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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: Coos County's primary concern is OAR 660-047-0020, which requires approval of an Oregon Homes Development “notwithstanding any comprehensive plan or land use regulations or statewide land use planning goals” and limits review to a ministerial process without public notice or hearing. While the definition of an Oregon Homes Lot excludes certain environmentally sensitive, resource, and hazard areas, this approach places substantial importance on whether every protected resource and hazard has already been completely identified and mapped. This is particularly problematic for coastal jurisdictions. Goals 5, 16, 17, and 18 involve resources and hazards that may require site-specific review or information that is not fully represented on an existing map. Estuarine resources, coastal shorelands, wetlands, archaeological or cultural resources, geologic hazards, coastal erosion, and other constraints cannot always be appropriately evaluated through a simple ministerial map check. The rules should clarify that the Oregon Homes process does not eliminate applicable resource and hazard review necessary to determine whether a property qualifies as an Oregon Homes Lot. Coos County is also concerned that the proposed no-notice provision does not address tribal notice or coordination. A ministerial process should not inadvertently eliminate otherwise applicable requirements involving tribal governments, archaeological resources, cultural resources, or areas of tribal interest. The final rules should expressly preserve applicable tribal notification, consultation, and coordination requirements. The rules also directly contemplate Oregon Homes Developments on “urban unincorporated lands.” Counties need clear direction regarding exactly where Division 47 applies and how the program interacts with acknowledged county comprehensive plans, zoning regulations, urban growth management agreements, special districts, and infrastructure limitations. Infrastructure is particularly important in unincorporated areas. Sewer, water, stormwater, roads, and fire protection may be provided by separate districts with different service boundaries and capacity limitations. Although the draft allows locally administered public facilities requirements, the rules should clearly preserve a county's ability to require necessary infrastructure and safety standards before development is approved. Finally, implementation will have a significant fiscal impact. Counties will need to identify eligible lands; review Goal 5, 7, 16, 17, and 18 inventories and maps; evaluate hazards and infrastructure; coordinate with cities, service districts, and tribes; develop application procedures; train staff; update GIS systems; and potentially amend comprehensive plans and development codes. For smaller jurisdictions, these costs can total thousands of dollars and compete directly with existing planning services. State-mandated implementation should include adequate time, technical assistance, and funding. Coos County recommends that the final rules clearly preserve applicable Goal protections and tribal coordination requirements; clarify the geographic scope of “urban unincorporated lands”; ensure resource, hazard, and infrastructure eligibility can be adequately verified; and provide funding and sufficient implementation time for affected local governments. With both of these bills there will be financial impacts to our budgets as it requires a comprehensive plan update that has not been budgeted for and as a non-general

fund department there are no discretionary funds to use for these updates. Notices are required to be provided to land owners and postage is expensive not to mention staff time, planning commission time and board time. There is also a chance of an appeal to LUBA.