

Middle Housing Oregon Homes (MHOR)
Rulemaking Advisory Committee
Meeting #6 – July 9, 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 goal of the meeting were to discuss and provide final feedback on the draft rules and RAC process.

Attendees

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

Key Insights Summary

- **Five-foot front set back.** Many participants suggested increasing the five-foot front setback to allow for better neighborhood compatibility, traffic safety, utilities access, future infrastructure development, and fire safety.
- **Clear and objective standards.** Many felt the proposed standards lack sufficient detail, creating uncertainty for planners, developers, and building officials. Participants asked for greater clarity between the use of “shall” versus “may” throughout the rules, with requests for greater clarity regarding when requirements are mandatory versus discretionary. Participants also noted that many standards lack objectivity and details, which can cause confusion, inconsistent implementation, and unintended consequences.
- **Local Control.** Local governments expressed that the rules would undermine decades of local planning deference in the state. Specifically, concerns include that the rules would bypass local planning authority, adopted comprehensive plans, and development standards. Participants expressed discomfort with state-directed upzoning that could significantly increase density in areas where communities have established different land use expectations.
- **Alignment between DLCD and BCD.** Multiple participants believed the separation between DLCD and BCD rulemaking processes created significant challenges and should have been interconnected to result in a better Oregon Homes program.
- **Preference for draft rules earlier.** Many participants felt the process could be more productive if draft rules are provided at the beginning of the process rather than spending time on broader conceptual discussions since the rules are based off legislation.

Meeting Summary

Welcome, Agenda Review, and Introductions

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

- Communities of color, people living with disabilities, and LGBTQ communities are disproportionately housing insecure.
- Administrative and policy barriers can create delays and increase costs, impacting development.

- Increased diverse housing production can reduce costs and improve housing access.
- Siting and design can impact community safety and wellbeing.
- Housing types to explore include multifamily and accessible housing, and community and cooperative housing models.

Meeting 5 Report Out

K&W reflected on high-level key themes from the fifth RAC discussion, including whether cottage clusters should be defined as an average unit size of up to 1,400 sq feet or the traditional size of 900 sq feet and how the local review process option is inconsistent with legislative intent.

Round Robin Discussion: Final Areas of Feedback on Draft Rules and Process

Becky Coutinho, DLCD staff, thanked RAC members for their participation and reflected back key themes from all RAC meetings and how they were or were not incorporated in the draft rules.

- **Scalable siting and design standards.** DLCD heard feedback that standards should scale based on population size of local jurisdictions, but ultimately determined that was against legislative intent of a uniform statewide program.
- **Emergency and utility access.** DLCD heard feedback that local standards should apply for emergency and utility access to ensure fire safety and access to services like trash. These items are included in the rules through review of final engineering plans, allowing local governments to apply turning radiuses for service trucks.
- **Five-foot setback.** DLCD heard feedback that five feet is too small for front setbacks and added in an allowance for utilities easements.
- **Public notice.** DLCD heard feedback on requiring public comment or notice for developments, but it was determined that was not in alignment with legislative intent for an expedited development.
- **Type-one review.** DLCD heard feedback on allowing a type-one review for local governments, and the rules include a completeness check to allow flexibility for an appropriate level review.

K&W facilitated a round-robin discussion allowing each RAC member to share their final feedback on the draft rules and overall RAC process. Key themes are summarized by representative interest area below.

General feedback

- **Preference for draft rules earlier.** Many participants felt the process could be more productive if draft rules are provided at the beginning of the process rather than spending time on broader conceptual discussions. This could help the rules remain in alignment with the legislative intent and help members react to and discuss the draft language earlier in the process. Conceptual discussions have a place in RACs for when rules are not tied directly to legislation.
- **Alignment between DLCD and BCD.** Multiple participants believed the separation between DLCD and BCD rulemaking processes created significant challenges. Participants reflected that land use and building code requirements are closely interconnected and should have been developed in coordination. The inability to fully understand or discuss BCD-related issues during RAC meetings made it difficult for members to evaluate the practical implications of the proposed program.
- **RAC materials.** Several participants emphasized the need for more time (at least one full week) to review materials, noting that packet distribution schedules often left insufficient time for thoughtful feedback or for engagement with colleagues and constituents. Participants liked receiving pre-recorded videos to keep meeting time dedicated to discussion, but a few participants asked to also receive written material to better engage in discussion, including providing video transcripts.

Local governments

- **Frustration with the rulemaking process and lack of responsiveness.** Local government interests were frustrated that feedback was not meaningfully reflected in the draft rules. Many felt that comments, particularly those regarding consistency with legislative intent, were ignored without explanation. Several noted that the final rules are not substantially different from earlier versions despite extensive feedback. Participants expressed a desire for greater transparency about why recommendations were accepted or rejected and encouraged DLCD and LCDC to use the time before the required effective date to address concerns before implementation.
 - **Legislative intent.** Several felt that the proposed rules extend beyond what the legislation explicitly requires and that the rules are not aligned with legislative intent. One participant highlighted that optional provisions are included in the statute and questioned whether these topics, such as driveways and setbacks, should have been included without clear direction from LCDC.
- **Local Control.** Local government interests expressed that the rules would undermine decades of local planning deference in the state. Specifically, concerns

include that the rules would bypass local planning authority, adopted comprehensive plans, and development standards. Participants expressed discomfort with state-directed upzoning that could significantly increase allowable density in areas where communities have established different land use expectations. Several described the rules as an additional layer of rules that would cause strain on staff. One participant emphasized that homes under these rules would be non-conforming, which could cause gray areas in local planning processes and could impact future homeowners/developers financing options.

- **Clear and objective standards.** Many felt the proposed standards lack sufficient detail, creating uncertainty for planners, developers, and building officials. Participants were concerned that differing interpretations across jurisdictions could lead to inconsistent implementation, legal challenges, unintended consequences, and administrative difficulties. One participant suggested revisiting existing middle housing regulations and updating those.
- **Public safety, utilities, and front setbacks.** Several participants raised concerns about fire access, trash collection, onsite circulation, and roadway/sidewalk conditions. Many suggested increasing the front setback to address safety and access considerations.

Developers

- **Technical edits.** One participant provided several specific recommendations to improve rule language. Suggestions included removing the words “up to” from the 1,400-square-foot cottage cluster definition, adding “facing the street” to Division 30(1)(d), changing setback language to require “at least” five feet, modifying provisions from “shall” to “may” to provide greater flexibility, and updating the deadline typo to June 30, 2027.
- **Support for housing production and regulatory streamlining.** One participant reflected that while the Division 47 rules are complex, they are overall a positive step for organizations working to develop affordable housing. While there is support for state action to reduce barriers as local jurisdictions have been slow to do so, the participant acknowledged that this is a rapid pace of regulatory change.
- **Implementation.** One participant reflected that they would likely not use Division 47 and primarily use Division 36 as they build locally, but others may find Division 47 valuable.
- **Broader RAC representation.** One participant felt that the RAC’s membership was mainly comprised of local government perspectives and recommended greater participation from developers in future advisory committees.

Community representatives

- **Clear and objective.** Participants asked for greater clarity between the use of “shall” versus “may” throughout the rules, with requests for greater clarity regarding when requirements are mandatory versus discretionary. Participants also noted that standards such as tree-related fees, replacement requirements, and review timelines should be as objective as possible, with clear numerical thresholds where feasible to reduce ambiguity and improve implementation.
- **Goal Six.** One participant shared that the rules should be more aligned with Goal Six (Air, Water and Land Resources Quality) and directly address issues such as thermal pollution and climate resilience through turf removal and encouraging drought-tolerant and fire-resistant plantings.
- **Five-foot front setback.** Participants expressed that the five-foot front setback, could create conflicts with existing neighborhood character and development patterns. This could create neighborhood opposition and safety concerns such as reduced visibility when backing out of driveways and fire access. One participant suggested allowing greater flexibility or deference to local standards to better balance housing production with neighborhood compatibility.
- **Support for housing production.** A participant emphasized the severity of the housing crisis and that aesthetic concerns should not prevent housing development. The rules are intended to support creating more housing opportunities and feedback around safety feels disguised as a way to perpetuate exclusionary practices, such as NIMBY-ism.
- **Lived experience inclusion.** One participant described feeling frustrated, unheard, and disconnected from the rulemaking process as discussions focused heavily on setbacks, safety, and neighborhood impacts while insufficient attention was given to the experiences of people facing housing instability and homelessness. The feedback emphasized a desire for more inclusive conversations that better incorporate the perspectives of those directly affected by the housing crisis.
- **ADU development.** One participant noted that the rules require lots to be vacant, which limits ADU development. The participant reflected that ADUs are a growing share of housing production in residential lots and that the rules do not currently allow for ADU development, constraining housing opportunities.

Closing and Next Steps

LCDC Chair Allan Lazo thanked everyone for participating and reflected on the value of collaborative processes with differing perspectives and how to better ground the racial

equity framework in technical work. Chair Lazo emphasized that LCDC does read public comment and will discuss comments received in July and August.

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

- RAC members to submit public comment by August 2.