



**Draft Language: Oregon Administrative Rules Chapter 660, Division 047 – Oregon Homes**

Updated May 2026, Version 2

**Table of Contents**

660-047-0000 Purpose .....	2
660-047-0010 Definitions .....	2
660-047-0020 Local Government Review Process .....	<u>54</u>
660-047-0030 Design Standards .....	6
660-047-0040 Siting Standards .....	<u>87</u>
<del>660-047-0050 Variances and Adjustments .....</del>	<del>99</del>
660-047-00 <u>560</u> Tree Standards .....	<u>109</u>



### **660-047-0000 Purpose**

The purpose of this division is to establish standards under which local governments shall approve development that meets specified residential development types, Oregon Homes Developments, on lots or parcels under specified conditions.

**Statutory/Other Authority:** ORS 197.040

### **660-047-0010 Definitions**

As used in this division, the definitions in ORS 197A.420, apply.

In addition, the following definitions apply:

- (1) "Building Height" means the vertical distance from grade plane to the average height of the highest roof surface.
- (2) "DBH" means the diameter of a standing tree at breast height, which is measured as the width of a standing tree at four and one-half feet above the ground on the uphill side.
- (3) "Design standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces
- (4) "Final Engineering Plans" means the detailed engineering plans and reports for the design or construction of public and private infrastructure improvements that require review and approval following tentative plat approval by a local government before issuing site development permits, including plans and reports for the construction of public and private infrastructure improvements such as grading, water, sewer, stormwater, transportation systems, and utilities.
- (54) "Oregon Homes Development" means a residential development type that would be approved to be placed on an Oregon Homes Lot including:
  - (a) Attached or detached housing, including accessory dwelling units or prefabricated or modular housing;
  - (b) Types with a buildable area of:
    - (A) A size of not more than 2,200 square feet per dwelling unit for a single-unit dwelling, accessory dwelling unit, or per dwelling unit for duplex, triplex, quadplex and townhouse; and
    - (B) An average per-unit size of not more than 1,400 square feet for cottage clusters or a multiunit dwelling;
  - (c) A multiunit dwelling with more than six and fewer than twelve units;



(d) Housing that complies with the minimum density requirements of the applicable comprehensive plan or land use regulations for the lot or parcel; and

(e) Housing types whose building plans have been approved by Department of Consumer and Business Services pursuant to ORS 455.062, ~~and ORS 455.685,~~ or housing types that meet the criteria as listed in 660-047-0010 (5) and approved through local building code review.

~~(65)~~ “Oregon Homes Lot” means a lot or parcel that are:

(a) Lawfully established units of land;

(b) Within an urban growth boundary;

(c) Zoned to allow residential use;

(d) At least 1,500 square feet;

(e) Not larger than 20,000 square feet;

(f) Not covered by slopes averaging more than 15 percent; and

(g) Not within an area identified in an inventory or map that is part of the local government’s comprehensive plan as:

(A) Environmentally sensitive or containing significant natural resources;

(B) Open space or scenic areas; or

(C) Natural hazard areas, including floodplains, river greenways, landslide zones, or wildfire risk areas;

(i) if a lot or parcel is within an area as identified in 660-047-0010 (g) (A-C) but the developable area is wholly outside any such area, the lot may become eligible; and

(h) Vacant, including a lot or parcel:

(A) Created by any lawful division of land, regardless of when the division occurred.

(B) On which is sited a nonresidential structure that is nonconforming or not suitable for any lawful use.

(C) For which residential units were demolished more than five years prior; or

(D) For which residential units were demolished within the previous five years, provided that the approved development would create net additional units and would use a building construction plan approved under Department of Consumer and Business Services pursuant to ORS 455.062, ~~and ORS 455.685,~~ or housing types that meet the criteria as listed in 660-047-0010 (5) and approved through local building code review.-

(7) “Public Facilities Plan” means a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500.



(87) “Site Plan” means a site or development plan that is drawn accurately to scale and include but are not limited to the following existing and proposed information:

- (a) All property lines with dimensions and total lot area;
- (b) North arrow and scale of drawing;
- (c) Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
- (d) Existing Goal Protected Resources, if any are present on the site;
- (e) Existing and proposed easements and on-site utilities;
- (f) Existing and proposed development with all dimensions, including floor area and building footprint;
- (g) Distances of all existing and proposed development to property lines;
- (h) Types and location of outdoor area(s) and usable open space (if required);
- (i) Percentage of the site proposed for outdoor area coverage;
- (j) Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
- (k) Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.

(98) “Siting standards” means standards regulating placement of structures on a lot or parcel including setbacks, height, bulk, scale, and lot coverage. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.

(10) “Traffic Impact Analysis” means a report prepared by a professional engineer that analyzes existing and future roadway conditions.

(119) “Usable outdoor space” means one of the following:

- (a) Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
- (b) Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
- (c) Tree groves of existing mature trees;
- (d) Turf or grass play fields;
- (e) Children’s play structure or play area;
- (f) Sports courts;
- (g) Swimming or wading pool or hot tub;
- (h) Walking fitness course;
- (i) Natural area with benches; or
- (j) Gardening area with at least 50 square feet of planting area.

**Statutory/Other Authority:** ORS 197.040



**Statutes/Other Implemented:** ORS 197A.420

### **660-047-0020 Local Government Review Process**

#### **660-047-0020 Local Government Review Process**

**Summary:** This section creates the local government review process for the development of Oregon Homes Lots.

**Commentary:** Policy intent is to make clear local governments cannot apply additional standards to Oregon Homes. To ensure the fastest timeline for approval, a ministerial, also known as Type I review, is proposed. This allows the local jurisdiction to review applications for completeness using clear and objective approval criteria. The burden of proof to demonstrate application completeness is placed on the applicant to shorten the local government staff time required for the review.

Adjustments to 660-047-0020 (7) were made with the intention to add clarity for local governments that they may apply those plan standards to the Oregon Homes Development application. 660-047-0020 (8) was added to provide clear authorization for denial. [With the removal of the variances and adjustments section, 660-047-0020 \(9\) was moved here.](#)

A local government must follow the review process as outlined below for an Oregon Homes Development proposed on an Oregon Homes Lot.

- (1) Local governments must issue a land use decision approving the development of an Oregon Homes Development on an Oregon Homes Lot if the development proposal meets the applicable standards outlined in OAR 660-047-0030 through OAR 660-047-00~~560~~.
- (2) Applications for Oregon Homes Development on an Oregon Homes Lot shall be reviewed by the local government as a ministerial review. Administration of this review shall only be to ensure compliance with standards outlined in OAR 660-047-0020 through OAR 660-047-00~~560~~ and shall not require the use of discretion, interpretation, or the exercise of policy or legal judgment.
- (3) In a local government's review of an Oregon Homes Development, an application shall be deemed complete when the applicant provides the following information to the local government:
  - (a) Site plan and exhibits that address requirements as listed in 6600-047-0010, 6600-047-0030, 6600-047-0040, and 660-047-00~~560~~;
  - [\(b\) Building plans that are:](#)
    - [\(A\)](#)
    - ~~[\(b\) Building plans](#)~~ approved by Building Codes Division that meet applicable building code standards; [or](#)
    - ~~[\(B\) Building plans that meet the requirements of an Oregon Homes Development as listed in](#)~~



OAR 660-047-0010 (5):

~~(c) Written justification for any variations or adjustments from the requirements of OAR 660-047-0050; and~~

~~(cd)~~ A tree mitigation plan that meets the standards outlined in OAR 660-047-00560, as applicable.

(4) Application submissions that do not include information required in this division shall be deemed incomplete by the local government.

(5) Applicants shall bear the burden of proof to provide information necessary to determine compliance with the applicable provisions of this division.

(6) A local government shall not require a public notice in reviewing or approving an application for Oregon Homes Development.

(7) Nothing in this section precludes a local government from applying locally administered public facilities ~~standards~~ plans, including but not limited to public works design standards, final engineering plans, or requirements resulting from a traffic impact analysis during the development review processes for an Oregon Homes Development application. A local government shall not establish public facilities plans, final engineering plans, or traffic impact analysis requirements uniquely for an Oregon Homes Development that exceeds the process applied to all other residential development of the same type.

(8) An Oregon Homes Development application shall be denied if the application does not meet the definitions of an Oregon Homes Lot and Oregon Homes Development as written in OAR 660-047-0010 and does not meet the requirements as outlined in OAR 660-047-0030 through OAR 660-047-0050.

(9) A local government is not required to grant a request for adjustment under sections 38 to 41 of ORS 197A.395 in approving an application for an Oregon Homes Development.

**Statutory/Other Authority:** ORS 197.040

**Statutes/Other Implemented:** ORS 197A.400

### **660-047-0030 Design Standards**

#### **660-047-0030 Design Standards**

**Summary:** This section establishes a set of design standards for an Oregon Homes Lot including entry orientation, street facing façade, garages and driveways, and waste storage facilities.

**Commentary:** The intent of the proposed design standards is to ensure quality development while not increasing development costs or permitting review times. DCLD has considered OAR 660-046



(Model Code) as reference in the design standards below. RAC members raised concerns that the proposed design standards should vary by dwelling unit type and by size of local government. DLCD considered these adjustments but determined this would not be in alignment with the legislative intent of Oregon Homes. -The 10% variance allowance from 660-047-0030 (2) and (3) has been added to this section.

The following design standards required for the placement of an Oregon Homes Development on an Oregon Homes Lot address essential safety and functional aspects for residents and people that interact with the right-of-way. A local government may apply only the following design standards outlined in this section in reviewing an application for an Oregon Homes Development on an Oregon Homes Lot:

(1) All units within the developmentdevelopment, unless an attached or detached accessory dwelling unit, must have their pedestrian entry orientation meet at least one of the following:

- (a) Face the street;
- (b) Be at an angle of up to 45 degrees from the street;
- (c) Face a common open space that is adjacent to the street ~~and is abutted by dwellings on at least two sides~~; or
- (d) Open onto a covered porch or covered patio that is at least 25 square feet in area and have at least one entrance facing the street.

~~(2) Windows or pedestrian entrance doors must be provided on street-facing facades as follows:~~

~~(a) At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.—~~

~~(b) All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.—~~

~~(c) The following facades are exempt from these standards:—~~

~~(A) Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.—~~

~~(B) Facades that are more than 40 feet from the street lot line.—~~

~~(C) Facades facing an alley.~~

~~(23)~~ Garages, carports, or on-site parking or vehicle maneuvering areas are not required. However, if proposed as part of an Oregon Home Development, the combined width of all garages and outdoor on-site parking and vehicle maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage. The following Oregon Homes Development



scenarios are excluded from this standard:

- (a) Accessible and adaptable units;
  - (b) Lots that receive vehicular access from an alley; and
  - (c) Off-street parking areas that are separated from the street lot line by a dwelling.
- (34)** Storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
- (a) The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height, except as specified in subsection (c) and located no more than 3 feet from the storage facility.
  - (b) The storage facility must be separated from the street lot line by at least 5 feet.
  - (c) For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

(4) A local government shall approve an Oregon Homes Development application if the proposed site plan varies not more than 10% from the Garage, carports, or on street parking standards or the trash screening requirements within this section.

**Statutory/Other Authority:** ORS 197.040

### **660-047-0040 Siting Standards**

#### **660-047-0040 Siting Standards**

**Summary:** This section establishes a set of siting standards for an Oregon Homes Lot including setbacks, density, and outdoor areas.

**Commentary:** Through the RAC process, the approach to have siting standards for Oregon Homes Lots, regardless of the type of Oregon Homes Development, was decided. The above siting standards were chosen to ensure development feasibility and an expedited review process. DLCD has considered OAR 660-046 (Model Code) as reference. Similar to design standards, RAC members raised concerns that the proposed siting standards should vary by dwelling unit type and by size of local government. DLCD considered these adjustments but determined this would not be in alignment with the legislative intent of Oregon Homes. —The 10% variance allowance from 660-047-0040 (1) and (3) has been added to this section.

A local government may apply only the following siting standards in reviewing an application for an Oregon Homes Development on an Oregon Homes Lot as outlined in this section. An Oregon Homes development must:



- (1) Provide a setback of at least 5 feet on all sides of the building or the distance required for a proposed or existing utility easement. For buildings greater than 35 feet in building height, the setbacks must be 10 feet on all sides. Building height is defined in OAR 660-047-0010.
- (2) Meet the minimum density requirements of the applicable comprehensive plan or land use regulations for the lot or parcel.
- (3) Provide outdoor area comprised of at least 15 percent of the gross site area –and containing one or more of the following features:
- (a) Areas planted with vegetation (including natural areas and existing trees);
  - (b) Private open space, including balconies attached to individual dwelling units;
  - (c) Pedestrian hardscape;
  - (d) Usable open space being one of the following:
    - (A) Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
    - (B) Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
    - (C) Tree groves of existing mature trees;
    - (D) Turf or grass play fields;
    - (E) Children’s play structure or play area;
    - (F) Sports courts;
    - (G) Swimming or wading pool or hot tub;
    - (H) Walking fitness course;
    - (I) Natural area with benches; or
    - (J) Gardening area with at least 50 square feet of planting area.
- (4) A local government shall approve an Oregon Homes Development application if the proposed site plan varies not more than 10% from the setbacks or outdoor area characteristics requirements within this section.

**Statutory/Other Authority:** ORS 197.040

### **660-047-0050 Variances and Adjustments**

#### **660-047-0050 Variances and Adjustments**

**Summary:** This section establishes when variations and adjustments may be allowed and to what extent.

**Commentary:** While the intention of the Oregon Homes program is to create standards to be applied



~~across the State, statute allows for rules to include consideration of circumstances to account for the variety and diversity of lots that may be suitable for Oregon Homes development, but for slight deviations from approval criteria. The policy intent for these variances is to avoid introducing discretion into any approval process. A blanket 10% deviation allowance keeps these reviews clear, objective, and measurable. The only change to this section is the introductory sentence.~~

~~Variations and adjustments may be allowed, only to the extent described in this section, for an Oregon Homes Development proposed on an Oregon Homes Lot.~~

~~(1) A local government is not required to grant a request for adjustment under sections 38 to 41 of ORS 197A.395 in approving an application for an Oregon Homes Development.~~

~~(2) A local government shall approve an Oregon Homes Development application if the proposed site plan varies not more than 10% from the following standards:~~

~~(a) Window and door coverage in OAR 660-047-0030 (2);~~

~~(b) Garages, carports, or on-site parking standards in OAR 660-047-0030 (3);~~

~~(c) Screening requirements for trash and recycling facilities OAR 660-047-0030 (4);~~

~~(d) Setbacks outlined in OAR 660-047-0040 (1); and~~

~~(e) Outdoor area characteristics in OAR 660-047-0040 (3).~~

~~**Statutory/Other Authority:** ORS 197.040~~

~~**Statutes/Other Implemented:** ORS 456.270 to 456.295; 197A.395~~

## **660-047-00560 Tree Standards**

### **660-047-00560 Tree Standards**

**Summary:** This section establishes standards to guide the preservation, replanting, or replacement of trees on Oregon Homes lots.

**Commentary:** As proposed, these rules do not add any additional tree removal requirements beyond those outlined in HB 2258. The list of trees that require mitigation if removed similarly does not add any additional requirements beyond statute. The proposed rules add an option for local governments to require a fee in lieu. RAC members expressed that these standards are more restrictive for some local governments and more permissive for other local governments. No edits were made to the standards so that the standards remain in conformity with HB 2258.

A local government must require the applicant to adhere to the following standards to guide the

preservation or replacement of trees on an Oregon Homes lot.

(1) Approval of an Oregon Home Development may not result in the removal of trees that are:

- (a) Designated by the local government as a heritage tree, or
- (b) 20 inches or greater DBH.

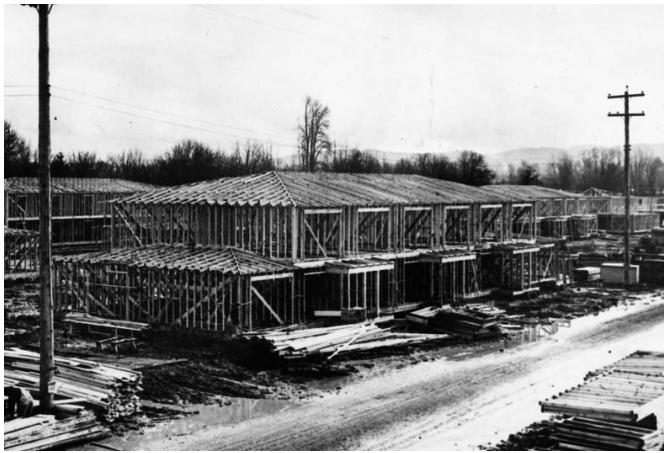
(2) An applicant for an Oregon Homes Development on an Oregon Homes Lot may propose to remove eligible tree(s) as part of the development application. The applicant shall take mitigating measures outlined in this section for each tree proposed to be removed that is:

- (a) Designated by the local government through an adopted program, regulations, or ordinances as a protected species;
- (b) Not deemed unhealthy by a certified arborist; and
- (c) 12 inches or more DBH.

(3) If ~~one~~all of the criteria listed in 660-047-00560 (2) are met, the applicant must conduct one of the following mitigation measures for tree removal:

- (a) The replanting of the removed tree on or adjacent to the Oregon Homes Lot;
- (b) The replacement of the removed tree with a tree of the same protected species; or
- (c) A payment of a fee-in-lieu as established by local ordinance.

**Statutory/Other Authority:** ORS 197.040



# OREGON

Department of  
Land Conservation  
& Development



**Middle Housing Oregon  
Homes**

Rulemaking Advisory Committee Meeting #5

May 20, 2026

**Welcome, Agenda Review, and Introductions**

# Zoom Guidelines

- Meeting is being recorded and livestreamed
- Access closed captions on the bottom of the screen
- RAC members please have cameras turned on when possible
- Please rename yourself to include your name and affiliation
- Chat function reserved for technical issues

# Meeting Guidelines

- Honor the agenda, stay on topic, and complete pre-meeting work;
- Speak one at a time and balance speaking time;
- Listen to learn and understand;
- Encourage respectful, candid, and constructive discussions;
- Address issues and questions, not people or organizations;
- Seek to resolve differences and find common ground;
- Bring concerns and ideas up for discussion at the earliest point in the process;

# RAC Meeting #5 Desired Outcomes and Purpose

- Discuss Oregon Homes Programmatic Interpretation
- Discuss proposed draft rules:
  - Division 46 Cottage Cluster Definition
  - Version 2 Revisions of Division 47
- Review Draft Rulemaking Impact Statements



# Agenda

<i>9:00 – 9:10a</i>	Welcome and Agenda Review
<i>9:10 – 9:15a</i>	Meeting 4 Report Out
<i>9:15 – 9:30a</i>	Discussion: <b>Division 46 Cottage Cluster Definition</b>
<i>9:30 – 10:15a</i>	Discussion: <b>Oregon Homes Programmatic Interpretation</b>
<i>10:15 – 10:30a</i>	<i>Break</i>
<i>10:30 – 11:40a</i>	Discussion: <b>Version 2 Revisions</b>
<i>11:40 – 11:50a</i>	Rulemaking Impact Statements
<i>11:45 – 11:55a</i>	Rulemaking Timeline
<i>11:55a – 12:00p</i>	Closing and Next Steps

# **RAC Member introductions**

# Roll Call

## **RAC Members**

Alexandra Ring, League of Oregon Cities  
Andy Boulton (Ex Officio), Oregon Buildings Codes Division  
Annika Eriksson, Individual  
Brandon Pursinger, Association of Oregon Counties  
Brock Nation, Oregon Realtors  
Catherine Rigby, Individual  
Cheryl Bell, Clackamas County  
Destin Ferdun, Pahlisch Commercial, Inc  
Diego Diaz, Housing Oregon  
Eric Rutledge, City of Sherwood  
Elsa Natal, Our Just Future  
Fred Evander, City of Independence  
Jerika Ferguson, Individual  
Jerry Lidz, Individual  
Jill Cropp, Studio Cropp Architecture  
Jim Taylor (Ex Officio), Oregon Housing & Community Services  
Johnathan Balkema, City of Albany  
Nora Cronin, DevNW  
Leigh Armstrong, Habitat for Humanity Portland  
Mary Kyle McCurdy, 1000 Friends of Oregon

Mark Taylor, North Peak Development  
Morgan Tracy, City of Portland  
Shane Kwiatkowski, Individual  
Sarah Absher, Tillamook County  
Samantha Bayer, Oregon Home Builders Association

## **LCDC Commission Liaison**

Allan Lazo, Chair

## **DLCD Staff**

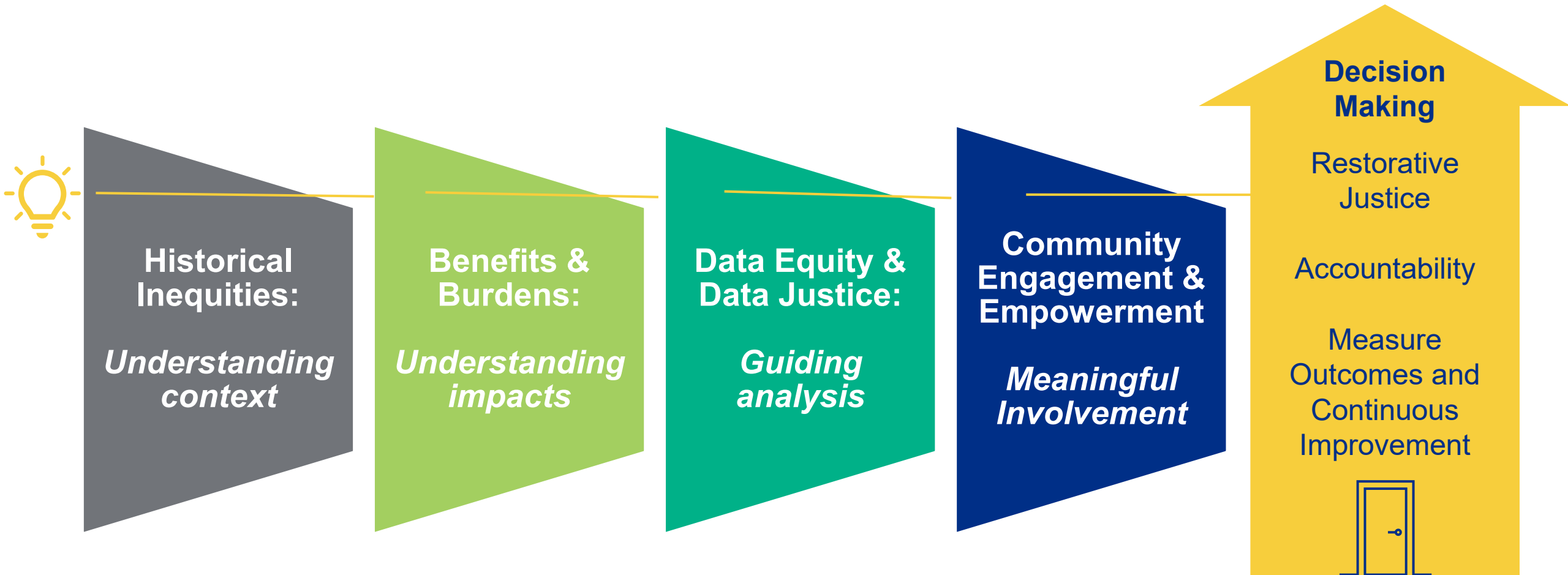
Ethan Stuckmayer  
Madeline Phillips  
Becky Coutinho  
Ingrid Caudel  
Angela Williamson  
Alexis Hammer

## **Facilitation Team**

Ben Duncan, Kearns & West  
Ariella Dahlin, Kearns & West

# Racial Equity Framework

# Racial Equity Framework for Decision Making



# Racial Equity Framework: Meeting 2



## Historical Inequities

Communities excluded from housing access.  
Barriers and delays impact development and costs.  
NIMBYism.

## Benefits & Burdens

More housing production and types can reduce costs and improve access.  
Siting and design can impact community safety and well-being.

## Data Equity & Data Justice

Communities of color, communities with Disabilities, and LGBTQ+ communities are disproportionately housing insecure.

## Community Engagement & Empowerment

Community identified needs:  
Multifamily housing  
Accessibility and fair housing  
Community and cooperative models  
Livability

## Decision Making

Restorative Justice  
Accountability  
Measure Outcomes and Continuous Improvement



# Meeting 4 Report Out

# Meeting 4 Key Themes

- **Implementation of a state-wide approach.** The discussion reflected the difficulty of applying a state-wide approach in a state where jurisdictions vary vastly in geography, infrastructure, and community needs. The discussion encouraged finding ways to balance a state-wide approach and standardization with local codes, needs, and context.
- **Clear, not broad, standards.** The discussion identified that the current broadness of standards could make the program complicated and risk inconsistent application. The creation of tiered standards dependent on jurisdictional size or location was suggested.
- **Oregon Home, Oregon Lot.** The discussion noted that the lot and the home can be considered as two distinct elements, and that deferring siting decisions to local jurisdictions while standardizing the home design itself seems the most clear and workable path.

# **Discussion: Division 46 Cottage Cluster Definition**

## 660-046-0020 Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 apply, unless the context requires otherwise. In addition, the following definitions apply:

[...]

(2) “Cottage Cluster” means a grouping of ~~no fewer than four detached~~ dwelling units:

~~(a) that are detached or attached in subgroupings of up to four units in any configuration;~~

~~(b) that have a common courtyard;~~

~~(c) that each have a small footprint or floor area;~~

~~(A) small footprint or floor area shall be defined as:~~

~~(i) 1,400 square feet average per unit area;~~

~~(ii) to be calculated excluding porches and garages; and~~

~~(iii) as calculated at the time of initial development.~~

~~per acre with a footprint of less than 900 square feet each that includes a common courtyard. A Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.~~

# **Discussion: Oregon Homes Programmatic Interpretation**

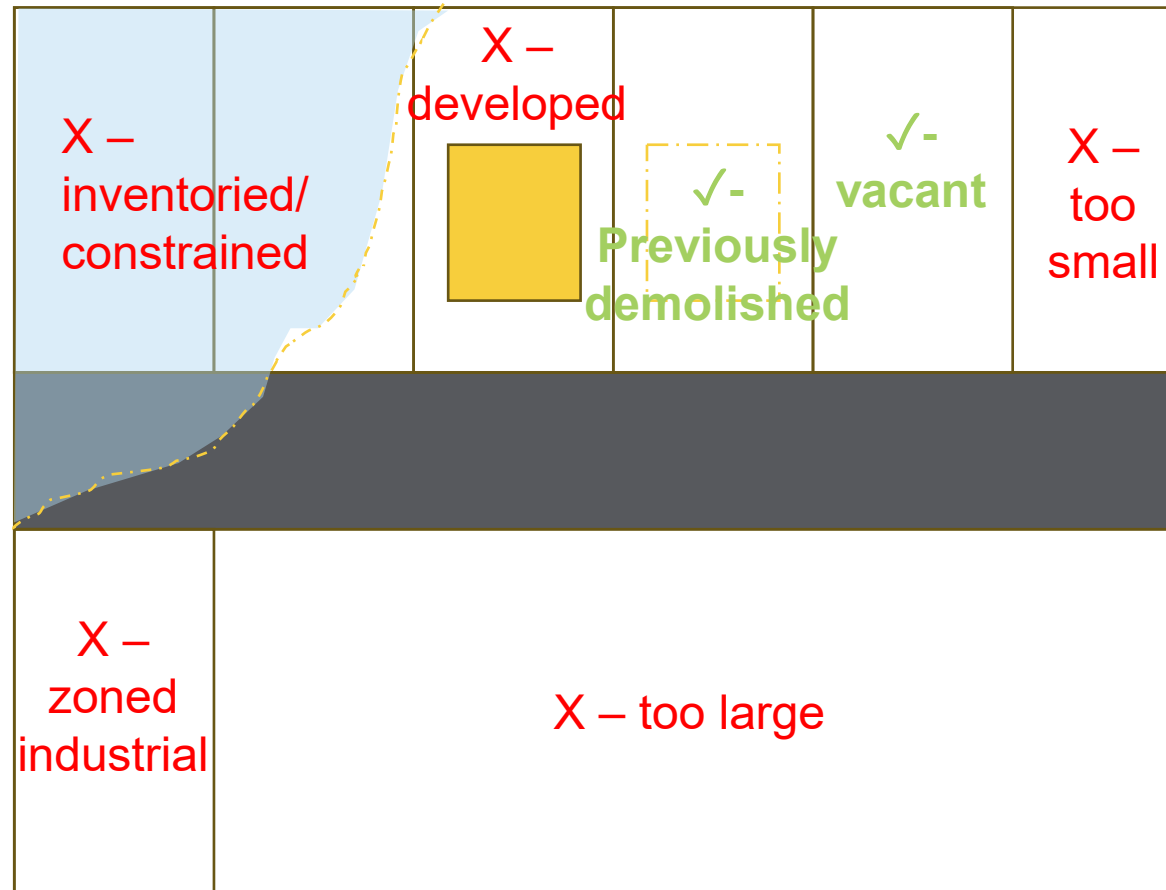
# Oregon Homes Pathway to Land Use Approval

Identify a lot or parcel that is:

- **Lawfully established**
- **Within UGB**
- **Zoned residential**
- **At least 1,500 SF**
- **Not larger than 20,000 SF**
- **Not covered in slopes more than 15%**
- **Not inventoried as environmentally sensitive, open spaces, or in a natural hazard area**
- **And**
- **Vacant\***

\*(A) Created by any lawful division of land, regardless of when the division occurred. (B) On which is sited a nonresidential structure that is nonconforming or not suitable for any lawful use. (C) For which residential units were demolished more than five years prior. (D) For which residential units were demolished within the previous five years, provided that the approved development would create net additional units and would use a building construction plan approved under section 5 of HB2258.

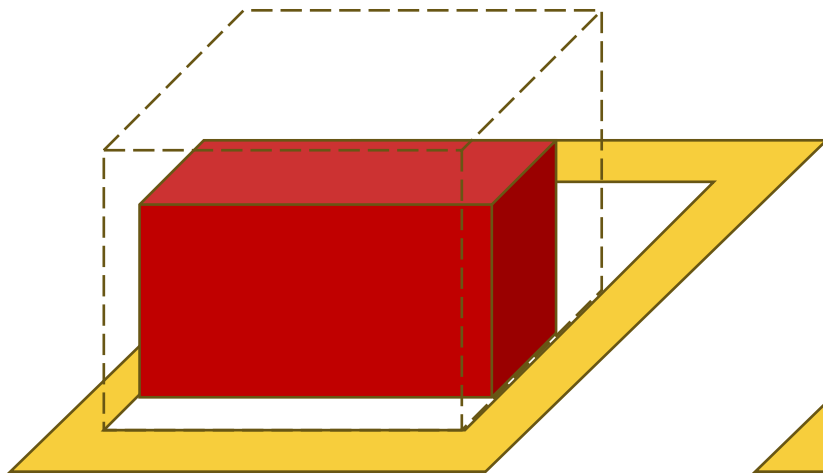
# Example of Eligible and Ineligible Lots



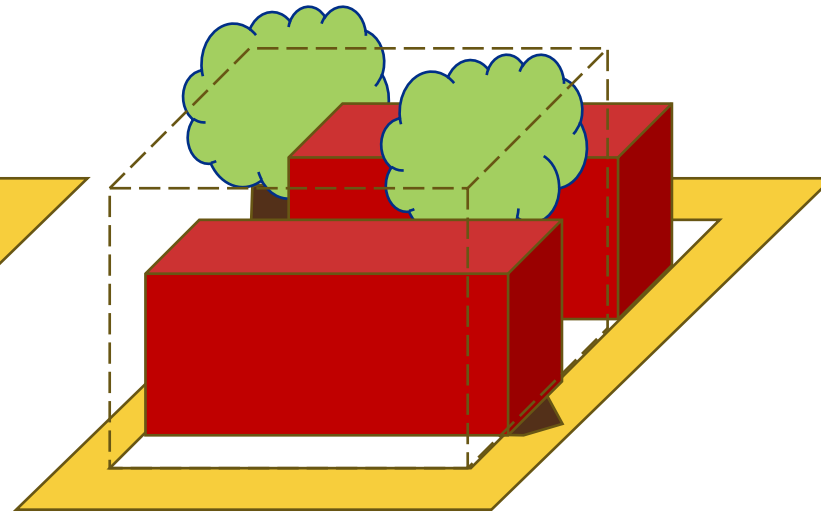
# Example of Determining Eligible and Ineligible Lots

Builder determines which Oregon Home to build based on lot characteristics, housing type, and Oregon Home standards

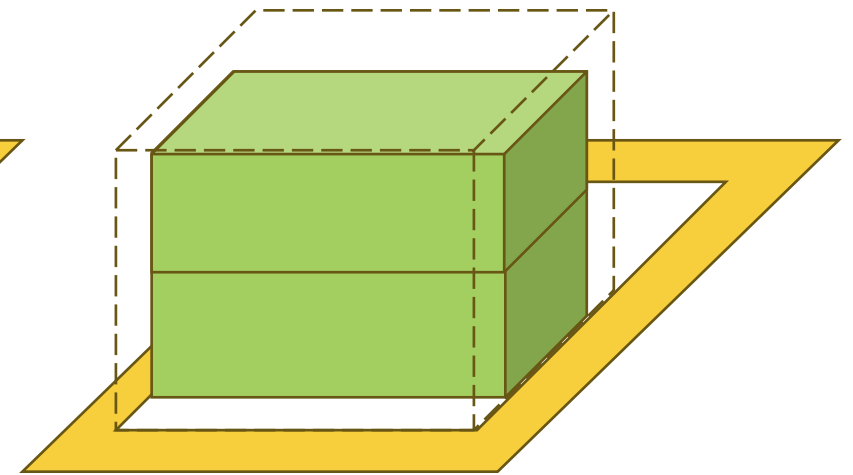
- Development meets minimum density requirement of lot
- Builder determine whether preapproved home meets applicable Oregon Homes standards set forth in Division 47 (siting standards, design standards, tree removal)



*Oregon Home doesn't meet minimum density of zone*



*Oregon Home meets criteria but trees impact development potential*



# Oregon Homes Pathways to Building Approval

## Option 1: Permit Ready Plans

Developer or project sponsor selects an approved building plan published by BCD's permit-ready plans program

BCD is limited by statute as to what residential plans can be preapproved

## Option 2: Master Plan Program

Developer or project sponsor submits plans to BCD through the Master Plan Review Program and are approved

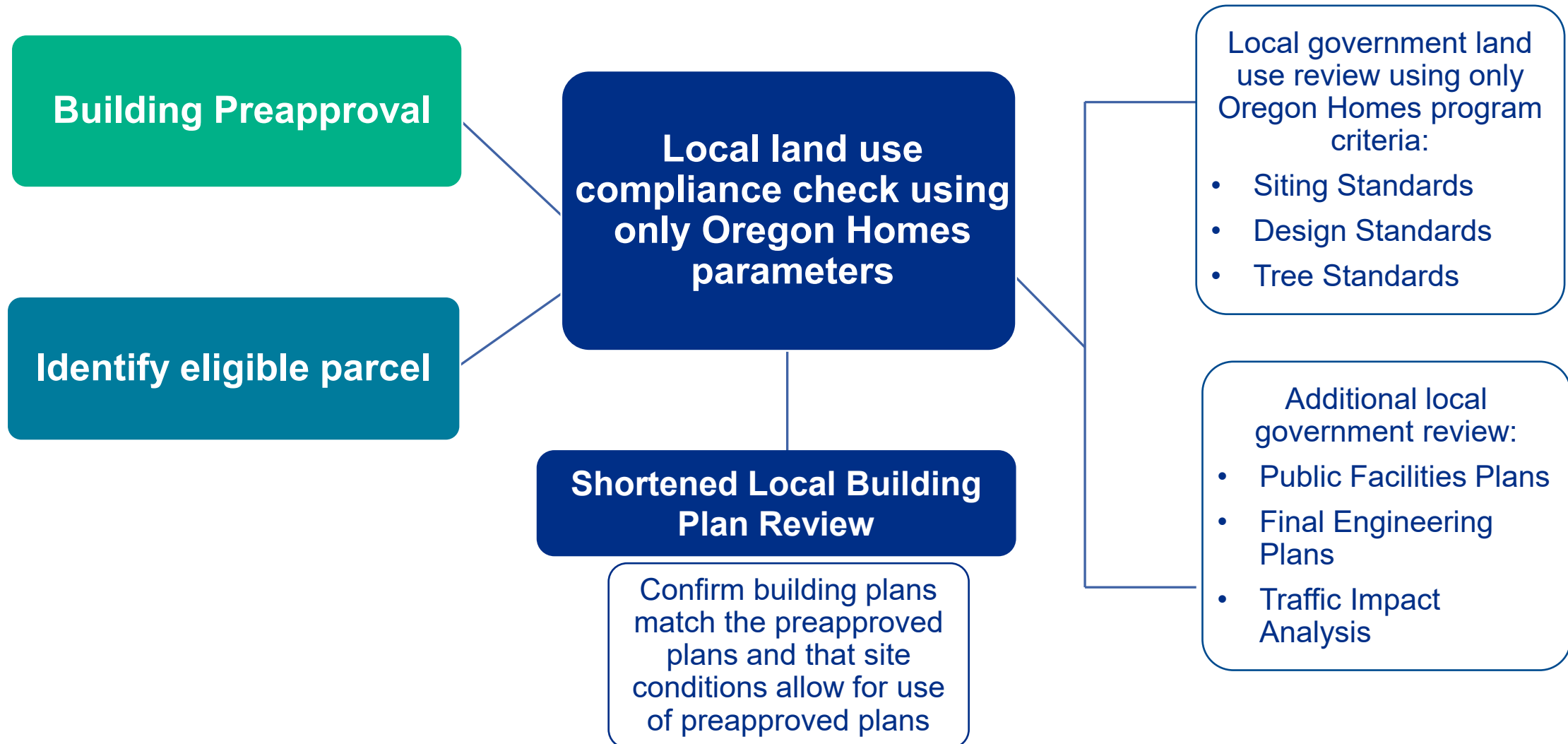
The developer or project sponsor that submits these plans retains control over the use of these plans.

## Option 3: Local Review

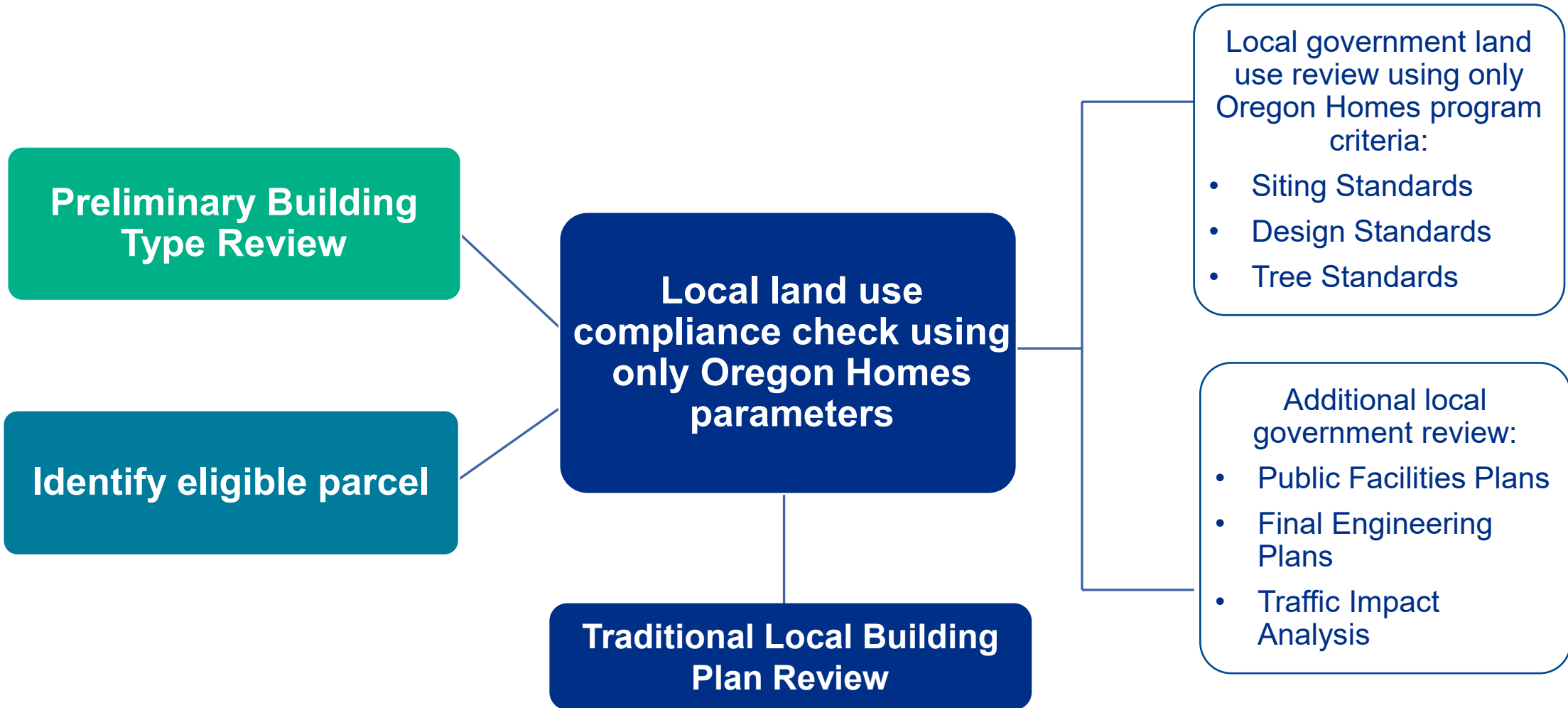
Developer or project sponsor submits building plans through local building review process

No state building plan preapproval

# Options 1 & 2 Pathway to Full Approval



# Option 3 Pathway to Full Approval



# Option 3: Local Building Plan Review

Traditional local building plan review in addition to confirming the structure(s) meet the following criteria:

- **Attached or detached housing, including accessory dwelling units or prefabricated or modular housing**
  - Have a **size of not more than 2,200 square feet per dwelling unit** for a single-unit dwelling, accessory dwelling unit, or per dwelling unit for duplex, triplex, quadplex and townhouse
  - An average per-unit size of not more than 1,400 square feet for cottage clusters or a multiunit dwelling
- **Multiunit dwelling with more than six and fewer than 12 units**

# Discussion

***Break***

# Discussion: Draft Changes

# Highlight of Changes for Version

- **Definitions**

- Updated design and siting standards definitions to exactly match Division 46
- Adjusted definition of Oregon Homes Development to clarify the third pathway
- Clarified Oregon Homes Lot definition to allow for development on a lot within an environmentally sensitive area if the developable area is wholly outside the environmentally sensitive area
- Added definitions for "Public Facilities Plan" and "Traffic Impact Analysis"

- **Local Government Review Process**

- Added clause outlining denial procedures

- **Tree Standards**

- No changes

# Highlight of Changes

- **Design Standards**

- Removed window and pedestrian standards
- 10% variances added here:
  - OAR 660-047-0030 (2)- garage, carports, or on street parking standards
  - OAR 660-047-0030 (3)- storage for trash and recycling

- **Siting Standards**

- Setback requirement now allows for utility easement adjustment
- 10% variances added here:
  - OAR 660-047-0040 (1)- setbacks
  - OAR 660-047-0040 (3)- outdoor space

# Discussion

# Rulemaking Timeline

# Rulemaking Timeline

- **June 25:** LCDC Oregon Homes Overview
- **July 1:** Notice of Proposed Rulemaking published
  - Public comment begins
- **July 9:** RAC 6
- **July 29:** Special LCDC Public Hearing for OR Homes
- **August 2:** Public comment ends
- **August 27-28:** OR Homes Adoption Hearing
- **September 14:** OR Homes rules effective date

# **Review: Impact Statements**

# Review Impact Statements

- **Fiscal Impact Statement**
- **Racial Equity Impact Statement**
- **Housing Cost Impact Statement**

# Closing and Next Steps

# RAC Meeting Schedule

Meeting #	Meeting Topics	Rulemaking Advisory Committee Meeting Dates	LCDC Meeting
1	Orientation, OR Homes overview, Permit-Ready Plans overview, implementation approaches	Wednesday, February 18, 9:00am to Noon	
2	Siting criteria intersection with local ordinances, design standard review, variations/adjustments, setbacks	Wednesday, March 11, 9:00am to Noon	
3	Siting criteria intersection with permit ready plans and model code	Wednesday, April 1, 9:00am to Noon	
4	Review sections of draft rules	Wednesday, April 29, 9:00am to Noon	
5a	Review draft rules and impact statements	Wednesday, May 20, 9:00am to Noon	
5b	Review of revised rules	Thursday, July 9, 9:00am-10:30am	
			Wednesday July 29, 2026 (Public Hearing)



**DLCD**

May 20, 2026

Rulemaking Advisory Committee Meeting #5

**Thank you!**

Next meeting:  
July 9, 9:00 am – 12:00pm

Dear Rulemaking Committee,

I am a small local builder in the Portland area, and I have built middle housing projects in West Linn and Milwaukie. I would like to point out that both the current cottage cluster code and the most recent proposed draft are ambiguous regarding garages and parking.

The code repeatedly mentions garages and detached garages, but it does not clearly distinguish between garages attached to other garages and garages attached directly to the cottage dwelling itself. In my opinion, it would be beneficial to allow cottages to have attached garages that are connected directly to the dwelling. I do not see why attached garages should be prohibited for cottage clusters when other middle housing types are allowed to have garages.

Technically, the model code does not appear to prohibit garages attached to cottages, but it also does not explicitly allow them. As a result, some cities — Milwaukie, for example — have interpreted the code to mean that attached garages are not allowed. I imagine other cities may take the same position because of the lack of clear guidance.

If the rulemaking body supports allowing garages attached directly to cottage dwellings, please make the final cottage cluster rules clearly state that they are allowed.

Regarding parking, the cottage cluster code says parking may be clustered in a common parking lot-style layout. I believe it would also be beneficial to allow parking to be located more individually, so that each cottage could have its own private parking space. This does not need to be required, but the parking standards should be flexible enough to allow it when a builder chooses to provide it.

Thank you for your time and consideration.

Alec Shah  
Shah Homes

**From:** [STUCKMAYER Ethan \\* DLCD](#)  
**To:** [Yaich, Jason](#)  
**Cc:** [CAUDEL Ingrid \\* DLCD](#); [COUTINHO Becky \\* DLCD](#)  
**Subject:** RE: MHOR RAC - Draft Rules for May 20 packet  
**Date:** Monday, May 18, 2026 8:19:37 AM

---

Hi Jason,

Thank you for these! I'm including a few people so we can log your comments and get you answers to your questions.

Best,

## **Ethan Stuckmayer**

Manager | Housing Division

Pronouns: He/Him/His

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*For general Housing Division inquiries, please email [housing.dlcd@dlcd.oregon.gov](mailto:housing.dlcd@dlcd.oregon.gov)*

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**From:** Yaich, Jason <[Jason.Yaich@corvallisoregon.gov](mailto:Jason.Yaich@corvallisoregon.gov)>  
**Sent:** Friday, May 15, 2026 3:36 PM  
**To:** STUCKMAYER Ethan \* DLCD <[ethan.stuckmayer@dlcd.oregon.gov](mailto:ethan.stuckmayer@dlcd.oregon.gov)>  
**Subject:** MHOR RAC - Draft Rules for May 20 packet

Hi Ethan,

I think there may be incorrect citations in the draft Division 47 Oregon Homes rules:

[https://www.oregon.gov/lcd/LAR/Documents/20260515\\_Div47\\_DraftRulesv2.pdf](https://www.oregon.gov/lcd/LAR/Documents/20260515_Div47_DraftRulesv2.pdf)

In the "Local Government Review Process" section (660-047-0020), subsection (3)(c) and (3)(d), it states:

(c) Written justification for any variations or adjustments from the requirements of OAR **660-047-0050**; and

(d) A tree mitigation plan that meets the standards outlined in OAR **660-047-0060**, as applicable.

Based on the document and table of contents, there is not a section 0060 as far as I can tell, and section 0050 is the tree standards section.

**Question 1:** Are those intending to point to subsections 0040 and 0050 instead, so that (c) and (d) should read:

(c) Written justification for any variations or adjustments from the requirements of OAR **660-**

047-0040; and

(d) A tree mitigation plan that meets the standards outlined in OAR 660-047-0050, as applicable.

**Question 2:** Are the variations and adjustments intended to allow adjustments to both “design standards” and “siting standards”, or to “tree standards”, or what standards exactly ?



**Jason Yaich**

Planning Division Manager

Community Development

Phone: 541-766-6577 | Planning Division: 541-766-6908 | [www.corvallisoregon.gov/planning](http://www.corvallisoregon.gov/planning)

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**Draft Language: Oregon Administrative Rules Chapter 660, Division 047 – Oregon Homes**

Updated May 2026, Version 2

**Table of Contents**

660-047-0000 Purpose .....	2
660-047-0010 Definitions .....	2
660-047-0020 Local Government <a href="#">Objective</a> Review Process .....	5
660-047-0030 <a href="#">Objective</a> Design Standards .....	6
660-047-0040 <a href="#">Objective</a> Siting Standards .....	8
660-047-0050 <a href="#">Objective</a> Tree Standards .....	9



### **660-047-0000 Purpose**



The purpose of this division is to establish [Objective Standards](#) under which local governments shall approve development that meets specified residential development types, Oregon Homes Developments, on lots or parcels under specified conditions.

**Statutory/Other Authority:** ORS 197.040

### **660-047-0010 Definitions**

As used in this division, the definitions in ORS 197A.420, apply.

In addition, the following definitions apply:

(1) “Building Height” means the vertical distance from grade plane to the average height of the highest roof surface [using a single, uniform method of measurement](#).

(2) “DBH” means the diameter of a standing tree at breast height, which is measured as the width of a standing tree at four and one-half feet above the ground on the uphill side.

(3) “Design standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, [transparency, pattern, and trim](#), [roof form and pitch](#), driveways, parking configuration, pedestrian access, screening, landscaping, [grading, fences, walls, exterior lighting](#), building massing and private, open, shared, community, or courtyard spaces.



(4) “Final Engineering Plans” means the detailed engineering plans and reports for the design or construction of public and private infrastructure improvements that require review and approval following tentative plat approval by a local government before issuing site development permits, including plans and reports for the construction of public and private infrastructure improvements such as grading, water, sewer, stormwater, transportation systems, and utilities.



(5) “Oregon Homes Development” means a residential development type that would be approved to be placed on an Oregon Homes Lot including:



(a) Attached or detached housing, including accessory dwelling units or prefabricated or modular housing;

(b) Types with a buildable area of:

(A) A size of not more than 2,200 square feet per dwelling unit for a single-unit dwelling, accessory dwelling unit, or per dwelling unit for duplex, triplex, quadplex and townhouse; and

(B) An average per-unit size of not more than 1,400 square feet for cottage clusters or a multiunit dwelling;



- (c) A multiunit dwelling with more than six and fewer than twelve units;
- (d) Housing that complies with the minimum density requirements of the applicable comprehensive plan or land use regulations for the lot or parcel; and
- (e) Housing types whose building plans have been approved by Department of Consumer and Business Services pursuant to ORS 455.062, ORS 455.685, or housing types that meet the criteria as listed in 660-047-0010 (5) and approved through local building code review.
- (6) "Oregon Homes Lot" means a lot or parcel that are:
  - (a) Lawfully established units of land;
  - (b) Within an urban growth boundary;
  - (c) Zoned to allow residential use;
  - (d) At least 1,500 square feet;
  - (e) Not larger than 20,000 square feet;
  - (f) Not covered by slopes averaging more than ~~15~~ 25 percent, or greater than 25% if a licensed engineer or geologist certifies that the site can safely support residential development; and
  - (g) Not within ~~an area identified in an inventory or map that is part of the local government's~~ (A) A Protected Goal 5 Resource Environmentally sensitive or containing significant natural resources- unless permitted with mitigation or otherwise permitted under an adopted ESEE program.
- (B) ~~Open space or scenic areas; or~~
- (C) Natural hazard areas, including floodplains, river greenways, landslide zones, or wildfire risk areas;
  - (i) if a lot or parcel is within an area as identified in 660-047-0010 (g) (A-C) but the developable area is wholly outside any such area, the lot may become eligible; and
  - (h) Vacant, including a lot or parcel:
    - (A) Created by any lawful division of land, regardless of when the division occurred.
    - (B) On which is sited a nonresidential structure that is nonconforming or not suitable for any lawful use.
    - (C) For which residential units were demolished more than five years prior; or
    - (D) For which residential units were demolished within the previous five years, provided that the approved development would create net additional units and would use a building construction plan approved under Department of Consumer and Business Services pursuant to ORS 455.062, ORS 455.685, or housing types that meet the criteria as listed in 660-047-0010 (5) and approved through local building code review.
- (7) "Public Facilities Plan" means a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary





containing a population greater than 2,500.

(8) "Site Plan" means a site or development plan that is drawn accurately to scale and include but are not limited to the following existing and proposed information:


- (a) All property lines with dimensions and total lot area;
- (b) North arrow and scale of drawing;
- (c) Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
- (d) Existing Goal Protected Resources, if any are present on the site;
- (e) Existing and proposed easements and on-site utilities;
- (f) Existing and proposed development with all dimensions, including floor area and building footprint;
- (g) Distances of all existing and proposed development to property lines;
- (h) Types and location of outdoor area(s) and usable open space (if required);
- (i) Percentage of the site proposed for outdoor area coverage;
- (j) Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
- (k) Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.

(9) "Siting standards" means standards regulating placement of structures on a lot or parcel including setbacks, height, bulk, scale, and lot coverage. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.

(10) "Traffic Impact Analysis" means a report prepared by a professional engineer that analyzes existing and future roadway conditions, [sight distances, trip generation, and queuing analysis](#).

(11) "Usable outdoor space" means one of the following:

- (a) Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
- (b) Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;

- (c) Tree groves of existing mature trees;
- (d) Turf or grass **play** fields; 
- (e) Children's play structure or play area;
- (f) Sports courts;
- (g) Swimming or wading pool or hot tub;
- (h) Walking fitness course;
- (i) Natural area with benches; or
- (j) Gardening area with at least 50 square feet of planting area.

"Objective Standard" means a standard that does not involve discretionary judgment, subjective evaluation, personal preference, or qualitative interpretation by a local government, and that can be applied and verified solely through measurable, quantifiable, or clearly defined criteria. An objective standard must be uniformly applied and must not require interpretation of intent, character, compatibility, aesthetics, or other subjective factors.



**Statutory/Other Authority:** ORS 197.040

**Statutes/Other Implemented:** ORS 197A.420

### **660-047-0020 Local Government Review Process**

#### **660-047-0020 Local Government Review Process**

**Summary:** This section creates the local government review process for the development of Oregon Homes Lots.

**Commentary:** Policy intent is to make clear local governments cannot apply additional standards to Oregon Homes. To ensure the fastest timeline for approval, a ministerial, also known as Type I review, is proposed. This allows the local jurisdiction to review applications for completeness using clear and objective approval criteria. The burden of proof to demonstrate application completeness is placed on the applicant to shorten the local government staff time required for the review.

Adjustments to 660-047-0020 (7) were made with the intention to add clarity for local governments that they may apply those plan standards to the Oregon Homes Development application. 660-047-0020 (8) was added to provide clear authorization for denial. With the removal of the variances and adjustments section, 660-047-0020 (9) was moved here.

A local government must follow the [objective](#) review process as outlined below for an Oregon Homes Development proposed on an Oregon Homes Lot.

- (1) Local governments must issue a land use decision approving the development of an Oregon Homes Development on an Oregon Homes Lot if the development proposal meets the applicable [Objective Standards](#) outlined in OAR 660-047-0030 through OAR 660-047-0060.
- (2) Applications for Oregon Homes Development on an Oregon Homes Lot shall be reviewed by the local government as a ministerial review. Administration of this review shall only be to ensure compliance with standards outlined in OAR 660-047-0020 through OAR 660-047-0060 and shall not require the use of discretion, interpretation, or the exercise of policy or legal judgment.
- (3) In a local government's review of an Oregon Homes Development, an application shall be deemed complete when the applicant provides the following information to the local government:
  - (a) Site plan and exhibits that address requirements as listed in 6600-047-0010, 6600-047-0030, 6600-047-0040, and 660-047-0060;
  - (b) Building plans that are:
    - (A) approved by Building Codes Division that meet applicable building code standards; or



- (B) Building plans that meet the requirements of an Oregon Homes Development as listed in OAR 660-047-0010 (5);
- (c) Written justification for any variations or adjustments from the requirements of OAR 660-047-0050; and
- (d) A tree mitigation plan that meets the standards outlined in OAR 660-047-0060, as applicable.
- (4) Application submissions that do not include information required in this division shall be deemed incomplete by the local government. [Completeness determinations must be based solely on the presence or absence of the required items and may not involve discretionary judgment, interpretation.](#)
- (5) Applicants shall bear the burden of proof to provide information necessary to determine compliance with the applicable provisions of this division.
- (6) A local government shall not require a public notice [or public comment](#) in reviewing or approving an application for Oregon Homes Development.
- (7) Nothing in this section precludes a local government from applying [clear and objective dimensional, siting, or public works standards that are consistent within the acknowledged](#) public facilities plans for an Oregon Homes Development application [provided such standards do not reduce the buildable area required to achieve minimum density under this division](#). A local government shall not establish public facilities plans, final engineering plans, or traffic impact analysis requirements uniquely for an Oregon Homes Development that exceeds the process applied to all other residential development of the same type.
- (8) An Oregon Homes Development application shall be denied if the application does not meet the definitions of an Oregon Homes Lot and Oregon Homes Development as written in OAR 660-0470010 and does not meet the requirements as outlined in OAR 660-047-0030 through OAR 660-0470060.
- (9) A local government is not required to grant a request for adjustment under sections 38 to 41 of ORS 197A.395 in approving an application for an Oregon Homes Development.

**Statutory/Other Authority:** ORS 197.040

**Statutes/Other Implemented:** ORS 197A.400

### **660-047-0030 Design Standards**

#### **660-047-0030 Design Standards**

**Summary:** This section establishes a set of [objective](#) design standards for an Oregon Homes Lot including entry orientation, street facing façade, garages and driveways, and waste storage facilities. **Commentary:** The intent of the proposed design standards is to ensure quality development while not increasing development costs or permitting review times. DCLD has considered OAR 660-046

(Model Code) as reference in the design standards below. RAC members raised concerns that the proposed design standards should vary by dwelling unit type and by size of local government. DLCD considered these adjustments but determined this would not be in alignment with the legislative intent of Oregon Homes. The 10% variance allowance from 660-047-0030 (2) and (3) has been added to this section.

The following design standards required for the placement of an Oregon Homes Development on an Oregon Homes Lot address essential safety and functional aspects for residents and people that interact with the right-of-way. A local government may apply only the following design standards outlined in this section in reviewing an application for an Oregon Homes Development on an Oregon Homes Lot:

- (1) All units within the development, unless an attached or detached accessory dwelling unit, must have their pedestrian entry orientation meet at least one of the following:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street;
  - (c) Face a common open space that is adjacent to the street or (d) Open onto a covered porch or covered patio that is at least 25 square feet in area and have at least one entrance facing the street.
- (2) Garages, carports, or on-site parking or vehicle maneuvering areas are not required. However, if proposed as part of an Oregon Home Development, the combined width of all garages and outdoor on-site parking and vehicle maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage. The following Oregon Homes Development scenarios are excluded from this standard:
  - (a) Accessible and adaptable units;
  - (b) Lots that receive vehicular access from an alley; and
  - (c) Off-street parking areas that are separated from the street lot line by a dwelling.
- (3) Storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
  - (a) The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height, except as specified in subsection (c) and located no more than 3 feet from the storage facility.
  - (b) The storage facility must be separated from the street lot line by at least 5 feet.
  - (c) For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.



(4) A local government shall approve an Oregon Homes Development application if the proposed site plan varies not more than 10% from the Garage, carports, or on street parking standards or the trash screening requirements within this section.

**Statutory/Other Authority:** ORS 197.040

### **660-047-0040 Siting Standards**

#### **660-047-0040 Siting Standards**

**Summary:** This section establishes a set of [objective](#) siting standards for an Oregon Homes Lot including setbacks, density, and outdoor areas.

**Commentary:** Through the RAC process, the approach to have siting standards for Oregon Homes Lots, regardless of the type of Oregon Homes Development, was decided. The above siting standards were chosen to ensure development feasibility and an expedited review process. DLCD has considered OAR 660-046 (Model Code) as reference. Similar to design standards, RAC members raised concerns that the proposed siting standards should vary by dwelling unit type and by size of local government. DLCD considered these adjustments but determined this would not be in alignment with the legislative intent of Oregon Homes. The 10% variance allowance from 660-047-0040 (1) and (3) has been added to this section.

A local government may apply only the following [objective](#) siting standards in reviewing an application for an Oregon Homes Development on an Oregon Homes Lot as outlined in this section. [Local governments may not use bulk, scale, massing, or compatability for site layout or dimensional standards.](#) An Oregon Homes development must:

- (1) Provide a setback of 5 feet on all sides of the building or the distance required for a proposed or existing utility easement. For buildings greater than 35 feet in building height, the setbacks must be 10 feet on all sides. Building height is defined in OAR 660-047-0010.
- (2) Meet the minimum density requirements of the applicable comprehensive plan or land use regulations for the lot or parcel.
- (3) Provide outdoor area comprised of at least 15 percent of the gross site area and containing one or more of the following features:
  - (a) Areas planted with vegetation (including natural areas and existing trees);
  - (b) Private open space, including balconies attached to individual dwelling units;
  - (c) Pedestrian hardscape;
  - (d) Usable open space being one of the following:



- (A) Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
  - (B) Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
  - (C) Tree groves of existing mature trees;
  - (D) Turf or grass play fields;
  - (E) Children’s play structure or play area;
  - (F) Sports courts;
  - (G) Swimming or wading pool or hot tub;
  - (H) Walking fitness course;
  - (I) Natural area with benches; or
  - (J) Gardening area with at least 50 square feet of planting area.
- (4) A local government shall approve an Oregon Homes Development application if the proposed site plan varies not more than 10% from the setbacks or outdoor area characteristics requirements within this section.



**Statutory/Other Authority:** ORS 197.040

**660-047-0050 Tree Standards**

**660-047-0050 Tree Standards**

**Summary:** This section establishes standards to guide the preservation, replanting, or replacement of trees on Oregon Homes lots.

**Commentary:** As proposed, these rules do not add any additional tree removal requirements beyond those outlined in HB 2258. The list of trees that require mitigation if removed similarly does not add any additional requirements beyond statute. The proposed rules add an option for local governments to require a fee in lieu. RAC members expressed that these standards are more restrictive for some local governments and more permissive for other local governments. No edits were made to the standards so that the standards remain in conformity with HB 2258.

A local government must require the applicant to adhere to the following standards to guide the preservation or replacement of trees on an Oregon Homes lot. Local governments may not impose additional tree removal restrictions beyond these rules.



(1) Approval of an Oregon Home Development may not result in the removal of trees that are:

(a) Designated by the local government as a heritage tree, or





(b) 20 inches or greater DBH.

(2) An applicant for an Oregon Homes Development on an Oregon Homes Lot may propose to remove eligible tree(s) as part of the development application. The applicant shall take mitigating measures outlined in this section for each tree proposed to be removed that is:


(a) Designated by the local government through an adopted program, regulations, or ordinances as a protected species;


(b) Not deemed unhealthy, [hazardous, or a Nuisance Tree](#)  by a certified arborist; and

(c) ~~20~~12 inches or more DBH.

(3) If all of the criteria listed in 660-047-0060 (2) are met, the applicant must conduct one of the following mitigation measures for tree removal:

(a) The replanting of the removed tree on or adjacent to the Oregon Homes Lot;

(b) The replacement of the removed tree with a tree ~~of the same protected species~~   
[listed on the local government's tree list and not a Nuisance Tree](#); or

(c) A payment of a fee-in-lieu as established by local ordinance, [not to exceed \\$300 per tree](#). 

**Statutory/Other Authority:** ORS 197.040

Brianne & Rob Margolin  
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May 17<sup>th</sup>, 2026

Ethan Stuckmayer  
Manager  
Housing Division  
Oregon Department of Land Conservation & Development  
ethan.stuckmayer@dlcd.oregon.gov

**Subject:** Comments on Revised Draft of OAR 660-047 (Oregon Homes)

Dear Mr. Stuckmayer,

Thank you for the opportunity to provide comments on the revised draft of OAR 660-047 (Oregon Homes). I appreciate DLCD's continued work to implement HB 2258 and ORS 197A in a manner that meaningfully expands Oregon's supply of small, attainable homes while ensuring a clear, objective, and predictable development pathway.

After reviewing both the original draft rule and the revised version, I offer the following comments in support of strengthening the rule to fully implement legislative intent and ensure compliance with Oregon's Statewide Planning Goals. Please also find a markup of the second draft, including comments.

### **1. Alignment with HB 2258 and ORS 197A**

HB 2258 and ORS 197A establish a clear mandate:

- Expand small-scale, lower-cost housing options
- Remove local barriers that prevent or delay housing production
- Require **objective, ministerial, and uniform** approval standards
- Prevent local governments from re-introducing discretion through design, siting, or tree regulations

My suggested revisions Rule 47 moves significantly closer to fulfilling this mandate. In particular:

#### **A. Strengthened definition of "design standard" (660-047-0010(3))**

The expanded definition correctly captures the full range of design tools that cities use to impose discretionary review. Including:

- Massing
- Roof form
- Transparency
- Materials
- Lighting
- Grading
- Fences and walls
- Landscaping
- Open space design

This is essential to prevent local governments from re-labeling discretionary design review as “site design,” “compatibility,” or “character.”

### **B. Clear limitation to only the design standards in 0030**

This is critical. Without this limitation, cities could apply their full design codes to Oregon Homes lots, defeating the purpose of HB 2258.

### **C. Strengthened objectivity requirements**

The revised definition of “objective standard” correctly prohibits:

- Interpretation of intent
- Compatibility findings
- Character analysis
- Aesthetic judgment
- Discretionary completeness review

This is fully consistent with ORS 197A.420 and the Legislature’s intent.

## **2. Comparison to Original Draft Rule**

The original draft allowed significant local discretion through:

- Undefined design categories
- Open-ended siting authority
- Broad tree removal restrictions
- Discretionary completeness review
- Ambiguous public facilities authority

These revisions correct these issues by:

**A. Explicitly prohibiting bulk, scale, massing, and compatibility (0040)**

This is essential. Cities like Lake Oswego and Portland routinely use these terms to deny or shrink housing.

**B. Clarifying that only the listed design standards may be applied (0030)**

This closes the largest loophole in the original draft.

**C. Tightening tree standards to match HB 2258 exactly (0050)**

The original draft allowed local governments to impose additional restrictions. The revised version correctly prohibits that.

**D. Clarifying ministerial review and completeness (0020)**

The revised language ensures:

- No public notice
- No hearings
- No discretionary completeness findings
- No additional submittal requirements

This is essential to prevent local governments from using process to block housing.

**3. Consistency with Statewide Planning Goals**

**Goal 1 – Citizen Involvement**

Ministerial review is consistent with Goal 1 because the Legislature explicitly removed discretionary review for Oregon Homes.

**Goal 2 – Land Use Planning**

The revised rule provides clear, objective, and enforceable standards, consistent with Goal 2's requirement for predictable and coordinated land use processes.

**Goal 5 – Natural Resources**

The revised tree standards correctly implement HB 2258's narrow tree protections while preventing local governments from using tree codes as a barrier to housing.

The updated language clarifies that Oregon Homes lots must avoid *adopted* Goal 5 resources, but it also ensures that local governments **cannot invent new, broadly defined, or non-adopted environmental restrictions** to block housing.

**Goal 10 – Housing**

This is the most important goal for Rule 47.

My proposed revisions significantly strengthen compliance by:

- Removing local barriers
- Ensuring predictable approval
- Allowing small-scale infill on existing lots
- Preventing discretionary design review
- Ensuring minimum density is achievable

### **Goal 12 – Transportation**

The revised rule appropriately limits Traffic Impact Analysis requirements to those applied uniformly to all housing types.

### **Goal 14 – Urbanization**

By enabling infill on existing lots, the rule supports efficient urbanization and reduces pressure to expand UGBs.

## **4. Conflicts with Local Codes**

I reviewed local codes for Portland, Eugene, Salem, and Lake Oswego to help identify areas where local standards conflict with HB 2258 and ORS 197A. Proposed changes close loopholes that cities could continue to use to bloc Oregon Homes development.

- Design review districts
- Compatibility standards
- Massing and articulation requirements
- Roof form and parapet rules
- Window transparency and pattern requirements
- Materials and color restrictions
- Grading and “natural landform” requirements
- Tree removal permits beyond HB 2258
- Neighborhood meetings and public notice
- Discretionary completeness review

Without explicit preemption, these cities would continue to block Oregon Homes development.

## **5. Recommendations**

I strongly support the attached revised Rule 47 and recommend:

1. **Adopt the expanded definition of “design standard.”**
2. **Retain the limitation that only 0030 design standards may be applied.**
3. **Retain the prohibition on bulk, scale, massing, and compatibility.**
4. **Incorporate the strengthened use of “objective” throughout.**
5. **Retain the clarified tree standards including a definition for Heritage Tree.**
6. **Retain the ministerial review and completeness language.**

These changes are essential to implementing HB 2258 and ORS 197A as the Legislature intended.

## **Conclusion**

I hope you will find that the proposed changes and revised Rule 47 add substantial clarity and is more consistent with the statutory intent of HB 2258, ORS 197A, and the Statewide Planning Goals. I urge DLCD to adopt the strengthened language to ensure Oregon Homes can be built predictably, affordably, and without discretionary barriers.

Thank you for your consideration.

Sincerely,  
**Brianne Margolin**

**From:** [Brienne Bennett](#)  
**To:** [DLCD Housing](#); [CAUDEL Ingrid \\* DLCD](#); [COUTINHO Becky \\* DLCD](#); [STUCKMAYER Ethan \\* DLCD](#)  
**Subject:** Comments regarding MHOR Homes Draft Impact Statements  
**Date:** Sunday, May 17, 2026 5:37:30 PM

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Comments regarding MHOR Homes Draft Impact Statements

<!--[if !supportLists]-->a. <!--[endif]-->I agree with the assessment that the rule is likely to reduce net costs. In addition to the cost savings identified, the cost to deliver housing will also be reduced by the following:

<!--[if !supportLists]--> i. <!--[endif]-->Ministerial process reduces the cost from public notice and comment periods, which create delays that contribute to higher costs.

<!--[if !supportLists]--> ii. <!--[endif]-->Fewer LUBA appeals because of the clear guidelines and ministerial process. LUBA appeal processes create delays and can result in additional legal and other expenses that contribute to higher housing costs.

---

**Brienne M. Margolin**  
Phone: (971) 226-4533  
[briennebmb@yahoo.com](mailto:briennebmb@yahoo.com)

On Friday, May 15, 2026 at 03:05:08 PM PDT, DLCD Housing <[dlcd\\_housing@public.govdelivery.com](mailto:dlcd_housing@public.govdelivery.com)> wrote:

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May 20, 2026

Attn: Middle Housing/Oregon Homes Rulemaking Advisory Committee (MHOR RAC)  
CC: Ethan Stuckmayer, AICP, Housing Division Manager

**Re: Updating definition of “Cottage Cluster” in 660-046-0020 Definitions**

Dear Rulemaking Committee Members,

On behalf of homebuilder Hayden Homes, I am writing to share our support for the proposed updates to the definition of “cottage cluster” before you for consideration. In particular, we support the increase in square footage to 1400 s.f. This rules update, in the context of Oregon’s strong middle housing code reforms, will enable homebuilders like Hayden Homes to more successfully meet jurisdictions’ middle housing zoning minimums while keeping housing costs affordable for moderate-income households. This square footage increase will also help more Oregonian families with children and/or other dependents access first-time homeownership opportunities without sacrificing the space they need to thrive together.

Please adopt the proposed cottage cluster rules update before you today.

Gratefully,

Jenn Kovitz  
Community Engagement and Government Affairs Manager  
Hayden Homes  
[jenn.kovitz@hayden-homes.com](mailto:jenn.kovitz@hayden-homes.com)

**From:** [CAUDEL Ingrid \\* DLCDC](#)  
**To:** [CAUDEL Ingrid \\* DLCDC](#)  
**Subject:** MEETING MATERIALS: MHOR Homes (Phase One) Rulemaking Advisory Committee Meeting #5  
**Date:** Wednesday, May 20, 2026 4:32:48 PM

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**From:** Eric Rutledge <[RutledgeE@SherwoodOregon.gov](mailto:RutledgeE@SherwoodOregon.gov)>  
**Sent:** Tuesday, May 19, 2026 12:44 PM  
**To:** CAUDEL Ingrid \* DLCDC <[Ingrid.CAUDEL@dlcd.oregon.gov](mailto:Ingrid.CAUDEL@dlcd.oregon.gov)>; STUCKMAYER Ethan \* DLCDC <[Ethan.STUCKMAYER@dlcd.oregon.gov](mailto:Ethan.STUCKMAYER@dlcd.oregon.gov)>  
**Cc:** Alexandra Ring <[aring@orcities.org](mailto:aring@orcities.org)>  
**Subject:** RE: MEETING MATERIALS: MHOR Homes (Phase One) Rulemaking Advisory Committee Meeting #5

Hi Ethan,

I'm not able to attend tomorrow's meeting. Just one question / comment – would the local government be permitted to provide voluntary notice under 660-047-0020(6)?

If section (6) is intended to not allow public notice, there seemed to be consensus amongst the RAC that voluntary notice should be left up to the local jurisdiction.

Thanks,

Eric Rutledge  
City of Sherwood  
Community Development Director  
[rutledgee@sherwoodoregon.gov](mailto:rutledgee@sherwoodoregon.gov)  
Desk 503.625.4242  
Work Cell 971.979.2315

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**From:** CAUDEL Ingrid \* DLCDC <[Ingrid.CAUDEL@dlcd.oregon.gov](mailto:Ingrid.CAUDEL@dlcd.oregon.gov)>  
**Sent:** Friday, May 15, 2026 1:43 PM  
**To:** STUCKMAYER Ethan \* DLCDC <[Ethan.STUCKMAYER@dlcd.oregon.gov](mailto:Ethan.STUCKMAYER@dlcd.oregon.gov)>  
**Cc:** CAUDEL Ingrid \* DLCDC <[Ingrid.CAUDEL@dlcd.oregon.gov](mailto:Ingrid.CAUDEL@dlcd.oregon.gov)>  
**Subject:** MEETING MATERIALS: MHOR Homes (Phase One) Rulemaking Advisory Committee Meeting #5

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Hello Middle Housing Oregon Homes (MHOR Homes) Rulemaking Advisory Committee (RAC)

Members,

DLCD is very much looking forward to hosting the *fifth* MHOR Homes RAC meeting next week on **May 20, 2026 from 9:00 a.m. to 12:00 p.m. via Zoom!**

The primary objectives of next week's meeting are to discuss:

- Discuss and provide input on the draft rules.
- Review and provide input on the fiscal impact statements.

To help you prepare to engage in this process, several background materials are included in this [Meeting Packet](#) for your review and reference (also attached).

Also attached to this email is the calendar appointment for the upcoming RAC meeting. Zoom meeting information is provided within that calendar appointment. Please do not share this calendar appointment with others in your organization or the public. Others wishing to observe the RAC meeting can do so by watching the livestream or recording on the department's [YouTube channel](#).

Much appreciation again for your partnership in this process. Looking forward to learning from you all next week.



**Ethan Stuckmayer, AICP**

Manager | Housing Division

*Pronouns: he/him/his*

Oregon Department of Land Conservation and Development

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[ethan.stuckmayer@dlcd.oregon.gov](mailto:ethan.stuckmayer@dlcd.oregon.gov) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

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