

From: [CARPENTER Sean * DLCD](#)
To: [CAUDEL Ingrid * DLCD](#)
Subject: Comment Submission: MHOR Homes Phase One
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Rule: MHOR Homes Phase One

Organization or affiliation (optional): MHOR RAC member — Individual (and former LCDC commissioner)

Comment: Commissioners — Staff and RAC members have worked hard and cooperatively to make sense of a complex statute and somewhat convoluted process to forge consensus on the draft rules, but I think many RAC members think we have fallen a bit short of that goal. I think the core problem is how to expedite a large number of new housing units in a way that's compatible with a great diversity among the cities that are covered by the statute and prospective rules. It also has been difficult to conceptualize the placement of the new homes on a lot when we don't yet have the standard home designs that the Building Codes Division will be adopting. The concern that came up over and over again was setbacks. From city to city — and even within a city — the public way that would mark the beginning of a setback varies widely. But in many places, a setback is 15-20 feet or even more, so a setback of 5 feet (as proposed in the draft) or even 10 feet may create major problems. The most serious concern is public safety. Several city representatives pointed out that their fire departments and sometimes other services need access to a front yard space in order to do their work. Also, a two-story home five feet from the street in a neighborhood of homes set back 20 feet from the street means that it will be impossible to see street traffic as one backs out of the driveway. Add to that the resentment among neighbors that would follow from such aesthetic incompatibility. Please note that the city/county representatives on the RAC, who will work to implement the rules, overwhelmingly oppose the draft as written. My other concern is cottage clusters. The average and maximum square footage are so high that we're not really looking at "cottages." I think potential cluster residents are looking for homes that are smaller and more affordable than contemplated by the draft rules: If the _average_ allowed square footage is 1400 square feet, a few small cottages would mean some other units might be full-sized homes of 2200 square feet, which in my view is not a "cottage." (I know that developers questioned the economic feasibility of smaller homes, but I think the expedited approval process should mitigate those concerns.) I also think the design standards for cottage clusters are far more detailed than necessary — e.g., the definitions and options for 'outdoor recreation areas.' This is a very challenging and complex process. The draft rules — often reflecting the statutes — are very complex and sometimes unclear. I strongly recommend review by the assistant AG most familiar with the program. Finally, my thanks and gratitude to Ethan, Ingrid, other staff for all their hard work and to Chair Lazo for his thoughtful and kind interactions with RAC members. Thank you for considering my comments. Sincerely, Jerry Lidz