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Subject: Comment Submission: MHOR Homes Div 47
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Rule: MHOR Homes Div 47

Organization or affiliation (optional): Coos County Community Development

Comment: I support efforts to increase housing opportunities and create a predictable development process; however, I am concerned that proposed Division 47 creates a one-size-fits-all process that does not adequately account for the complexity of land use review in coastal and rural jurisdictions. Coastal properties may be subject to overlapping requirements under Goals 5, 7, 16, 17, and 18, acknowledged estuary management plans, natural hazard provisions, resource inventories, and local comprehensive plans. Determining whether these requirements apply is not always a simple GIS or checklist exercise. Boundaries and applicability may require review of inventories, management units, maps, surveys, topography, or site-specific information. The proposed ministerial review process therefore creates concern. The rules should distinguish between streamlined review of an Oregon Homes development after eligibility has been established and the review necessary to determine whether a property is eligible in the first place. Local governments must retain the ability to request information and conduct the review necessary to determine whether protected resources, hazards, coastal provisions, or other requirements apply. Division 47 should also expressly address tribal notification and cultural resource requirements, particularly with implementation of the new Goal 5 Cultural Areas rules. Local governments should not be placed in a position where one state rule requires expedited ministerial approval without notice while another requires tribal notification or consultation for the development activity. I recommend adding a savings provision stating that nothing in Division 47 supersedes or limits otherwise applicable review, notice, consultation, coordination, or substantive requirements under Statewide Planning Goals 5, 7, 16, 17, 18, or 19; acknowledged comprehensive plans or estuary management plans; or other applicable state or federal requirements. I am also concerned about the unfunded cost of implementation. Amending a local land use program can cost thousands of dollars and requires staff analysis, legal review, ordinance drafting, public notice, Planning Commission and governing body hearings, findings, GIS and mapping changes, application and software modifications, staff training, and public education. For smaller and rural jurisdictions, these costs are significant. Yet not completing the amendments is not a realistic option because local governments remain responsible for compliance and bear the consequences of having regulations that do not conform to state requirements. The State should provide implementation funding, model ordinance language, clear guidance regarding interaction with other statewide planning goals, adequate implementation time, and a safe harbor for jurisdictions making good-faith progress toward compliance. The State should also consider allowing a state model-code or alternative compliance pathway rather than requiring every jurisdiction to immediately undertake potentially expensive legislative amendments regardless of the local demand for Oregon Homes development. Streamlining housing approval is a worthwhile objective, but efficiency should not come at the expense of required resource, hazard, cultural, tribal, or coastal review, nor should implementation costs simply be transferred to local governments without adequate funding.

