From:	CARPENTER Sean * DLCD
To:	CAUDEL Ingrid * DLCD
Subject:	Comment Submission: MHOR Homes Phase One
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Name: Abram Tapia
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Rule: MHOR Homes Phase One
Organization or affiliation (optional): City of Rockaway Beach
Comment: Dear Chair Allan Lazo, Thank you for your attention to the concerns of Rockaway Beach regarding the proposed rules implementing House Bill 2258. We appreciate your commitment to engaging with local governments and stakeholders throughout this process. The greatest concern the City of Rockaway Beach has with the proposed rules, and a concern we have not seen raised elsewhere, is the process for determining which lots are Oregon Homes Lots. From the rulemaking, it is not clear what the methodology will be for determining whether a lot meets the Oregon Homes Lot criteria, and it is not clear which entity will be responsible for making this determination. This is of concern for the City because, while adopted and effective, the 2018 Flood Insurance Rate Map (FIRM) is not part of the Comprehensive Plan; it is adopted through a local ordinance and the Flood Hazard Overlay Zone. This may be a unique quirk to our jurisdiction, but this gap is likely shared with other small jurisdictions. The Oregon Homes program excludes lots that are within an area identified in an inventory or map that is part of the local government's comprehensive plan as (A) Environmentally sensitive or containing significant natural resources; (B) Open space or scenic areas; or (C) Natural hazard areas, including floodplains, river greenways, landslide zones, or wildfire risk areas. The concern is that lots within the floodplain may be considered or determined to be eligible for Oregon Homes because the Special Flood Hazard Area (SFHA) is not mapped in our Comprehensive Plan, when it is the intent and design of the program for them not to consider lots in the floodplain as eligible. This could place the Oregon Homes Program in conflict with local compliance with the National Flood Insurance Program (NFIP) and open local Oregon Homes program decisions to regular appeal. While the language of this requirement comes from the Bill itself and is not subject to change through the rulemaking process, we are hopeful that the rulemaking process will clarify the determination process for Oregon Homes. Thank you for your time and consideration. Best Regards, Abram Tapia City Planner City of Rockaway Beach