementation but safer for the Oregonians that will use this program.

We appreciate many of the changes regarding setbacks made; however there remain challenges in the front setbacks for cities. A setback of 5 feet is too small in most cities across Oregon. In most jurisdictions a setback in any given zone, inclusive of utilities and fire department needs, is going to be more than 5 feet. Setbacks of 5 feet and under are only found in highly urbanized areas or areas where utilities or fire access are maintained through other means. Because of this, in the majority of cases a developer will expect a 5 foot setback only to arrive at the counter in the local jurisdiction and be told 10 feet is needed. They will then be required to redo their site plan. A front set back of 10 feet is far more reflective of actual needs on the ground and will address this challenge of mismatched expectations.

Furthermore, one oddity in the current draft shows a greater setback for urban unincorporated lands, but other unincorporated lands (inside a UGB but urban zoning/urban services do not yet exist) will have the same setbacks that apply to cities.

AOC and LOC propose the following alteration to the rules:

- (1) Within areas incorporated into a city, Oregon Homes Developments must

provide a minimum setback of **ten feet in the front** and five feet on ~~all the~~ sides of the building, the distance of an existing or proposed utility easement, the minimum defensible space requirements as detailed in Oregon State Fire Marshal's model code for defensible space in ORS 476.392, or the distance of an easement required in traffic impact analyses, whichever is greater.

Our members have identified that there is another gap the proposed standards in these rules. They do not appear to include requirements for adequate pedestrian access between the street and building entrances. Nor do they provide standards to ensure that parking lots are laid out to support safe and functional vehicle maneuvering. These omissions could result in developments that technically meet the applicable housing standards but fail to provide safe, convenient, or cohesive connections for pedestrians and drivers. A traffic analysis is intended to address traffic flow to, from, and around a proposed development; it does not address parking capacity or design requirements on site. The traffic analysis may show increased capacity in the area due to the development, but the proposed design standards will not allow the parking lot to accommodate that capacity. At a minimum, the rules should address pedestrian connections between public streets and building entrances, active ground-floor frontages in appropriate commercial contexts, and safe parking-lot circulation and maneuvering.

We remain concerned that the "third path" was not originally contemplated by the legislature and is not in line with legislative intent but acknowledge that this body does not have the rule making authority to address that.

Thank you for your consideration.

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