

**Middle Housing Oregon Homes (MHOR)
Rulemaking Advisory Committee
Meeting #3 – April 1, 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 Tree Standards and Local Review Processes in the Oregon Homes Program, and an updated definition for “cottage cluster” to adapt to new statutory language in HB 2138.

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	Destin Ferdun, Pahlisch Commercial, Inc
Brock Nation, Oregon Realtors	Mark Taylor, North Peak Development
Catherine Rigby, Individual	Samantha Bayer, Oregon Home Builders Association
Cheryl Bell, Clackamas County	Sarah Absher, Tillamook County
Diego Diaz, Housing Oregon	LCDC Commission Liaison
Eric Rutledge, City of Sherwood	Allan Lazo, Chair
Fred Evander, City of Independence	DLCD
Jerika Ferguson, Individual	Ethan Stuckmayer
Jerry Lidz, Individual	Becky Coutinho
Jill Cropp, Studio Cropp Architecture	Madeline Phillips
Jim Taylor (Ex Officio), Oregon Housing & Community Services	Ingrid Caudel
Johnathan Balkema, City of Albany	Alexis Hammer
Nora Cronin, DevNW	Angela Williamson
Leigh Armstrong, Habitat for Humanity Portland	Consultant Team
Mary Kyle McCurdy, 1000 Friends of Oregon	Ben Duncan, Kearns & West
Morgan Tracy, City of Portland	Ariella Dahlin, Kearns & West
Shane Kwiatkowski, Individual	

Key Insights Summary

- **Tree replacement/removal requirements.** Keep requirements for tree removal and replacement simple, clear, and objective. Only require replacement when it meets the criteria in statute. Tree replacements should be planted in locations that would allow the trees to grow and would not impact infrastructure or cause safety concern. Local certified arborists can also provide professional insights for appropriate decision-making regarding tree replacement/removal.
- **Local jurisdiction involvement on tree standards.** Local jurisdictions likely have requirements that should be referred to regarding tree replacement, including spacing requirements regarding planting and infrastructure locations and an approved list of native tree species to identify replacement trees. Standards at the state level should not be duplicative of what occurs at the local level, and should be consistent with other statutes, such as CFEC.
- **Local ministerial review process.** Most local jurisdictions shared they have a ministerial review process as part of their building permit process; however with larger buildings with multiple units, there is a more detailed review process.
- **Local notification.** Local jurisdictions should not be required or prohibited from notifying neighbors of building/construction.
- **Cottage cluster definition as average per unit size.** The RAC discussed using the House Bill 2258 definition of an average per unit size less than 1,400 square feet. This definition supports project costs and development, and socioeconomic diversity and integration, various unit sizes, and is aligned with Building Codes Division’s definition of 1,500 square feet as a smaller home.

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 facilitated a roll call of meeting attendees and reviewed the meeting guidelines, purpose, and agenda. He noted the discussion would be focused on Tree Standards and Local Review Processes in the Oregon Homes Program, and defining “cottage cluster” to adapt to new statutory language in HB 2138.

Racial Equity Framework

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 2 Report Out

K&W reflected on high-level key themes from the second RAC discussion, including the desire for a clearer rulemaking scope, having simple design standards that support efficient development, having flexible designs to site units, and having any allowable variances to not negatively impact safety or costs.

A RAC member shared they felt interrupted during the previous meeting and finished their thought on landscaping and recommended considering hügelkultur and permaculture designs as part of landscaping.

Solidifying Rulemaking Scope

Ethan Stuckmayer, DLCD staff, shared that it is DLCD's intent to be clearer about what is in and out of rulemaking scope, while also collecting different ideas and perspectives. This rulemaking is primarily focused on where and in what instances Oregon Homes get built. This rulemaking is not how the buildings are built or what are in the homes themselves. Design standards is a term used within a regulation and land use perspective, and are typically known as development standards, rather than aesthetic details.

K&W facilitated a questions and answers discussion. Key themes are summarized below.

- **Scope alignment.** RAC members asked DLCD staff to note when their comments are out of scope and to track and coordinate with any Building Codes Division rulemaking or decision-making processes.
- **ADA standards.** A RAC member noted that ADA access should still be incorporated for lot design and access to buildings.
- **Lot focused requirements.** A RAC member reflected that with this additional clarity, the Oregon Homes program should be focused on the lot itself rather than the housing type.

Discussion: Tree Standards

DLCD staff reflected that the rules regarding tree standards will not deviate from statute, which describes when or whether tree removal or mitigation would apply. The RAC is focused on how tree removal or mitigation would work.

K&W facilitated a discussion on tree standards. Key themes are summarized below.

- **Replacement/removal requirements.** Keep requirements on tree removal and replacement simple, clear, and objective. Only require replacement when it meets the criteria in statute. Tree replacements should be planted in locations that would allow the trees to grow and would not impact infrastructure, such as water and sewage lines, sidewalks, and/or the homes themselves. Root ball width should be considered for removal/planting requirements. Tree removal could also impact conditions of approvals on lots.
- **Local jurisdiction requirements.** Local jurisdictions likely have requirements that should be referred to, including spacing requirements regarding planting and infrastructure locations and an approved list of native tree species to identify replacement trees. The rules could be at a high level, such as requiring numbers of replacements, but leave the specifics of what and where at the local level. Funding should be provided to local jurisdictions for providing these resources and reviewing applications, potentially by a fee in lieu.
- **Certified arborists.** There should be a safe harbor for certified arborist decisions, such as deciding if a tree needs to be removed due to tree health or windthrow concerns. Arborists can also help make decisions on where and what is being replanted.
- **Alignment with Climate Friendly and Equitable Communities (CFEC).** A RAC member suggested having these rules align with CFEC tree canopy requirements, while another RAC member was not sure if CFEC provisions would apply and reflected this is a legal question.
- **Specific case adjustments.** Participants used an example illustrating an opportunity for the rules to account for specific situations, such as allowing a few trees to be removed on a large property with a significant canopy.

Discussion: Local Review Processes

DLCD staff wanted to hear from the RAC how local land use and zoning review processes currently work and how the Oregon Homes program would interact with that process.

K&W facilitated a discussion on local review processes. Key themes are summarized below.

- **Ministerial review.** Most local jurisdictions shared they have a ministerial review process as part of their building permit process; however, with larger buildings with multiple units, there is a more detailed review process. Most jurisdictions check for application completeness before they start the review process. DLCD staff reflected they hope the result of the Oregon Homes process is a ministerial review like process.
- **Notification.** Local jurisdictions shared a difference of opinion on notification of building permits. Some jurisdictions did not want to require notification of neighbors or the surrounding community, while others did. The RAC recommends not requiring it but not prohibiting it either.

Discussion: Cottage Clusters Definition

DLCD staff reviewed the existing definition of cottage cluster as a grouping of up to four dwelling units that are attached or detached, have a common courtyard, and have a small footprint or floor area. DLCD staff suggested having a more relational definition for footprint or floor area to the site size, rather than a numerical footprint size.

K&W facilitated a discussion on an updated cottage clusters definition. Key themes are summarized below.

- **Average per unit size.** The RAC discussed using the House Bill 2258 definition of an average per unit size less than 1,400 square feet. This definition supports project costs and development, and socioeconomic diversity and integration. The challenge with this definition is after construction, the site cannot allow for additions. Some RAC members suggested specifying having the average be a maximum for the life of the site, or the average at time of construction. RAC members noted that having the average size be under 1,400 square feet felt accurate, allowed for various unit sizes, and aligned with Building Codes Division’s definition of 1,500 square feet as a smaller home.
 - **Other definition structures.** One RAC member suggested having the total footprint of buildings on site or average footprint of lot coverage as the definition structure.
- **Cottage housing type.** Some RAC members expanded on the cottage housing type, suggesting the dwellings should support multi-generational housing and be able to grow and adapt to the families that live within them, blending into townhouse or other housing types. Other RAC members suggested keeping cottage housing specialized as intended: modest sized housing focused on first floor access, courtyard access, and ADA compliance.

- **Courtyard spaces.** RAC members agreed that courtyards and outdoor access are integral to cottage housing and any definition should maintain that aspect.
- **Modular.** Some RAC members were interested in exploring modular and prefabricated units in relation to cottage cluster development.

Closing and Next Steps

DLCD staff shared that they would begin drafting rules and impact statements, with the potential of an additional meeting to the RAC schedule on May 20th to allow for more RAC discussion on and response to the draft rules.

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

- DLCD to calendar an additional optional RAC meeting on May 20.
- DLCD to develop and share draft rule language in advance of the April 29 meeting.
- All to attend the next meeting from 9:00 am – 12:00 pm on April 29.