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Subject: Comment Submission: MHOR Homes Div 46 Correction
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Rule: MHOR Homes Div 46 Correction

Organization or affiliation (optional): Coos County Community Development

Comment: Coos County supports efforts to provide additional housing opportunities; however, the rules need greater clarity regarding their application to county-administered unincorporated urban lands and the interaction between middle housing requirements and acknowledged local comprehensive plans. The proposed rules appropriately recognize lands protected under Statewide Planning Goals 5, 6, 7, 9, 16, 17, and 18. This is particularly important for coastal jurisdictions such as Coos County, where residentially zoned lands may also be subject to natural resource, estuary, coastal shoreland, beaches and dunes, flood hazard, geologic hazard, and other acknowledged protections. The rules should clearly state that these acknowledged protections remain applicable when middle housing requirements extend to unincorporated urban lands administered by a county. The County is particularly concerned about ambiguity in the terminology used throughout Division 46. Many provisions addressing Goal-protected lands refer specifically to a “Medium or Large City,” while other provisions refer more broadly to “local governments.” At the same time, the proposed amendments address unincorporated urban lands. If counties are responsible for implementing Division 46 within certain unincorporated areas, the rules should clearly identify which lands are subject to the requirements and expressly provide counties the same ability to implement acknowledged Goal 5, 7, 16, 17, and 18 protections. Counties should not be required to determine through interpretation whether protections expressly available to cities also apply to county-administered lands. Infrastructure is another significant concern. Unincorporated urban areas do not necessarily have the same public infrastructure or governance structure as incorporated cities. Water, sanitary sewer, stormwater, transportation, and emergency access may be provided by multiple special districts or service providers, and some areas may not have urban levels of service. The rules should provide a practical mechanism for counties to recognize these limitations without requiring extensive and costly studies simply to establish that adequate infrastructure does not exist. Coos County also recommends clarification regarding tribal notice and coordination. Implementation of these requirements may involve comprehensive plan amendments or lands containing cultural, natural, estuarine, or coastal resources. The rules should expressly recognize that middle housing requirements do not supersede applicable tribal notice, consultation, coordination, or other procedural requirements. Finally, the fiscal impact on local governments should not be understated. Compliance may require substantially more than minor code amendments. For a coastal county, implementation may require legal review, GIS analysis, identification of Goal-protected lands, infrastructure analysis, coordination with cities and special districts, comprehensive plan and zoning ordinance amendments, findings, public notices, hearings, and tribal coordination. These activities can cost thousands of dollars and require substantial staff resources. Smaller jurisdictions and fee-supported planning programs may not have funding available for state-mandated legislative amendments. Coos County recommends that Division 46 be revised to clearly identify its application to county-administered unincorporated urban lands; expressly preserve acknowledged Goal 5, 7, 16, 17, and 18 protections for counties as

well as cities; recognize infrastructure limitations in unincorporated areas; preserve applicable tribal coordination requirements; and provide adequate implementation time and financial assistance for required local amendments.