

**Middle Housing Oregon Homes (MHOR)
Rulemaking Advisory Committee
Meeting #5 – May 20, 2026
Meeting Summary**



The Land Conservation and Development Commission (LCDC) directed Department of Land Conservation and Development (DLCD) staff to convene this Rulemaking Advisory Committee (RAC) to support the development of Oregon Administrative Rules (OAR) related to House Bill 2258 and House Bill 2138. The RAC is comprised of a wide and varied group of stakeholders and is tasked with advising DLCD, the project team, and LCDC on the adoption of OAR.

The meeting was held virtually and hosted over Zoom. The meeting was [live-streamed via YouTube](#) and closed-captioning was provided.

The goals of the meeting were to discuss and provide feedback, concerns, and questions on the draft rules, and the rulemaking impact statements

Attendees

Committee Members	Committee Members Not Present
Alexandra Ring, League of Oregon Cities	Annika Eriksson, Individual
Andy Boulton (Ex Officio), Oregon Buildings Codes Division	Destin Ferdun, Pahlisch Commercial, Inc
Branden Pursinger, Association of Oregon Counties	Elsa Natal, Our Just Future
Brock Nation, Oregon Realtors	Eric Rutledge, City of Sherwood
Catherine Rigby, Individual	Jerika Ferguson, Individual
Cheryl Bell, Clackamas County	Johnathan Balkema, City of Albany
Diego Diaz, Housing Oregon	Leigh Armstrong, Habitat for Humanity Portland
Fred Evander, City of Independence	Mark Taylor, North Peak Development
Jerry Lidz, Individual	Nora Cronin, DevNW
Jill Cropp, Studio Cropp Architecture	LCDC Commission Liaison Not Present
Jim Taylor (Ex Officio), Oregon Housing & Community Services	Allan Lazo, Chair
Mary Kyle McCurdy, 1000 Friends of Oregon	DLCD
Morgan Tracy, City of Portland	Ethan Stuckmayer
Samantha Bayer, Oregon Home Builders Association	Becky Coutinho
Sarah Absher, Tillamook County	Madeline Phillips
Shane Kwiatkowski, Individual	Ingrid Caudel
	Consultant Team
	Ben Duncan, Kearns & West
	Ariella Dahlin, Kearns & West

Key Insights Summary

- **Cottage cluster definition.** The discussion focused on the tension between using an average unit size up to 1,400 sq feet which is supported by market demand, and the traditional size and feel of a 900 sq foot cottage. The discussion also hinged on whether or not to include garages and porches in the sq foot size, with suggestions to include portions of these amenities towards the total sq foot size.
- **Local review process option.** Multiple RAC members needed clarification that the local review process option is consistent with the bill's intent. Concerns were raised that any Oregon Homes development application circumvents local standards and characteristics, potentially causing unintended consequences for parking access and fire safety.
- **Siting and design standards.** RAC members provided specific feedback on the revised draft rules for additional clarity and to support the ministerial review process.

Meeting Summary

Welcome, Agenda Review, and Introductions

Ben Duncan, Kearns & West (K&W), welcomed participants to the meeting and introduced himself as a neutral third-party facilitator. K&W facilitated a roll call of meeting attendees and reviewed the meeting guidelines, purpose, and agenda. K&W reminded RAC members of the key themes that came out of the first RAC discussion about the racial equity framework:

- Communities of color, people living with disabilities, and LGBTQ communities are disproportionately housing insecure.
- Administrative and policy barriers can create delays and increase costs, impacting development.
- Increased diverse housing production can reduce costs and improve housing access.
- Siting and design can impact community safety and wellbeing.
- Housing types to explore include multifamily and accessible housing, and community and cooperative housing models.

Meeting 4 Report Out

K&W reflected on high-level key themes from the fourth RAC discussion, including the difficulty of applying statewide standards across varying jurisdictions; the need for clear

standards to support ministerial review; and the viewpoint that the Oregon lot and Oregon home can be considered two distinct elements, with siting decisions deferred to local jurisdictions while home design is standardized.

Rule Discussion: Cottage Cluster Definition

Becky Coutinho, DLCD staff, shared the draft definition for “cottage cluster” as part of the MHOR rulemaking charge. Staff noted that subsections (a)–(c) are provided in statute, and subsections (A)(i)–(iii) represent the footprint/floor area definitions open for discussion.

K&W facilitated a discussion on the cottage cluster definition. Key themes are summarized below.

- **Average unit size.** The RAC discussed the use of an average unit size of up to 1,400 square feet. Some RAC members supported this approach noting it provides financial flexibility for projects to be built and noted alignment with the Building Codes Division definition of 1,500 square feet as a smaller home. Other members raised concerns that the average approach, without a cap on individual unit size, could allow units that are too large for the spirit of cottage cluster housing. A cap on maximum individual unit size was suggested, referencing the model code. Others cautioned that 900 square feet as a maximum would not meet market demand.
- **Garages and porches.** Several RAC members raised the question of whether garages and porches should be included in square footage calculations. Some supported excluding them; others noted that garages are included in Floor Area Ratio (FAR) calculations and suggested a middle path of counting half the square footage of garages/porches. There was also a request to clarify whether “porch” refers to enclosed or unenclosed structures.
- **Edits to language.** The current language in the definition could be misread, and RAC members recommended clarifying the language to be “attached in subgroupings of up to four units or detached in any configuration.”

Discussion: Programmatic Interpretation

DLCD staff provided an overview of how the Oregon Homes Program is envisioned to function. The three options for customers to use the program include the Permit Ready Plan process, the Master Plan Program process, or the Local Review process.

K&W facilitated a discussion on programmatic interpretation. Key themes are summarized below.

- **Local review process option.** Multiple RAC members needed clarification for how the local review process option is operationalized. Local city and county representatives expressed concern with the State’s interpretation of the legislation. These members reflected that the bill uses the word “may,” and the rules are not obligated to address all items that are options in the bill. Several city and county representatives suggested the rules include language allowing local governments to apply existing local processes and standards, without creating a separate discretionary process.
- **Fire access and safety.** RAC members noted that front yard setbacks are often used by fire departments for emergency access and turnaround, and that reducing setbacks without accounting for fire access could create safety risks. Some members reflected that there is an inherent tension between increasing density and balancing fire safety, but there are thoughtful and safe ways to increase density.
- **Zoning reform and parking access.** The discussion reflected concerns that the rules as drafted function more as zoning reform than as state-set land use and building standards permit-ready plan program. Concerns were raised that the program could circumvent local parking, FAR, minimum dwelling, maximum setbacks, and other requirements standards. Parking was raised as an equity issue as not requiring parking in nonurban areas with limited access to transit could negatively impact low income and communities of color.
- **Natural hazard areas.** RAC members asked how natural hazard mapping, including slope, flood, and geologic hazard designations, interacts with lot eligibility. DLCDC staff noted that properties mapped in a geologic hazard area would not be eligible regardless of slope. RAC members shared that natural hazards are not binary designations, and that review of mapped hazards is not ministerial in nature as it involves additional evaluation and assessment.

Discussion: Draft Rules Revision

K&W facilitated a discussion on the revised draft rules. Key themes are summarized below.

- **Ministerial review and denial procedures.** RAC members expressed that language around denial procedures could result in Oregon Homes applications being treated as formal land use decisions rather than ministerial building permit reviews. Members suggested that the language be flexible, allowing jurisdictions to work collaboratively with applicants to resolve issues without triggering a formal

decision process. Specifically, the language could be written as “may” instead of “shall.”

- **Easements and right of ways.** Questions were raised about the enforceability of easements in the context of Oregon Homes siting. Members noted that easements may be difficult to apply and wondered how future right-of-way improvements would be addressed.
- **Housing affordability.** A RAC member shared that the unit size of 2,200 square feet is too large, making these homes too expensive for everyone to afford.
- **Specific feedback on design and siting provisions:**
 - Small builders and architects shared that front façade glazing requirements (15-10%) should be retained in the rules.
 - Local government representatives shared that the model code standards should serve as the basis of this program's standards.
 - A member asked for “storage facility” to be defined or to change the language to “storage space.”
 - A member suggested an amendment to Rule 30, Section 1(d) to read “which complies with (a)–(c)” for clarity on open space requirements.
 - A member asked for more specificity on what “usable open space” means, and if that is in addition to the setback space. Specificity could look like providing minimum dimensions such as a 10x10 foot outdoor area.

Fiscal Impact Statements and Rulemaking Timeline

DLCD staff noted that the fiscal, racial equity, and housing cost impact statements were in the meeting packet and that asked for RAC member feedback on these draft statements.

DLCD staff reviewed the rulemaking timeline. The final draft rules and the impact statements will be submitted to the Secretary of State for publication on July 1, which begins the 30-day public comment period. The next RAC meeting will be on July 9, and LCDC will have a special hearing on July 29. The LCDC adoption hearing will occur on August 27, and the rules will go into effect on September 14.

K&W facilitated a discussion on the rulemaking timeline and impact statements. Key themes are summarized below.

- **Equity and disability access in impact statements.** A RAC member noted the importance of calling out equitable access and ADA considerations in the housing cost impact statement or across all three impact statements.
- **Rulemaking next steps.** RAC members asked whether a version 3 of the draft rules would be produced. DLCD staff indicated that version 2 and associated redlines

would serve as the basis for the July 1 submission, with the July 9 RAC meeting providing an opportunity for final input. DLCD may reach out directly to RAC members for guidance on specific sections. After July 1, feedback would take the form of public comments directed to LCDC. RAC members asked that feedback or public comments received by the agency be shared with the group prior to the July 9 RAC meeting.

- **Effective date and implementation timeline.** RAC members asked if the proposed September 14 effective date provides sufficient time for local jurisdictions to be able to implement the rules. Members asked whether LCDC could delay the effective date as the bill does not need to be adopted until January 1, 2027, or move forward with a 180-day temporary adoption before a final adoption to accommodate any last edits. DLCD noted that the workplan has the adoption and passage dates for August and September, but LCDC retains authority to select the effective date.

Closing and Next Steps

K&W thanked everyone for participating and reviewed next steps:

- RAC members to share written feedback on the draft rules and the draft impact statements by Monday, June 8 for inclusion in the next revised draft that will go to LCDC on June 25.
- DLCD to share the redlined version of the draft rules shared on May 15.
- Public comment opens on July 1.
- All to attend the next meeting from 9:00 am – 10:30 am on July 9.