

DLCD Rulemaking Comment Form Submission 55

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Rule: MHOR Homes Phase One

Comment: The City of Millersburg has reviewed the 6.30.26 4:30pm DRAFT version of the Oregon Homes Program Rules (MOHR) and provides the following comments. 1. Starting in Section 660-047-0000, page 45, the term “development types” is used. This is a confusing term to use. The MOHR states that pre-approved housing plans must be approved. Calling these housing types could lead a reader to take it out of context and assume these apply to a housing type, when they do not. All references to housing types should be removed from the amendments, and should be called simply, plans. See sections 660-047-0010(7). 2. 660-047-0010(8)(g)(D), page 47, was a smart addition, and well worded. Thank you. This is the section of the definition for an Oregon Homes Lot that states the rules apply to developable areas of a lot. 3. 660-047-0020, page 48, seems to imply that Land Use hearings are required for all single-family homes. Most cities no longer require Land Use review for individual homes. Any requirement that mandates Land Use review for single family homes would slow down MOHR development. Even if this section does not mandate Land Use review, it should be re-worded to make it crystal clear that no new review process is required for MOHR homes with pre-approved plans. 4. 660-047-0020(10), page 48, the section that does not require cities to accept mandatory variances to these MOHR homes is a great addition to the text. That makes it clearer to implement. 5. 660-047-0030(4), page 49. Cities are already being forced to approve homes that may not meet their standards. The addition of (4) that allows automatic approvals to 10% variances to the MOHR rules is simply too much flexibility and is unfair to Cities. If the plans are preapproved, they should have to comply with the letter of the clear and objective standards, without accepting any variances. If they cannot meet the rules for the MOHR, they should simply process the application for building permits using the same process as anyone else. Variances can be used for the normal building process, but should not be allowed for MOHR homes. 6. 660-047-0040(1), page 50, seems to imply by omission that there is no height limit on MOHR homes. That’s seems highly unreasonable. 7. 660-047-0040(1), page 50, A setback of 5 feet should be the minimum in all cases. This subsection adds that a setback can be less if there a proposed utility easement. That should not be the case. The text should clearly state that setbacks are allowed to be more than 5 feet with an easement, but not less. 8. 660-047-0040(4), page 50, explains that cities must accept a variance of up to 10% for “characteristics” requirements of 660-047-0040. One cannot vary a characteristic. Only a numeric standard can be varied. Does this require cities to allow 10% variance on a hot tub (so 90% of a hot tub can be built)? Or 10% of playground equipment? Variances cannot be applied to characteristics. All reference to all automatic 10% variances should be removed. We thank the LCDC in advance for consideration of these comments. As a last note, the City of Millersburg sternly opposes any State regulations that erode Home Rule. While the DLCD does not create legislation, any DLCD rule-making should not further expand the erosion of home rule by creating rules that go beyond what the Legislature requires.