



**TO:** Rep. Pam Marsh, Chair, House Committee on Housing and Homelessness  
**FROM:** Mark Rust, Planning Manager – Current Planning & Code Enforcement, City of Springfield  
**RE:** HB 2138 - Request for Alternative, Density-Based Approach  
**DATE:** March 3, 2025

The City of Springfield appreciates the Oregon Legislature’s ongoing commitment to housing reform and middle housing development. Since adopting flexible middle housing options (such as allowing both attached and detached plexes) into our Development Code, we have encountered challenges faced by developers and homeowners who wish to build middle housing in Springfield. The complexity and variety of middle housing options have made it difficult for many to navigate the development process.

While the City has several concerns with HB 2138, we believe one way the bill could be helpful is by incorporating a density-based approach to regulating middle housing. This method would provide cities with greater flexibility in land use planning while maintaining alignment with the state’s middle housing objectives. Specifically, we propose an amendment to HB 2138 that would allow cities to regulate housing based on density and building form rather than housing type. This housing-type agnostic approach is designed to streamline development and remove unnecessary constraints while ensuring compliance with the state’s middle housing rules. Our proposed amendment to HB 2138 is as follows:

Section 1

*(# inserted after 2 )* As an alternative to (2), cities may establish minimum and maximum densities for land “zoned for residential use” and regulate based on density rather than housing type. The cities alternative regulations must allow housing at densities that are equivalent to allowing middle housing types in conformance with the middle housing rules. In allowing development on a lot or parcel that includes existing housing, the city may require only the new units, not the existing units, to comply with the siting and design standards adopted under subsection *(# inserted after 5)* of this section.

*(# inserted after 5)* Local governments must apply the siting and design standards that would be applicable to all housing types. The regulations may not individually or cumulatively discourage housing development through unreasonable costs or delay.

### Section 3

(# inserted after 3) If a city has chosen to allow housing within a density range as an alternative to middle housing types as allowed in Section 1 (# inserted after 2), any accessible homeownership units or an affordable homeownership units are excluded from the unit count when calculating the residential density.

Springfield's proposed approach aligns with ORS 197.296(6), ORS 227.175(4), and ORS 197.200(2)(a), ensuring that housing development meets required densities while allowing local jurisdictions the flexibility to regulate based on density and structural form through setbacks and building height. Under this approach, the specific classification of housing types becomes less restrictive, focusing instead on achieving appropriate density levels. Additionally, any incentives for accessible or affordable homeownership units, as referenced in Section 3, could be applied through a density bonus system.

By adopting this alternative approach, cities like Springfield can promote middle housing development more effectively while reducing regulatory complexity for property owners and developers. This will create a more efficient and equitable development process while maintaining the spirit and intent of Oregon's middle housing policies.

Lastly, while we do have significant concerns with HB 2138 that are echoed by other local governments, we have appreciated the communication and outreach from Matt Tschabold with the Governor's Office and the opportunity to share our density-based approach. We would appreciate consideration of our proposal and I am happy to provide more details: [mrust@springfield-or.gov](mailto:mrust@springfield-or.gov) or 541-726-3654.