

**Middle Housing Oregon Homes (MHOR)  
Rulemaking Advisory Committee  
Meeting #2 – March 11, 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 input on design standards, variances, and adjustments, and balancing local ordinance and state siting criteria.

**Attendees**

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

## Key Insights Summary

- **Confusion about rulemaking scope.** RAC members were confused about the rulemaking scope, and noted the language being used is unclear as this RAC is discussing the siting of a development, not its design. RAC members also wanted a clearer understanding of how these rules would interact with Building Codes Division permit-ready plans and/or master planned developments, and how a customer would go through the Oregon Homes process.
- **Design standard considerations.** RAC members reflected that standards should be simple and lean towards supporting efficient development. Suggestions for standards included setbacks, height, parking, access, landscaping, front façade, glazing, and wildfire risk management. RAC members suggested having designs that allow for adequate flexibility to successfully site units to meet local jurisdictions' housing production goals.
- **Design variance and adjustment considerations.** RAC members shared that variances should allow enough flexibility to support development while not impacting safety or significantly increasing costs. Suggestions for variances and adjustments included easements, accessory structures, and landscaping.
- **Reference documents.** RAC members suggested referring to the Climate Friendly Equitable Communities standards, SB 1537 variance standards, and R 327 fire standards. Staff concluded with suggestion of the OHNA Residential Model Code.

## 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. He reviewed the meeting purpose and agenda, noting the discussion would be focused on the RAC discussing and providing input on design standards, variances, and adjustments, and balancing local ordinance and state siting criteria.

LCDC Vice Chair Allan Lazo provided opening remarks.

K&W facilitated a round of introductions between RAC members and DLCD staff.

### **Racial Equity Framework**

K&W shared key themes from 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.

RAC members elevated the need for wheelchair accessible housing, including access to buildings. DLCD staff noted that unit design is out scope, however access to a building on the site is within scope, and can inform pedestrian access to a front door.

### **Meeting 1 Report Out**

K&W reflected on key themes from the first RAC discussion, which included the desire to find a balance between focusing on home type and lot type, with an emphasized focus on lot type. The rules need to be clear and objective to provide predictable outcomes and balance development efficiency with the quality of livable communities. Building code assumptions such as fire safety, trash, parking, and utilities are important considerations.

DLCD staff clarified that the definition of buildable area in HB 2258 Section 2 Subsection 4(b)(A) is in relation to the area behind the front door and would not include other accessory use areas such as covered bike parking, trash areas, or courtyards.

K&W facilitated a brief discussion on RAC scope. Key themes are summarized below.

- **Rulemaking scope.** Several RAC members expressed confusion about scope. DLCD clarified that the scope is narrow and focused on the site characteristics and how a building is situated on that site. Variances are intended for developers to use in the case of site variability, not for communities to deviate from rule requirements. Some RAC members expressed concern about their ability to meet the needs of vulnerable communities they represent within the narrow scope.

### **Local Ordinance and Siting Criteria Intersection**

DLCD staff shared how the program will work within the regulatory framework. The Oregon Homes program is designed to take the known quantity (pre-approved building itself) into a development context, where it benefits from a more streamlined set of regulations for siting and design standards. These standards will be the same across the state. Variances and adjustments will be for the builders, not for cities.

K&W facilitated a discussion with RAC members. Key themes are summarized below.

- **Interaction with Building Codes Division (BCD) permit-ready plans process.** Multiple RAC members expressed concern that local jurisdictions cannot provide feedback during BCD’s permit ready plans process. BCD summarized its process related to permit-ready plans, highlighting that local jurisdictions have a 30-day review period to confirm if the plan will work in their city. If not, jurisdictions indicate what codes prevent local implementation, and BCD either adapts the plan or does not approve it.
- **Local geographies and characteristics.** Several RAC members expressed concern for the unique geographies and other characteristics that vary across Oregon and could impact building standards and costs. DLCD staff emphasized that not all lots will be eligible for the Oregon Homes program, and that site characteristics may disqualify lots. A RAC member raised a concern about Oregon Homes siting in contrast to other development, noting their non-conformity with local development standards and the resulting development being a “non-conforming use.” This will require local staff to track Oregon Homes separately over time.

### Discussion: Design Standards

DLCD staff shared the types of design standards that fall within the scope of this rulemaking. Design standards for RAC discussion are standards that do not impact the building envelope.

- **Scope clarification.** RAC members wondered if master plans were being discussed and who applied design standards. DLCD and BCD staff clarified that only permit ready plans are being discussed and that local governments will implement the standards through their review processes, including local site condition reviews.
- **Essential siting and design standards.** Some RAC members expressed confusion about the language used, and reflected that the RAC is discussing development standards, not the broader scope of design standards. In the discussion, RAC members suggested having height, parking, glazing, and landscaping standards. Multiple RAC members expressed interest in designs that can be rotated or reoriented to fit on the lot. A few RAC members recommended having setback standards. One RAC member suggested referencing Climate Friendly and Equitable Communities (CFEC) walkable design standards.
  - **Parking.** Some RAC members shared that parking should not be allowed in front of front façade and that garages should not be more than half of the front elevation. Other RAC members shared that garages and parking access are needed in the front, especially in nonurban areas.

- **Front façade.** Multiple RAC members recommended having a 15% minimum glazing standard and that there should be pedestrian access to the front door. A RAC member suggested that front doors should be on the front of the building, or on the side elevation near the front and that ADUs should not have front elevation glazing requirements unless they are facing a street. One RAC member cautioned front façade requirements, sharing that some properties can only be accessed through an easement on a neighboring property.
- **Landscaping.** Some RAC members shared that there needs to be outdoor usable space and that urban canopy is important. One RAC member reflected that some landscaping standards can prohibit development.
- **Lot to floor area ratio.** Some RAC members shared that lot coverage maximums and floor area ratios are important considerations, and that the relationship between height and setbacks can influence those ratios. Septic systems can influence the ratio as well.
- **Setbacks.** DLCD staff shared they are considering a 5-foot set back standard. Some RAC members stated that setbacks should not be defined and setbacks on certain lots could have unintended consequences. One RAC member shared that right-of-way setbacks need to be included for utility access.
- **Relation to building codes and zoning.** Several RAC members reflected that building code approval will impact siting standards and the topics cannot be easily separated. Density zoning also impacts standards such as parking and façade requirements. A RAC member reflected that jurisdictions’ building and planning staff may not work together and suggested providing a customer guide to help developers move through the Oregon Homes process.
- **Current local jurisdiction and developer approvals.** A RAC member reflected that local jurisdictions and developers agree to certain terms of approval or develop Plan Unit Developments (PUDs) for unique zoning and codes. Oregon Homes should take into consideration current terms of approval to avoid “moving the goalposts” given that cities often trade-off or provide flexibility to certain requirements in PUD decisions.

### **Discussion: Design Variances and Adjustments**

DLCD staff shared that the variance and adjustments process would afford builders the opportunity to have variances and adjustments from the standard set of regulations.

K&W facilitated a discussion on what circumstances and rationale would warrant variances and adjustments. Key themes are summarized below.

- **Standards that need variances.** Multiple RAC members suggested referring to Section 38 of SB 1537 which lists standards that commonly need variances. One RAC member suggested referring to common variances allowed for infill lots that are accessed by an easement. In the discussion, RAC members suggested other variances including: setbacks, trash standards, being able to back out of driveways, accessory structure location, and landscaping requirements. Several RAC members shared that variances should always be safe and provide enough flexibility for a reasonable level of housing production, while not significantly increasing construction costs.
  - **Alternative design standards.** A RAC member noted that some variances require public notice and recommended using the term “alternative design standards.”
- **Standards that should not have variances.** Multiple RAC members suggested utilizing R 327 wildfire standards which many cities already require, noting that residence safety and prevention of future displacement are examples of where variances may not be appropriate. Utility and right-of-way setbacks was raised earlier in the discussion as instance of where a variance may not be appropriate.

### **Closing and Next Steps**

DLCD staff reviewed the upcoming meeting schedule and encouraged RAC members to reach out to [housing.dlcd@dlcd.oregon.gov](mailto:housing.dlcd@dlcd.oregon.gov) if any questions arise.

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

- DLCD staff to review House Bill 2258 Section 2 Subsection 4 and clarify the following:
  - If the buildable area definition applies to the footprint of development or unit size.
  - The applicability of the Oregon Homes program rules to occupied ADUs.
- DLCD staff to review and potentially incorporate relevant provisions from SB 1537 for variances/adjustments in Oregon Homes rules.
- All to attend the next meeting from 9:00 am – 12:00 pm on April 1. Potential meeting topics include: siting criteria intersection with permit-ready plans and the OHNA Residential Model Code.