PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, February 26, 2024 - 7:00 PM
Council Chambers, 169 SW Coast Hwy, Newport, Oregon 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or e.glover@newportoregon.gov.

All meetings are live-streamed at https://newportoregon.gov, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day.
To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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1. CALL TO ORDER AND ROLL CALL

Commission Members: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

2. APPROVAL OF MINUTES

2.A **Approval of the Planning Commission Regular Session Meeting Minutes of February 12, 2024.**
Draft PC Reg Session Minutes 02-12-2024
02-12-24 PC Regular Session Meeting Video Link

3. CITIZENS/PUBLIC COMMENT

A Public Comment form is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after submitting a form. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

4.A **File No. 1-CUP-24: Final Order and Findings for Conditional Use Permit to Allow the Operation of a Coffee Shop in a W-2/"Water-Related" Zone.**
File 1-CUP-24 - Final Order
File 1-CUP-24 - Findings of Fact

5. PUBLIC HEARINGS

5.A **File No. 3-Z-23: Amendments Related to the Implementation of the City's Housing Production Strategy, to Reduce Code Barriers For Housing Development.**
Staff Memorandum
Attachment "A" - Draft Newport Municipal Code Amendments
Attachment "B" - Housing Production Strategy Action Item Cut Sheets (pgs. 34-35)
Attachment "C"- ORS 197.746, Transitional Housing
Attachment "D"- OAR Chapter 918, Division 650
Attachment "E" - SB 1537 -A, with -13 amendments
Attachment "F"- Sample SRO Off-Street Parking Requirements (Eugene, Medford, Salt Lake)
Attachment "G"- Minutes from the 12/11/23 and 1/8/24 Planning Commission meetings
Attachment "H"- Email confirmation of 35-day DLCD PAPA notice
Attachment "I" - Published public hearing notice

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

City of Newport
Draft Planning Commission Regular Session Minutes
February 12, 2024

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT
Time Start: 7:00 P.M. **Time End:** 7:51 P.M.

ATTENDANCE LOG/ROLLCALL

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East	
Commissioner Braulio Escobar	
Commissioner John Updike	
Commissioner Marjorie Blom	

AGENDA ITEM	ACTIONS
REGULAR MEETING	
CALL TO ORDER AND ROLL CALL a. Roll Call	None.
APPROVAL OF THE MINUTES a. Meeting minutes of Regular Session Meeting on January 22, 2023	Berman reported minor corrections to the minutes. Motion by Commissioner Berman, seconded by Commissioner East, to approve the regular session meeting minutes of January 8, 2023 with minor corrections. Motion carried in a voice vote. Commissioner Blom abstained.
CITIZEN/PUBLIC COMMENT	None.
PUBLIC HEARING **File No. 1-CUP-24: Conditional Use Permit to Allow the Operation of a Coffee Shop in a W-2/"Water-Related" Zone.** a. PUBLIC HEARING OPEN	7:05 p.m. East and Updike reported site visits. Chair Branigan asked if any public members present objected to the Planning Commission participating in the hearing. Joshua Perkins (Newport) expressed concerns about Mayor Kaplan, but didn't express any objections to the Commission as a whole participating in the hearing.
b. STAFF REPORT - DERRICK TOKOS	Tokos presented the written staff report.

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c. PUBLIC COMMENT	Applicant, Art Moore (Newport) answered the Commission's questions and spoke in support of the approving the conditional use permit.
d. PUBLIC HEARING CLOSED	7:20 p.m.
e. COMMISSION DECISION	The Commissioners were in general agreement with approving the request. Motion was made by Commissioner Escobar, seconded by Commissioner Berman, to approve File No. 1-CUP-24 with conditions. Motion carried unanimously in a voice vote.
DIRECTOR COMMENTS **SB 1537 Governor's Housing Bill.**	Tokos covered the -4 set of amendments to SB 1537, the Governor's housing bill; the City's letter in support of HB 4134 sent to the House Committee; and the population estimates from the City Manager. Commissioners discussed HB 1537 and how it would affect an Urban Renewal District expansion. Tokos explained that HB 1537 was more for the Willamette Valley farmlands than it was for Newport. Tokos reviewed the City's letter in support of the adjustments to SB 1537, and discussed HB 4099 that would set up a deferred payment program for system development charges with the State for new housing construction.

Submitted by: _____

Sherri Marineau, Executive Assistant

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02-12-2024 - Planning Commission Regular Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1200?view_id=2&redirect=true

BEFORE THE PLANNING COMMISSION
OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON

IN THE MATTER OF PLANNING COMMISSION	**)**	
FILE #1-CUP-24, A CONDITIONAL USE PERMIT	**)**	**FINAL**
APPLICATION FOR ART MOORE, TRUSTEE, &	**)**	**ORDER**
KAREN SCHULZKI, TRUSTEE (OWNERS))	**)**	

ORDER APPROVING A CONDITIONAL USE PERMIT per Newport Municipal Code Sections 14.03.080(18) and 14.03.080(19)/"Water-Dependent and Water-Related Uses," to allow the operation of a coffee shop at 146 SW Bay Blvd. The property is identified as Lot 2, Block 7, Plan of Newport (Assessor's Map 11-11-08-CA, Tax Lot 11100). The property is approximately 0.08 acre (3,484.8 sq. ft.) in size per Lincoln County Tax Assessor records.

WHEREAS:

1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code; and

2.) The Planning Commission duly held a public hearing on the request, with such hearing occurring on January 22, 2024; and

3.) At the public hearing on said application, the Planning Commission received testimony and evidence; and

4.) At the conclusion of said public hearing, after consideration and discussion, upon a motion duly seconded, the Planning Commission **APPROVED** the request.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") support the approval of the request for a conditional use permit with the following conditions(s):

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.

2. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building in order to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.

BASED UPON THE ABOVE, the Planning Commission determines that the request for a conditional use permit as submitted in the application is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport, and the request is therefore granted.

Accepted and approved this 26th day of February, 2024.

_____
Bill Branigan, Chair
Newport Planning Commission

Attest:

_____
Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File No. 1-CUP-24

FINDINGS OF FACT

1. Art Moore, Trustee, & Karen Schulzki, Trustee (owners), applied on January 11, 2024, for approval of a Conditional Use Permit to allow the operation of a coffee shop at 146 SW Bay Blvd.

2. The subject property is identified as Lot 2, Block 7, Plan of Newport (Assessor's Map 11-11-08-CA, Tax Lot 11100). The property is approximately 0.08 acre (3,484.8 sq. ft.) in size per Lincoln County Tax Assessor records.

3. Staff reports the following facts in connection with the application:

a. Plan Designation: Yaquina Bay Shoreland.

b. Zone Designation: W-2/"Water-Related."

c. Surrounding Land Uses: A mix of commercial, tourist-oriented uses including eating and drinking places and retail shops, seafood processing related businesses, Port facilities, US Coast Guard facilities, and residential uses.

d. Topography and Vegetation: The property is developed, with site grades that are relatively flat.

e. Existing Structures: A 1,400 sq. ft., one-level building constructed in 1960.

f. Utilities: All are available to the site.

g. Development Constraints: Tsunami Hazard Overlay.

h. Past Land Use Actions: File No. 2-CUP-15. Approved a retail outlet for wine, ocean/beach photography, fishing gear, and hand-crafted glass seascapes and similar specialty retail items. Approved on May 26, 2015.

4. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on January 22, 2024, to affected property owners required to receive such notice by the Newport Municipal Code, and to various city departments, agencies, and public utilities. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 3:00 pm on the date of the hearing, or be submitted in person at the hearing. The notice was also published in the Lincoln County Leader on January 31, 2024. No comments were received in response to the notice.

5. A public hearing was held on February 12, 2024. At the hearing, the Planning Commission received the staff report, provided the applicant an opportunity to make a presentation, and opened the floor to testimony in favor or opposition to the request. The minutes of the February 12, 2024 hearing are hereby incorporated by reference. The Planning Staff Report with Attachments is

hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A" – Application Form
Attachment "B" – Lincoln County Assessor Property Report
Attachment "C" – Certificate of Trust Listing Art Moore and Karen A Schulzki as Trustees
Attachment "D" – Applicant's Existing Use Floorplan
Attachment "E" – Applicant's Planned Use Floorplan
Attachment "F" –Zoning Map
Attachment "G" – Uses in the W-2 Zoning District
Attachment "H" – Uses in the C-2 Zoning District
Attachment "I" – Final Order and Findings for File 2-CUP-15
Attachment "J" – Public Hearing Notice
Attachment "K" – Ordinance No. 2215

6. **Explanation of the Request:** The applicant is requesting the conditional use permit to operate a coffee shop. A previous conditional use permit application was approved in 2015 (File 2-CUP-15) for the property at 146 SW Bay Blvd (Attachment "I"). The applicant is looking to change the use from a specialty retail store to a coffee shop.

Coffee shops are listed as a type of entertainment-oriented retail use that is permitted outright in the C-2 zone district (NMC 14.03.060(C)(2)(b)(iv)), meaning such a use can be permitted in the W-2 zone district if approved as part of a conditional use permit (NMC 14.03.080(18)).

7. **Conditional Use Permit Required:** Pursuant to Chapter 14.03.080(18)/"Water-dependent and Water-related Uses" of the Newport Municipal Code (NMC), a retail use that is permitted outright in a C-2/"Tourist Commercial" zoning district requires a conditional use permit to be located in a W-2/"Water-Related" zoning district.

NMC 14.52.030(B)(9) indicates that a Type III decision–making procedure, with review and approval by the Planning Commission, is required for interpretations of the Zoning Ordinance that involve factual, policy or legal discretion. The Zoning Ordinance allows entertainment-oriented retail use as an outright permitted use in the C-2 zone. Policy discretion is required to establish which use classification is the best fit for the proposed business; therefore, Planning Commission review is required.

8. **Applicable Criteria:** The applicable criteria for the conditional use request are found in NMC Section 14.34.050:

a. The public facilities can adequately accommodate the proposed use.

b. The request complies with the requirements of the underlying zone or overlay zone.

c. The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.

d. A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

CONCLUSIONS

Regarding the applicable criteria for the conditional use request, the following conclusions can be made:

A. *Criterion #1*. *The public facilities can adequately accommodate the proposed use.*

1. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets and electricity. All public facilities are available and presently serve the property, as noted on the zoning map, which includes utility details (Attachment "F"). The applicant will be renovating an existing tenant space.

As depicted on the aerial image on the zoning map, street and sidewalk access to this developed site is available off of SW Bay Boulevard. SW Bay Boulevard is designed as a collector roadway and is fully improved and paved. The Commission accepts this as sufficient evidence to establish that street access to the property is adequate. The City provides water service to the site via 12-inch mains in SW Bay Blvd. Sewer service is provided via a 10-inch line in SW Bay Boulevard. Storm drainage is collected in catch basins and directed under SW Bay Boulevard to the bay. The existing residence utilizes these services. The services have been sized to accommodate regional development in the area, including industrial users such as the fish plants along SW Bay Boulevard and the Commission can rely upon the presence of these utilities to establish that the water, sewer, and storm drainage services are adequate to support a coffee shop use at this location. Electric service is available to the existing building and the demands a coffee shop use will place on electrical service should be comparable to the existing residential use.

2. Considering the above, the Planning Commission concludes that the public facilities can adequately accommodate the proposed use.

B. *Criterion #2*. *The request complies with the requirements of the underlying zone or overlay zone.*

1. This criterion addresses requirements of the underlying or overlay zone. Each zoning district includes "intent" language. For the W-2 district, it includes the following: *"All conditional uses in a W-2 district shall also comply with the following standard: In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."* (NMC 14.03.040)

2. The applicant has not indicated that there will be any changes to exterior of the premises, and the overall development character of the area will not be changed. Lincoln County Assessment records indicate that the structure was originally built in 1960.

The premises is zoned W-2 with retail uses permitted in C-2 being conditional. The applicant's retail business complies with these zoning parameters.

3. Given the above, the Planning Commissions concludes that the coffee shop will maintain the historic and unique quality of the area.

C. *Criterion #3*. *The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.*

1. This criterion relates to the issue of whether or not the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as including, but not being limited to, the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood. Adequate off-street parking, or the lack thereof, may also be considered by the Commission under this criterion.

The area around the subject property is zoned for "Tourist Commercial" uses. The businesses around the premises are varied, but include retail sales businesses and restaurants.

This property is within the Bayfront Special Parking Area where public parking meters are being utilized. NMC 14.14.100(B) of Ordinance No. 2215 (Attachment "K") provides that redevelopment that generates an additional parking demand that is less than 20 spaces is not required to construct new off-street parking. Parking demand for a coffee shop, which is akin to a restaurant, will generate an additional demand of fewer than 5 spaces. The calculations are shown at the top of page 15, of Ordinance No. 2215, since this specific property was used as an example of the types of development that can occur under the 20 space allowance.

The building is existing, and the applicant is not proposing to enlarge the size of the structure.

2. Given the above, the Planning Commission concludes that the coffee shop does not have an adverse impact greater than existing uses on nearby properties.

D. *Criterion #4*. *A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.*

1. The applicant has not indicated that they plan to make any changes to the exterior of the building.

2. Given the above, the Planning Commission concludes that the use will be consistent with the overall development character of the neighborhood regarding building size and height.

OVERALL CONCLUSION

Based on the application material, the Planning Staff Report, and other evidence and testimony in the record, the Planning Commission concludes that the above findings of fact and conclusions demonstrate compliance with the criteria for a conditional use permit found in Section 14.34.050 of the Newport Municipal Code (NMC); and, therefore, the requested conditional use permit is hereby approved with the imposition of the following conditions of approval:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.

2. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building in order to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.

PLANNING STAFF MEMORANDUM
FILE No. 3-Z-23

I. **Applicant:** Initiated by motion of the Newport Planning Commission on January 8, 2024.

II. **Request:** Amendments to Chapters 14.03, 14.06, 14.11, 14.13, 14.14, 14.33, and Chapter 14.52 of Title XIV of the Newport Municipal Code related to the implementation of the City's Housing Production Strategy to reduce code barriers for housing development.

III. **Findings Required:** This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Newport Municipal Code (NMC) are necessary and further the general welfare of the community (NMC 14.36.010).

IV. **Planning Staff Memorandum Attachments:**

Attachment "A" - Draft Newport Municipal Code Amendments
Attachment "B" - Housing Production Strategy Action Item Cut Sheets (pgs. 34-35)
Attachment "C" - ORS 197.746, Transitional Housing
Attachment "D" - OAR Chapter 918, Division 650
Attachment "E" - SB 1537-A, with -13 amendments
Attachment "F"- Sample SRO Off-Street Parking Requirements (Eugene, Medford, Salt Lake)
Attachment "G" - Minutes from the 12/11/23 and 1/8/24 Planning Commission meetings
Attachment "H" - Email confirmation of 35-day DLCD PAPA notice
Attachment "I" - Published public hearing notice

V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on January 19, 2024 (Attachment "H"). Notice of the February 26, 2024 Planning Commission hearing was published in the Lincoln County Leader on Wednesday, February 21, 2024 (Attachment "I").

VI. **Comments:** No comments have been received regarding the proposed amendments.

VII. **Discussion of Request:** This public hearing has been scheduled to afford the Planning Commission an opportunity to take public testimony on a package of amendments to the City of Newport's Zoning Ordinance, codified as Title XIV of the Newport Municipal Code. The changes, included as Attachment "A" to this report, are designed to encourage housing development by eliminating or adjusting provisions of the Zoning Ordinance that are perceived to be barriers to such development.

On May 15, 2023 the Newport City Council approved Resolution No. 3978, adopting the 2023 Newport Housing Production Strategy. The strategy sets out 13 action items the City has committed to pursuing in order to promote the construction and/or availability of needed housing. One of the action items, Item "C", calls for the City to evaluate its development codes to reduce barriers to housing development. Potential changes are discussed on the cutsheets at pages 34 and 35 of the document (Attachment "B"). They include adding additional flexibility with regards to building height limitations for multi-family development, providing on-street parking credits in lieu of required off-street parking, eliminating variance processes for development on

hillsides, establishing transitional housing standards, and exploring options for more lenient RV park requirements.

At its June 12, 2023 work session, the Planning Commission considered topic areas outlined in the Housing Production Strategy (HPS) as potential barriers to the construction of needed housing. Following that discussion, the Commission expressed its interest in seeing a draft set of code amendments that respond to those concerns. Draft amendments were developed with the Commission's input at work sessions on December 11, 2023 and January 8, 2024. After the January 8, 2024 work session, the Commission chose to initiate the formal legislative amendment process, by motion, at its January 8, 2024 regular meeting consistent with the process set out in Newport Municipal Code (NMC) Chapter 14.36. The specific amendments are summarized as follows:

NMC 14.03.060 and 070 are being amended to allow transitional housing as a "community service" use when operated by a public or non-profit entity as defined in ORS 197.746. Tenancy is as currently listed, which is for a period of time that is less than one month. A copy of the statute is enclosed as Attachment "C." This amendment adds an additional housing option in commercial and industrial zoned areas and addresses a code barrier issue listed on page 34 of the HPS.

NMC 14.06.060, which sets out the requirements for constructing recreational vehicle parks, has been substantially re-written for clarity and ease of use. Relevant provisions of OAR Chapter 918, Division 650 (Attachment "D"), which govern the construction of recreational vehicle parks, have been incorporated into the code. Some of the changes will help reduce construction costs, such as allowing gravel roads, limiting areas where perimeter fencing/screening is required, and reducing the size requirements for RV spaces. A prohibition on outdoor storage has also been removed. Requirements that spaces be fully served, and that washer/dryer facilities be provided, are being retained recognizing that tenants could be at the parks for extended periods of time.

NMC 14.11.020, relating to required outdoor recreational areas, has been updated to note that the square footage requirements can be combined into a single, usable space. This is consistent with how the provision has been applied. The requirement that the recreational areas be enclosed is also being removed, as it is not value additive. This will also save on costs.

NMC 14.11.030 clarifies the City's garage setback requirements so that they align with how the standard has been applied. The new language establishes that, within rights-of-way, the boundary of the access street from which the setback is measured is the curb line or, where curbs are absent, the edge of the asphalt or other boundary of the travel surface.

NMC 14.13.020 sets out the height limitations for buildings within the City. The existing maximum building height in the City's medium and high density multi-family zone districts is 35-feet. That limit is being increased to 40-feet for multi-family buildings that have a 4:12 or steeper roof pitch. This addresses a concern raised in the HPS that multi-family projects cannot achieve three full floors of units under the existing height limits.

NMC 14.14.030 stipulates the amount of off-street parking required for new development projects. It is being revised to include a parking ratio for Single Room Occupancy (SRO) uses, which the City recently added as a new development type to comply with mandates from the 2023 Oregon Legislative Session. It is in line with approaches taken by other communities, as evidences with sample codes included in Attachment "F." The parking ratio will also apply to boarding houses, a use type that has been in the City's land use code for a number of years. Boarding houses are effectively the short-term tenancy equivalent of SROs.

The other change in this code section is new on-street parking credit language. As noted in the HPS (pg. 34), the requirement that off-street parking be constructed with new residential development contributes to the higher housing costs. This would allow a credit only where there is capacity to accommodate parking demand along a public street. It would not be an option along narrow roads where parking areas do not exist or are limited to one side of the street. The Oregon Legislature has taken up an amended version of HB 3414, which narrowly failed during the 2023 session. It is SB 1537, and the bill, if passed, would require city's set aside off-street parking requirements if requested by an applicant (Attachment "E"). The bill sponsors frame it as an "adjustment." The proposed amendment is an alternative to the SB 1537 approach, allowing the City to frame circumstances where relief from off-street parking standards is appropriate.

NMC 14.33.020 includes language that describes the types of standards that the City allows to be modified through an adjustment or variance procedure. It is being amended to remove the prohibition on adjustments or variances that would increase densities in residential zones. This will give applicants the opportunity to pursue minimum lot size adjustments that would allow land divisions resulting in lots or parcels that fall short of minimum lot sizes. This could result in additional residential development opportunities, particularly in infill areas.

NMC 14.33.030 identifies who at the City has the authority to approve adjustments and variances. It is being amended to add a new process that allows the Community Development Director to approve a deviation less than or equal to 10% of a numerical standard if it will allow more dwelling units than would otherwise be achievable through strict adherence to the numerical standard. The granting of such deviation is to be a ministerial action. Like the parking example, this code change would also get ahead of SB 1537, which is seeking to mandate that local governments provide small adjustments of this nature when requested by a housing developer.

NMC 14.52.030 is a section of the City's land use procedural requirements that identifies who the approval authorities are for various application types. It is being amended to clarify that it is the Community Development Director, or designee, that is responsible for carrying out ministerial actions. Common types of ministerial actions are also listed.

VIII. **Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council as to whether or not they are necessary and further the general welfare of the community (ref: NMC 14.36.010). This would be done by motion and vote of the Commission members present. In making a motion the Commission should specifically reference the policy options or any other revisions they wish to see incorporated as part of their recommendation. If the Commission is not prepared to make a recommendation, or desires additional information or code revisions before it does so, then it may continue the hearing to a date certain. The Commission's next regular meeting hearing date/time would be March 11, 2024 at 7pm.

Derrick I. Tokos, AICP
Community Development Director
City of Newport

February 22, 2024

February 21, 2024 Revisions to NMC Chapter 14, Facilitating Construction of Needed Housing

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strikethrough~~. Staff comments, in *italics*, are for context and are not a part of the revisions. Highlighted language is new, relating to topics that were not discussed at the previous work sessions.)

CHAPTER 14.01 PURPOSE, APPLICABILITY, AND DEFINITIONS**

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14.01.020 Definitions

As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

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Ministerial Action. A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Community Development Director, or designee, determines may be affected by the decision. A ministerial action does not result in a land use decision, as defined in ORS 197.015(10).

Staff: No change. Definition for ministerial action is listed because it relates to proposed changes to NMC Chapter 14.52.

CHAPTER 14.03 ZONING DISTRICTS

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14.03.060 Commercial and Industrial Districts.

The uses allowed within each commercial and industrial zoning district are classified into use categories on the basis of common functional, product, or physical characteristics.

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E. Institutional and Civic Use Categories

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3. Community Services

   a. Characteristics. Public, non-profit or charitable organizations that provide local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. Services are ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join. Uses may include shelter or housing for periods of less than one month when operated by a public or non-profit agency, including transitional housing pursuant to ORS 197.746, or emergency shelters pursuant to ORS 197.782. Uses may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

   b. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, religious institutions/places of worship, fire and ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, soup kitchens, and surplus food distribution centers.

   c. Exceptions.

      i. Private lodges, clubs, and private commercial athletic or health clubs are classified as Entertainment and Recreation. Commercial museums (such as a wax museum) are in Retail Sales and Service.

         Staff: This change provides for transitional housing as a "community service" use when operated by a public or non-profit entity as defined in ORS 197.746. Tenancy is as currently listed, which is for a period of time that is less than one month. Attached is a copy of the statute. This amendment adds an additional

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housing option in commercial and industrial zoned areas and addresses a code barrier issue listed on page 34 of the Housing Production Strategy (HPS).

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14.03.070 Commercial and Industrial Uses.

The following list sets forth the uses allowed within the commercial and industrial land use categories.

"P" = Permitted uses.
"C" = Conditional uses; allowed only after the issuance of a conditional use permit.

"X" = Not allowed.

		C-1	C-2[1]	C-3	I-1	I-2	I-3
1.	Office	P	X	P	P	P	X
2.	Retails Sales and Service						
	a. Sales-oriented, general retail	P	P	P	P	P	C
	b. Sales-oriented, bulk retail	C	X	P	P	P	C
	c. Personal Services	P	C	P	P	C	X
	d. Entertainment	P	P[2]	P	P	C	X
	e. Repair-oriented	P	X	P	P	P	X
3.	Major Event Entertainment	C	C	P	P	C	X
4.	Vehicle Repair	C	X	P	P	P	X
5.	Self-Service Storage [6]	X	X	P	P	P	X
6.	Parking Facility	P	P	P	P	P	P
7.	Contractors and Industrial Service [6]	X	X	P	P	P	P
8.	Manufacturing and Production						
	a. Light Manufacturing	X	X	C	P	P	P
	b. Heavy Manufacturing	X	X	X	X	C	P
9.	Warehouse, Freight Movement, & Distribution	X	X	P	P	P	P
10.	Wholesale Sales	X	X	P	P	P	P
11.	Waste and Recycling Related	C	C	C	C	C	C
12.	Basic Utilities [3]	P	P	P	P	P	P
13.	Utility Corridors	C	C	C	C	C	C
14.	Community Service [7, 8]	P	C	P	P	C	X
15.	Family Child Care Home	P	P	P	X	X	X
16.	Child Care Center	P	P	P	P	P	X
17.	Educational Institutions						
	a. Elementary & Secondary Schools	C	C	C	X	X	X
	b. College & Universities	P	X	P	X	X	X

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	c. Trade/Vocational Schools/Other	P	X	P	P	P	P
18.	Hospitals	C	C	C	X	X	X
19.	Courts, Jails, and Detention Facilities	X	X	P	C	X	X
20.	Mining						
	a. Sand & Gravel	X	X	X	X	C	P
	b. Crushed Rock	X	X	X	X	X	P
	c. Non-Metallic Minerals	X	X	X	X	C	P
	d. All Others	X	X	X	X	X	X
21.	Communication Facilities [4]	P	X	P	P	P	P
22.	Residences on Floors Other than Street Grade	P	P	P	X	X	X
23.	Affordable Housing [5]	P	P	P	P	X	X
24.	Transportation Facilities	P	P	P	P	P	P

1. Any new or expanded outright permitted commercial use in the C-2 zone district that exceeds 2,000 square feet of gross floor area. New or expanded uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of Chapter 14.34, Conditional Uses. Residential uses within the C-2 zone are subject to special zoning standards as set forth in Section 14.30.100.

2. Recreational Vehicle Parks are prohibited on C-2 zoned property within the Historic Nye Beach Design Review District.

3. Small wireless facilities shall be subject to design standards as adopted by City Council resolution.

4. Communication facilities located on historic buildings or sites, as defined in Section 14.23, shall be subject to conditional use review for compliance with criteria outlined in Sections 14.23 and 14.34.

5. Permitted as outlined in Chapter 14.15 or, in the case of hotels/motels, the units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone defined in NMC Chapter 14.50.

6. Self-service storage use; salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; and auto and truck salvage and wrecking are prohibited within the South Beach Transportation Overlay Zone, as defined in Section 14.43.020.

7. Subject to the requirements of ORS 197.782. An emergency shelter proposed within a C-2 or I-2 zone district

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shall be subject to a public hearing before the Newport City Council.

8. Transitional housing as defined in ORS 197.746 must be operated by a public or non-profit entity, with residential tenancy limited to a period of time that is less than one month.

Staff: This is a companion change to the one above, pointing out that transitional housing is allowed, subject to limitations.

CHAPTER 14.06 MANUFACTURED DWELLINGS, PREFABRICATED STRUCTURES, SMALL HOMES AND RECREATIONAL VEHICLES

14.06.010 Purpose

The purpose of this section is to provide criteria for the placement of manufactured dwellings and recreational vehicles within the City of Newport. It is also the purpose of this section to provide for dwelling units other than site-built structures.

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14.06.060 Recreational Vehicle Parks

Recreational vehicle parks are allowed conditionally in an R-4 or I-2 zone district, and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 14.52, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, and I-1 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

A. A building permit(s) shall be obtained demonstrating that the recreational vehicle park ~~The park~~ complies with the standards contained in ~~state statutes and~~Chapter 918, Division 650 of the Oregon Administrative Rules.

Staff: The existing language is vague. Staff confirmed with Richard Baumann, the Oregon Building Codes Division Recreational Parks and Camps Specialist, that

provisions relevant to RV Park construction are all contained in OAR Chapter 918, Division 650. This division of the OARs is adopted by reference in the building codes chapter of the Newport Municipal Code (Chapter 11.05).

B. The developer of the park ~~obtains a permit from the state~~ obtains verification from Lincoln County Environmental Health that the recreational vehicle park satisfies applicable Oregon Health Authority Rules.

Staff: The existing language is no longer needed because review of recreational vehicle park projects for compliance with state laws has been delegated to local governments. The City of Newport, through its building services program, evaluates projects for compliance with construction standards listed in OAR Chapter 918, Division 650. The other local government that is involved is Lincoln County Environmental Health. They are responsible for ensuring the project complies with Oregon Health Authority Rules listed in OAR Chapter 333, Division 31. Those rules are focused on safety and sanitation, as opposed to construction. This provision of the City's Municipal Code is being amended to point out to a prospective park developer that they will need to coordinate with Lincoln County Environmental Health.

C. The developer provides a ~~map~~ plan of the proposed park ~~to the City Building Official~~that contains the following.

1. A cover sheet that includes:

    a. The name of the recreation park and a vicinity map identifying its location;

    b. The name of the owner;

    c. The name of the operator;

    d. The name of the person who prepared or submitted the plans; and

    e. A key identifying the symbols used on the plan.

2. The plot plan (on a separate sheet) that includes:

    a. Proposed and existing construction; and

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b. A scale drawing of the general layout of the entire recreation park showing property survey monuments in the area of work and distances from park boundaries to public utilities located outside the park (indicated by arrows without reference to scale).

c. For work that involves an addition to, or a remodeling of, an existing recreation park, the plot plan must show the facilities related to the addition and/or the facilities to be remodeled.

d. The following features must be clearly shown and identified on the plot plan:

i. The footprint of permanent buildings, including dwellings, mobile homes, washrooms, recreation buildings, and similar structures;

ii. Any fixed facilities that are to be constructed in each space, such as tables, fire pits, or patios;

iii. Property line boundaries and survey monuments in the area of work;

iv. The location and designation of each space by number, letter or name; **and**

v. Plans for combination parks must also show the portions of the park that are dedicated to each activity (e.g. camp ground, organizational camp, mobile home park, picnic park, recreational vehicle park, etc.).

3. Park utility systems must be clearly shown and identified on a separate sheet that contains the following information:

a. Location of space sewer connections, space water connections and service electrical outlets;

b. The location of the public water and wastewater lines from which service is to be obtained, including the location and size of the water meter;

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c. The location, type and size of private water and wastewater lateral lines that are to be constructed internal to the park;

d. Street layout and connections to public street(s);

e. Disposal systems, such as septic tanks and drain fields, recreational vehicle dump stations, gray water waste disposal sumps, washdown facilities, sand filters, and sewer connections;

f. Fire protection facilities, such as fire hydrants, fire lines, tanks and reservoirs, hose boxes and apparatus storage structures;

g. The location of trash enclosures and receptacles; and

h. Placement of electrical transformers, electrical lines, gas lines, and Liquid Petroleum Gas (LPG) tank placement within the park.

4. Existing and finished grade topography for portions of the property where the park is to be located, if existing grades exceed five percent.

Staff: The above list replicates plan requirements listed in OAR 918-650-0035. The language has been adjusted for clarity, and it has been streamlined somewhat since this chapter of the Municipal Code applies only to RV parks.

D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):

1. The space provided for each recreational vehicle shall not be less than ~~600~~ 400 square feet, exclusive of any space used for common areas (such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles, and landscaped areas). The number of recreational vehicles shall be limited to a maximum of 22 per gross acre.

Staff: OAR Chapter 918, Division 650 provides some flexibility on sizing spaces as it covers camps in addition to recreational; vehicle parks. The definition

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for RV's limits them to a maximum of 400 sq. ft. gross floor area in setup mode. At its 1/8/24 work session, the Planning Commission elected to reduce the minimum area requirement for a recreational vehicle space to 400 sq. ft. The Commission reviewed the existing density limit, and confirmed that it is reasonable, being roughly equivalent to high density multi-family residential construction in the city (e.g. Wyndhaven Ridge).

2. One-way roadways shall be a minimum of 12-feet in width and two-way ~~Roadways~~ roadways shall not be less than ~~30~~ 20 feet in width. ~~if~~ If parking is permitted on the margin of the roadway, then the parking area must be a minimum of 10-feet in width. ~~or less than 20 feet in width if parking is not permitted on the edge of the roadway, they shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreation vehicle space.~~ Roadways must be designed such that they are capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds, and they may be surfaced with asphalt, concrete, crushed rock, gravel or other similar materials.

   Staff: The above language has been revised to align with the one-way drive isle width limitation set out in NMC 14.46.030(P). As for the overall width of the roadway and parking areas, the code has been amended to comply with the OARs, which are stricter than the City's existing code. At its 1/8/24 work session, the Planning Commission expressed a willingness to allow gravel roads, so that option has been added. Engineering load requirements, draw from Appendix D to the 2019 Oregon Fire Code.

3. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

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4. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.

5. A recreational vehicle space shall be provided with electrical service.

6. ~~Trash~~ Solid waste, recycling, and compostable receptacles shall adhere to the enclosure and access requirements set forth in NMC 14.11.060(B) and (C), unless an alternative approach is approved, in writing, by the solid waste and recycling service provider. ~~for the disposal of solid waste materials~~ Receptacles ~~shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.~~must have tight-fitting lids, covers or closable tops, and be constructed out of durable, rust-resistant, water tight, rodent-proof and washable material. Receptacles are to be provided at a rate of one 30-gallon container for each four recreational vehicle parking spaces and be located within 300 feet of each recreational vehicle parking space.

   Staff: At its 1/8/24 meeting, the Commission asked if the code section could be amended to incorporate the solid waste and enclosure access requirements that the City added to NMC 14.11.060, and that change has been made. The City's discretionary language regarding the placement and sizing of receptacles has also been replaced with specific standards listed in the OARs.

7. The total number of off-street parking spaces in the park shall be provided in conformance with Section 14.14.030. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.

8. The park shall provide toilets, lavatories, and showers for each sex in ~~the following ratios: For each 15 recreational vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one~~

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~~lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women~~accordance with Table 14.06.060-A. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.

Table 14.06.060-A

Parking Spaces	Number of Toilets		Number of Sinks[1]	
	Men's[2]	Women's	Men's	Women's
1-15	1	1	1	1
16-30	1	2	1	2
31 – 60	2	3	2	3
61 - 100[3]	3	4	3	4

1. One additional sink must be provided for each two toilets when more than six toilets are required.

2. Urinals may be acceptable for not more than 1/3 of the required toilets.

3. Recreational parks with more than 100 parking spaces shall provide one additional toilet per sex for each additional 30 spaces or fraction thereof.

Staff: At its 1/8/24 work session, the Planning Commission requested that Table 3-RV be incorporated into the code in lieu of the text explanation. That has been accomplished. The City Comprehensive Plan requires they connect to sewer service if it is within 250-feet of the site. This may be more expensive then vault toilets or privies, but is more sanitary and less likely to create odor issues.

9. The park shall provide one utility building or room containing one clothes washing machine, and one clothes drying machine for each ten recreational vehicle spaces, or any fraction thereof.

10. Building spaces required by Subsection ~~9~~ 8 and ~~10~~ 9 of this section shall be lighted, ~~at all times of the night and~~

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~~day, shall be~~ ventilated, and otherwise designed in accordance with the requirements of the Oregon Structural Specialty Code.~~shall be provided with heating facilities which shall maintain a room temperature of at least 62˚F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.~~

Staff: Per the Commission's request at its 1/8/24 meeting, this section has been amended to cross-reference to the building code.

11. Except for the access roadway ~~into the park~~, ~~the~~ a park that is located within or adjacent to a residentially zoned area shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height unless modified through ~~either the~~a conditional use permit process as provided in NMC Chapter 14.34 (if a conditional use permit is required for the RV park) or ~~other applicable land use~~an adjustment or variance procedure outlined in NMC Chapter 14.33. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties (such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to other properties (such as when the RV park fronts a body of water). Any ~~Modifications~~ modifications to the hedge or fence requirement of this subsection ~~shall not act to modify the requirement for a solid wall or~~should factor in any applicable screening and setback requirements ~~fence that may otherwise be required~~ under Section 14.18.020 (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.

Staff: At its 1/8/24 meeting, the Commission asked that the site obscuring hedge or fence requirement be limited to parks located within or adjacent to in residential zoned areas. The language has also been amended to clarify processes for adjusting the screening requirements.

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~~12. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.~~

Staff: At its 1/8/24 meeting, the Commission supported deleting this provision. The City's nuisance code requires that materials stored outside be organized in a neat and tidy manner or that they be screened from view from rights-of-way and adjacent properties.

~~13. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.~~

Staff: This is legacy language that was relevant when the State of Oregon handled RV Park permitting. It is being deleted because it is no longer applicable. Adequacy of sanitation services is evaluated at plan review and confirmed through the building inspection process.

12. Each space within a recreational vehicle park shall be provided a minimum of 50 square feet of outdoor area landscaped or improved for recreational purposes as provided in NMC 14.11.020.

Staff: This cross-reference has been added for clarity and to ensure that the requirement is addressed as part of the review (since it is housed in a different part of the code).

CHAPTER 14.11 REQUIRED YARD, SETBACKS, AND SOLID WASTE/RECYCLABLE MATERIALS STORAGE AND ACCESS REQUIREMENTS

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14.11.020 Required Recreation Areas

All multi-family dwellings, hotels, motels, manufactured dwelling parks, trailer parks, and recreational vehicle parks shall provide for each unit/space a minimum of 50 square feet of ~~enclosed~~ outdoor area landscaped or improved for recreation purposes exclusive of required yards such as a patio, deck, or terrace. This landscaping requirement can be

combined into a single active or passive recreational area accessible to all occupants of the property.

Staff: This change eliminates the requirement that the area be enclosed, as that typically requires fencing which is expensive. Further, requiring the areas be enclosed is not value additive. The City has interpreted the existing language as allowing the recreational space to be combined for multi-family projects, and the added language memorializes that interpretation.

14.11.030 Garage Setback

The entrance to a garage or carport shall be set back at least 20 feet from the access street for all residential structures. Within rights-of-way, the boundary of the access street is the curb line or, where curbs are absent, the edge of the asphalt or other boundary of the travel surface.

Staff: This change aligns with how the standard is applied, and provides flexibility for siting housing on small properties. The drawback is that driveways can be rendered substandard if the right-of-way is fully developed in the future. Changed "Within underdeveloped rights-of-way" to "Within rights-of-way" at the request of the Commission during its 12/11/23 work session.

CHAPTER 14.13 DENSITY LIMITATIONS

14.13.010 Density Limitations

A residential building structure or portion thereof hereafter erected shall not exceed the maximum living unit density listed in Table A, as hereinafter set forth, for the zone indicated, except in the case of a lot having less than is required and of record prior to December 5, 1966, which may be occupied by a single-family dwelling unit, providing other requirements of this ordinance are complied with, except to the extent that a higher density may specifically be allowed by any term or provision of this Ordinance.

(BY THIS REFERENCE, THERE IS INCLUDED HEREIN AND MADE A PART HEREOF, A TABLE OF DENSITY AND OTHER REQUIREMENTS, DESIGNATED "TABLE A".)

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NMC 14.13.020

Table "A"

Zone District	Min. Lot Area (sf)	Min. Width	Required Setbacks [3, 7]			Lot Coverage (%)	Max. Building Height	Density (Land Area Required Per Unit (sf))
			Front/2nd Front [1]	Side	Rear			
R-1	7,500 sf	65-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft & 8-ft	15-ft	54 %	30-ft	SFD - 7,500 sf [2] Duplex - 3,750 sf [2]
R-2	5,000 sf [3]	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	57%	30-ft	SFD – 5,000 sf [2] Duplex - 2,500 sf [2] Townhouse - 2,500 sf [3]
R-3	5,000 sf [3]	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	60%	35-ft or 40-ft [9]	1,250 sf [3]
R-4 [4]	5,000 sf [3]	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	64%	35-ft or 40-ft [9]	1,250 sf [3, 5]
C-1	5,000 sf	0	0 or 15-ft from US 101 [8]	0	0	85-90% [6]	50-ft [6]	n/a
C-2 [4]	5,000 sf	0	0 or 15-ft from US 101 [8]	0	0	85-90% [6]	50-ft [6]	n/a
C-3	5,000 sf	0	0 or 15-ft from US 101 [8]	0	0	85-90% [6]	50-ft [6]	n/a
I-1	5,000 sf	0	15-ft from US 101	0	0	85-90% [6]	50-ft [6]	n/a
I-2	20,000 sf	0	15-ft from US 101	0	0	85-90% [6]	50-ft [6]	n/a
I-3	5 acres	0	15-ft from US 101	0	0	85-90% [6]	50-ft [6]	n/a
W-1	0	0	0	0	0	85-90% [6]	40-ft [6]	n/a
W-2	0	0	0	0	0	85-90% [6]	35-ft [6]	n/a
MU-1 to MU-10 Mgmt. Units	0	0	0	0	0	100%	40-ft [6]	n/a
P-1	0	0	0	0	0	100%	50-ft	n/a
P-2	0	0	0	0	0	100%	35-ft	n/a
P-3	0	0	0	0	0	100%	30-ft	n/a

[1] Front and second front yards shall equal a combined total of 30-feet. Garages and carports shall be setback at least 20-feet from the access street for all residential structures.

[2] Density limitations apply where there is construction of more than one single-family dwelling (SFD) or duplex on a lot or parcel.

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[3] Density limitations for townhouses and cottage clusters is the minimum area required per townhouse or cottage cluster unit; whereas, minimum lot area, minimum lot width, and setbacks, apply to the perimeter of the lot, parcel, or tract dedicated to the townhouse or cottage cluster project.

[4] Special Zoning Standards apply to R-4 and C-2 zoned property within the Historic Nye Beach design Review District as outlined in NMC 14.30.100.

[5] Density of hotels, motels, and non-residential units shall be one unit for every 750 sf of land area.

[6] Height limitations, setbacks, and lot coverage requirements for property adjacent to residential zones are subject to the height and yard buffer requirements of NMC Section 14.18.

[7] Front and 2nd front setbacks for a townhouse project or cottage cluster project shall be 10-feet except that garages and carports shall be setback a distance of 20-feet.

[8] The 15-foot setback from US 101 applies only to land situated south of the Yaquina Bay Bridge.

[9.] The 40-ft height allowance is limited to multi-family uses with pitched roof construction, where the predominate roof pitch is 4:12 or steeper.

Staff: This amendment addresses the concern outlined in the HPS that multi-family construction with pitched roofs cannot achieve three full floors of units with a 35-ft maximum building height. Wyndhaven Ridge Phase II is an example, where a 10% adjustment was needed in order for three-story apartment buildings to be constructed (File No. 1-ADJ-22). The roof pitch in that case was 5:12. Setting a roof pitch minimum is reasonable, since one of the purposes behind a building height limit is to ensure neighboring properties have reasonable solar access. Pitched roof construction has less of an impact in that regard as opposed to a building with a flat roof. Further, buildings with a lower roof pitch, or none at all, should be able to achieve three floors of dwelling units with a 35-foot building height limit. Revised roof pitch to 4:12 per the Commission's request at its 12/11/23 work session.

CHAPTER 14.14 PARKING AND LOADING REQUIREMENTS

14.14.010 Purpose

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The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

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14.14.030 Number of Parking Spaces Required

A. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

1.	General Office	1 space/600 sf
2.	Post Office	1 space/250 sf
3.	General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.)	1 space/300 sf

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4.	Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.)	1 space/600 sf
5.	Building Materials and Lumber Store	1 space/1,000 sf
6.	Nursery – Wholesale Building	1 space/2,000 sf 1 space/1,000 sf
7.	Eating and Drinking Establishments	1 space/150 sf
8.	Service Station	1 space/pump
9.	Service Station with Convenience Store	1 space/pump + 1 space/ 200 sf of store space
10.	Car Wash	1 space/washing module + 2 spaces
11.	Bank	1 space/300 sf
12.	Watersport/Marine Terminal	20 spaces/berth
13.	General Aviation Airport	1 space/hangar + 1 space/300 sf of terminal
14.	Truck Terminal	1 space/berth
15.	Industrial	1.5 spaces/1000 sf
16.	Industrial Park	1.5 spaces/5,000 sf
17.	Warehouse	1 space/2,000 sf
18.	Mini-Warehouse	1 space/10 storage units
19.	Single-Family Detached Residence	2 spaces/dwelling
20.	Duplex	1 space/dwelling
21.	Apartment	1 space/unit for first four units + 1.5 spaces/unit for each Additional unit
22.	Condominium (Residential)	1.5 spaces/unit
23.	Townhouse	1.5 spaces/unit
24.	Cottage Cluster	1 space/unit
25.	Elderly Housing Project	0.8 space/unit if over 16 dwelling units
26.	Boarding House/Single Room Occupancy	0.5 spaces/guest room or unit
~~26~~27.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
~~27~~28.	Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses Shall be calculated separately
~~28~~29.	Park	2 spaces/acre
~~29~~30.	Athletic Field	20 spaces/acre
~~30~~31.	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
~~31~~32.	Marina	1 space/5 slips or berths

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~~32~~33.	Golf Course	4 spaces/hole
~~33~~34.	Theater	1 space/4 seats
~~34~~35.	Bowling alley	4 spaces/alley
~~35~~36.	Elementary/Middle School	1.6 spaces/classroom
~~36~~37.	High School	4.5 spaces/classroom
~~37~~38.	Community College	10 spaces/classroom
~~38~~39.	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
~~39~~40.	Day Care Facility	1 space/4 persons of license occupancy
~~40~~41.	Hospital	1 space/bed
~~41~~42.	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified

Staff: With Ordinance No. 2216, the City implemented land use related mandates from the 2023 Oregon Legislative Session. This included adding Single Room Occupancy (SRO) uses in all residential zones. That set of amendments did not include a set of minimum parking requirements. This revision creates a minimum off-street parking requirement for SRO projects. It is in line with standards from other jurisdictions (see attached Eugene, Medford, and Salt Lake examples). The City allows Boarding Houses, which are effectively the short-term tenancy equivalent of SROs, but never established a minimum parking standard for them. Since the uses are so similar, this change will apply to them as well. This change was added by staff following the 1/8/24 Commission work session.

B. On-Street Credit. A dwelling unit on property zoned for residential use, located outside of special parking areas as defined in NMC 14.14.100, shall be allowed an on-street parking credit that reduces the required number of off-street parking spaces by one off-street parking space for every one on-street parking space abutting the property subject to the following limitations:

1. On-street parking is available on both sides of the street adjacent to the property; and

2. The dwelling unit is not a short-term rental; and

3. Each on-street parking space is 22-ft long by 8-ft wide and parallel to the edge of the street, unless an alternate configuration has been approved and marked by the City of Newport; and

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4. Each on-street parking space to be credited must be completely abutting, and on the same side of the street, as the subject property. Only whole spaces qualify for the on-street parking credit; and

5. On-street parking spaces will not obstruct a clear vision area required pursuant to Section 14.17; and

6. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces are allowed except as authorized by the City of Newport.

Staff: This is the final draft of on-street parking credit language that the Planning Commission considered in 2021, but elected not to implement at that time. It was part of a package of code amendments to address HB 2001 requirements. As noted in the HPS (pg. 34), the requirement that off-street parking be constructed with new residential development contributes to the higher housing costs. This would allow a credit only where there is capacity to accommodate parking demand along a public street. It would not be an option along narrow roads where parking areas do not exist or are limited to one side of the street.

The Oregon Legislature has taken up an amended version of HB 3414, which narrowly failed during the 2023 session. It is SB 1537, and the bill, if passed, would require city's set aside off-street parking requirements if requested by an applicant. The bill sponsors frame it as an "adjustment." The proposed amendment is an alternative to the SB 1537 approach, allowing the City to frame circumstances where relief from off-street parking standards is appropriate.

The location where parking can occur within the right-of-way was clarified in response to feedback from the Commission at the 12/11/23 work session. The above provisions align with Chapter 6.15, Parking in Rights-of-Way, which provides;

"6.15.005(A) Method of Parking. Parking is permitted only parallel with the edge of the street, headed in the direction of lawful traffic movement, except where the street is marked or signed for angle parking. Where parking spaces are marked, vehicles shall be parked within the marked spaces. Parking in angled spaces shall be with the front head-in to the curb,

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except that vehicles delivering or picking up goods may be backed in. Where curbs exist the wheels of a parallel-parked vehicle shall be within 12 inches of the curb, and the front of an angle-parked car shall be within 6 inches of the curb."

CHAPTER 14.33 ADJUSTMENTS AND VARIANCES

14.33.010 Purpose

The purpose of this section is to provide flexibility to numerical development standards in recognition of the wide variation in property size, configuration, and topography within the City of Newport and to allow reasonable and economically practical development of a property.

14.33.020 General Provisions

A. Application for an Adjustment or Variance from a numerical standard including, but not limited to, size, height, or setback distance may be processed and authorized under a Type I or Type III decision-making procedure as provided by Section 14.52, Procedural Requirements, in addition to the provisions of this section.

B. No Adjustment or Variance from a numerical standard shall be allowed that would result in a use that is not allowed in the zoning district in which the property is located~~, or to increase densities in any residential zone~~.

C. In granting an Adjustment or Variance, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

Staff: This amendment would open the door to minimum lot size adjustments that would allow land divisions resulting in lots or parcels that fall short of the minimum lot size. This could create additional residential development opportunities, particularly in infill areas.

14.33.030 Approval Authority

Upon receipt of an application, the Community Development Director or designate shall determine if the request is to be processed as an Adjustment or as a Variance based on the standards established in this subsection. There shall be no

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appeal of the Director's determination as to the type of application and decision-making process, but the issue may be raised in any appeal from the final decision on the application.

A. A deviation less than or equal to 10% of a numerical standard shall be granted if the Community Development Director determines that it will allow one or more dwelling units than would otherwise be achievable through strict adherence to the numerical standard. The granting of such deviation shall be a ministerial action.

~~A~~ B Other deviations ~~of~~ less than or equal to 10% of a numerical standard shall satisfy criteria for an Adjustment as determined by the Community Development Director using a Type I decision-making procedure.

~~B~~C. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.

~~C~~D. Deviations of greater than 40% from a numerical standard shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

Staff: This change is an alternative way of addressing the challenge that three story multi-family projects have with a 35-foot height limit. It would allow staff to authorize adjustments to dimensional standards (up to 10%) in a ministerial fashion if the change results in additional dwelling units. The Wyndhaven Ridge Phase II example, where they needed 38.5 feet of building height, would have benefitted from this change.

Like the parking example, this code change would also get ahead of the new version of HB 3414, which is seeking to mandate that local governments provide small adjustments of this nature when requested by a housing developer.

The language was reworked, at the Planning Commission's request, to clarify that it is the Community Development Director that determines whether or not the change will allow additional dwelling units. That discussion occurred at the 12/11/23 work session. The Commission also inquired about options if the Director finds the change will not result in additional units. If that occurs, then the applicant would have the option of pursuing the deviation under Subsection (B) which involves an appealable land use decision.

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CHAPTER 14.52 PROCEDURAL REQUIREMENTS

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14.52.030 Approving Authorities

The approving authority for the various land use and ministerial actions shall be as follows:

***

C. Community Development Director. Land use actions decided by the Director are identified below. A public hearing is not required prior to a decision being rendered. Items with an "*" are subject to Director review as defined in the section of the ordinance containing the standards for that particular type of land use action. Decisions made by the Community Development Director may be appealed to the Planning Commission.

1. Conditional use permits*.
2. Partitions, minor.
3. Replats, minor.
4. Estuarine review.
5. Adjustments*.
6. Nonconforming use changes or expansions*.
7. Design review*.
8. Ocean shorelands review.
9. Any land use action defined as a Type I or Type II decision for which the Community Development Director is the initial approving authority.
10. Any land use action seeking to modify any action or conditions on actions above previously approved by the Community Development Director where no other modification process is identified.

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11. Ministerial actions necessary to implement Title XIV of the Newport Municipal Code, including final plats, property line adjustment conveyance documents, public improvement agreements, temporary uses (unless an alternative process is provided), and confirmation that building permits satisfy clear and objective approval standards.

    Staff: This revision is needed to clarify that it is the Community Development Director, or designee, that is responsible for carrying out ministerial actions. Common types of ministerial actions are also listed.

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C. Reduce development code barriers for housing development

Rationale

Removing barriers such as complex or restrictive building codes can make housing development less difficult, time consuming, and costly. Increasing development densities can also increase financial feasibility of building new multifamily housing. This could attract more developers to the area or encourage developers already working in Newport to look for other properties to develop.

Description

Newport has multiple barriers in its Development Code that are limiting or preventing denser housing development. As identified by the PAC and City staff, barriers in Newport's development code that makes housing development more challenging includes:

- **Building height limit.** The current building height limit is 35 feet. In most cases, this limits development to between 2 and 2.5 stories, especially for buildings with a peaked roof. Increasing the height limit to allow 3 full stories (which could be a height limit of about 40 feet) can help make multifamily development more financially feasible. The City could increase building height limitations in selected areas of the City, in selected zoning districts, or both.
- **Parking requirements.** Off-street parking requirements increase the cost of developing housing. In Nye Beach, on-street parking credits reduce the required number of off-street parking spaces by one off-street parking space for every one on-street parking space abutting the property. Expanding on-street parking credits to areas beyond Nye Beach that have fully developed street sections would reduce off-street parking requirements and help lower the cost of development.
- **Variance process for development on hillsides**. The commonly given variances to the 15-foot setback requirement for front yards requires a hearing with the Planning Commission. The City could remove the requirement for a setback variance process for development on hillsides, possibly by setting specific lot coverage ratios, to ensure that the new house is built closer to the street. Reducing the setback standard for sloped lots is another option.
- **Allow transitional housing development.** Some cities allow for development of temporary housing, a form of transitional housing, meant to bridge the gap between houselessness and permanent housing. Thought should be given to project oversight, and services needed to help tenants progress to more permanent housing.
- **RV requirements.** Consider code changes to make it easier for RV Parks to be built that cater to long term occupancy.

There may be other zoning barriers to producing housing that the City uncovers as it reviews its zoning code. The City should consider if/how they can update Newport's Development Code to alleviate these barriers while still achieving other City objectives.

City Role

The City would amend the Development Code.

Partners

Conversations with developers could help inform new policies

Anticipated Impacts

Populations Served	Income	Housing Tenure	Magnitude of New Units Produced
Extremely low-, very low-, low- and moderate-income households	All incomes	Renter and Owner	Moderate

Potential Risks

Reducing development code barriers to achieve greater development must be balanced with other City objectives such as preserving scenic views and open space (among others).

Implementation Steps

- Further engage the development community to better understand how the development code is impacting development of housing, focusing on the barriers described above.
- Review the barriers in Newport's Development Code and consider implementing revisions such as those described above.
- If appropriate, revise the Newport Development Code to implement the revisions outlined above and other identified barriers by working with the Planning Commission and City Council through a public process.

Implementation Timeline

Timeline for Adoption	Implementation to Commence	Timeframe of Impact
December 2024	2025	Ongoing

Funding or Revenue Implications

Staff time and available City tools and resources will be relied on to accomplish this strategy.

197.746 Transitional housing accommodations. (1) Inside an urban growth boundary, a local government may authorize the establishment of transitional housing accommodations used as individual living units by one or more individuals. Use of transitional housing accommodations is limited to individuals who lack permanent or safe shelter and who cannot be placed in other low income housing. A local government may limit the maximum amount of time that an individual or a family may use the accommodations.

(2) Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations, as well as areas in parking lots or facilities for individuals or families to reside overnight in a motor vehicle, without regard to whether the motor vehicle was designed for use as temporary living quarters. The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

(3) Transitional housing accommodations are not subject to ORS chapter 90.

(4) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat. [Formerly 446.265]

Department of Consumer and Business Services

Building Codes Division - Chapter 918

Division 650
RECREATION PARKS AND ORGANIZATIONAL CAMPS

918-650-0000
Reasonable Notice to Interested Parties

Prior to the adoption, amendment or repeal of any rule relating to the minimum safety standards for the design and construction of recreational parks and organizational camps as authorized in ORS 455.680, the Building Codes Division must give notice of the proposed action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21days prior to the effective date.

(2) By notifying persons and organizations on the interested parties mailing list established under ORS 183.335(8) and OAR 918-001-0210.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 183.335
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0000

918-650-0005
Definitions

As used in OAR 918-650-0000 to 918-650-0085, unless the context requires otherwise, the following definitions apply:

(1) "Alteration" means any change, addition or modification of roads, streets, spaces or construction, but does not include normal maintenance or replacement in kind.

(2) "Approved" means accepted in writing by the Division or its designee.

(3) "Area" means the land within the property or boundary lines of a recreation park or organizational camp.

(4) "Building" is any structure used or intended for supporting or sheltering any use or occupancy regulated by the State Building Code as defined in ORS 455.010.

(5) "Campground." See Recreation Parks.

(6) "Combination Park" means a park which includes facilities for two or more types of recreation parks or a combination of a recreation park, organizational camp or mobile home park facility.

(7) "Construction" means work regulated by the State Building Code as defined in ORS 455.010.

(8) "Facilities" means the permanent work, such as but not limited to, streets, roads, embankments, space, refuse collection stands, fire pit enclosures, fire protection equipment etc., but does not include buildings and structures, and electrical and plumbing installations.

(9) "Hostel" means any establishment as defined in ORS 446.310.

(10) "Organizational Camp" as defined in ORS 446.310 means any area designated by the person establishing, operating, managing or maintaining the same as being for recreational use by groups or organizations. Organizational camp includes, but is not limited to, youth camps, scout camps, summer camps, day camps, nature camps, survival camps, athletic camps or camps operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service organizations.

(11) "Picnic Park." See Recreation Park.

(12) "Recreation Park" as defined in ORS 446.310 means an area designated by the person establishing, operating, managing or maintaining the same as being for picnicking or overnight camping by the general public or any segment of the public. Recreation park includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership. Recreation park includes, but is not limited to, areas divided into two or more lots, parcels, units or other interests for purposes of such use. As further defined in these rules, a recreation park includes, but is not limited to, a "campground," a "picnic park," or a "recreational vehicle park":

(a) "Campground" means a recreation park which provides facilities and space for tents, tent vehicles, or camping vehicles;

(b) "Picnic Park" means a recreation park which is for day use only and provides no recreational vehicle or overnight camping spaces;

(c) "Recreational Vehicle Park" means a plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

(13) Registered Design Professional. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the State of Oregon.

(14) "Solid Waste" means decomposable or nondecomposable waste including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard.

(15) "Space" means that portion of a park reserved for the location of a recreation vehicle, tent, tent vehicle or camping vehicle.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 16-2019, amend filed 12/12/2019, effective 01/01/2020
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0060

918-650-0010
Scope and Purpose

(1) OAR chapter 918, division 650 establishes minimum safety standards for the design and construction of recreation parks and organizational camps as authorized in ORS 455.680.

(2) These rules establish design and construction requirements for recreation parks and organizational camps for the purpose of protecting the life, health, safety and welfare of persons using these facilities.

EXCEPTIONS:

1- These rules do not apply to parking areas offering access to beaches, marinas, boat ramps, piers, ski areas, rivers, trails and similar facilities, where no recreational vehicle utility connections are provided.

2- The area development permit does not include permits or related fees for buildings, mobile home setups, mechanical, plumbing or electrical systems, boiler, or elevators, or permits required by other agencies.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0050

918-650-0020
Permit Required

No person may establish or enlarge the facilities of any recreation park or organizational camp or do any construction within the recreation park or organizational camp or cause the same to be done without first obtaining all required permits from the building official and paying the prescribed permit fees. Multiple permits may be required when the proposed work involves two or more code areas (i.e., structural, electrical, plumbing, or mechanical).

EXCEPTION: Applications for permits, submission of plans and payment of fees are not required for additions, alterations, relocation and maintenance of picnic tables, play equipment, fire pits and similar facilities in existing parks.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0065

918-650-0025
Coordinating Regulation

Permit Issuance:

(1) The application, plans, specifications, computations and other data filed by an applicant must be reviewed by the building official. Such plans may be reviewed by other departments or agencies to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in the application for a permit and the plans, specifications and other data filed conform to the requirements of these rules and other pertinent laws and ordinances, and that the fees have been paid, the building official must issue a permit to the applicant. Regulations that also apply to recreation parks and organizational camps are:

(a) Land Use. Land use must comply with the regulations of the unit of government which has planning authority over the proposed construction site;

(b) Flood Zones. Buildings or areas used within a flood zone must be approved by the agency having jurisdiction prior to the issuance of permits;

(c) Water Supply. Water supply systems must comply with regulations under the Department of Human Services Oregon Health Authority;

(d) Sewage Disposal. Sewage treatment and disposal facilities, including, but not limited to, on-site facilities, solid waste container wash-down facilities, gray water waste disposal systems, pit privies, vaults and chemical toilets, must comply with regulations under the Oregon Department of Environmental Quality;

(e) Solid Waste Disposal. Solid waste disposal must comply with regulations under the Department of Human Services Oregon Health Authority and such waste must be disposed of in a manner that complies with regulations under the Oregon Department of Environmental Quality;

(f) Eating and Drinking Establishments. Eating and drinking establishments must comply with regulations under the Department of Human Services Oregon Health Authority;

(g) Ice Machines. Ice machines must comply with regulations under the Oregon State Department of Agriculture;

(h) State Building Code. Buildings and structures must comply with the State Building Code and where applicable to rules adopted thereunder;

(i) Highway, Street and Driveway Permits. Access must comply with the regulations of the city, county or State Highway Division having jurisdiction over access to the public roads;

(j) Fire Protection. Fire protection facilities must comply with the requirements of the appropriate jurisdiction's fire protection regulations;

(k) Liquefied Petroleum Gas (LPG). Liquefied petroleum gas installations must comply with the regulations of the Oregon State Fire Marshal;

(l) Swimming Pools and Spas. Swimming Pools and spas must comply with regulations under the Department of Human Services Oregon Health Authority;

(m) Hostels. Hostels must comply with the Oregon State Building Code and with regulations under the Department of Human Services Oregon Health Authority;

(n) Engineers/Architects Design. When required, park and camp designs must be prepared by a registered design professional.

(2) Recreation Park and Organizational Camp Operating License Approved parks and camps must comply with any operating license requirements established by the Department of Human Services Oregon Health Authority.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0070

918-650-0030
Fees — Expiration — Validation

(1)(a) Area Development Fee. The area development fee is determined from Table 1-RV using the valuation for all facilities for which the permit is issued. The fees in Table 1-RV are based upon valuation Table 2-RV for recreation parks or may be determined by the applicant with documentation acceptable to the issuing authority. Permit fees must be paid before any work begins.

NOTE: Table 1-RV is based on Table 3-A of the 1988 Uniform Building Code. The Area Development Permit does not include permits or related fees for buildings, manufactured dwelling installations, accessory buildings and structures, mechanical, plumbing or electrical systems, boilers, elevators, or permits required by other agencies.

(b) Plans Review Fee. The area development Plan Review Fee is 65 percent of the area development permit fee set forth in subsection (1)(a) of this rule and must be paid when plans and specifications are submitted for review;

(c) Other Fees:

(A) Inspections outside of normal business hours (minimum charge — two hours), $50/hour;

(B) Reinspection fee, $50/hour;

(C) Inspection for which no fee is specifically indicated (minimum charge — one-half hour), $50/hour;

(D) Additional plan review required by changes, additions or revisions to approved plans (minimum charge — one-half hour), $50/hour;

(E) Consultation fee (minimum one hour), $30/hour.

(2) Other Fees:

(a) A special inspection is required and a special inspection fee must be paid before a permit may be issued for work started without a permit. The special inspection fee must be equal to and in addition to the amount of the permit fee required by these rules;

(b) Other Inspection Fees. In addition to the called for inspections, the building official may make or require inspections of any construction work to confirm compliance with the provisions of this code and other laws which are enforced by the building official;

(c) Reinspection Fees. A reinspection fee may be assessed for each inspection or reinspection when the work for which inspection is called is not complete or when corrections called for are not made.

NOTE: This subsection is not intended to require reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but is to control the practice of calling for inspections before the job is ready for such inspection or reinspection.

(3) Expiration and Validity of Plans and Permits:

(a) Expiration of Plan Approval. Area Development plan approval expires one year after the date that the approval is granted if no area development permit is issued. Upon receipt of a written request from the applicant the building official may extend the time for action by the applicant for a period of not to exceed 180 days. To renew action on an application after the expiration of a plan approval, the applicant must resubmit plans and pay a new plan review fee;

(b) Expiration of Area Development Permit. An area development permit expires if the work it authorizes is not commenced within 180 days from the date of issuance of the permit, or if the work is suspended or abandoned for 180 days at any time after it is commenced. A permittee holding an unexpired permit may apply for an extension of the time within which the work may be commenced under that permit. The time for action by the permittee may not exceed 180

days. Requests for extensions must be in writing, and no permit may be extended more than once. If such work is not recommenced, before a permit or extension expires a new permit must be obtained. The fee is one-half the amount required for the first permit, provided that:

(A) No changes have been made in the original plans and specifications; and

(B) The duration of the suspension of work or abandonment has not exceeded one year.

(c) Validity. The issuance or granting of an area development permit or approval of area development plans and specifications may not be construed to be a permit for, or approval of, any violation of any of the provisions of these rules. The issuance of a permit based upon plans and specifications may not prevent the building official from later requiring the correction of errors in such plans;

(d) Suspension or Revocation. The building official may, in writing, suspend or revoke an area development permit when the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provision of these rules, or any other ordinances.

(4)(a) The fees established in this rule apply to the Division.

(b) Municipalities who have been delegated the park and camp program by the Division may establish their own fee schedule or adopt the Division's fee schedule through local ordinance.

(c) The amount of the fee may not exceed the costs of administering the park and camp program.

(d) The municipality, quarterly, must remit 15 percent of the collected fees to the Division for monitoring municipal programs and for providing informational material necessary to maintain a uniform state program.

[NOTE: Tables referenced are not included in rule text.]

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 455.020, 455.110, 455.170, 455.210 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 12-2018, amend filed 06/21/2018, effective 07/01/2018
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCD 12-2008, f. 6-30-08, cert. ef. 7-1-08
BCA 36-1991, f. 10-23-91, cert. ef. 10-31-91
BCA 16-1991(Temp), f. 6-7-91, cert. ef. 7-1-91
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0075

918-650-0035
Plans and Specifications

(1) Plans. With each application for a plan review the applicant must submit two sets of construction plans and specifications. Plans and specifications must be drawn to scale, of sufficient clarity to indicate the nature and extent of the work proposed and to show in detail that the construction will conform to all relevant laws, rules and regulations of the State of Oregon pertaining to recreation parks and organizational camps.

NOTE: The construction shown on these plans may contain construction details required by other rules or regulations in order to aid other agencies in determining compliance with their coordinating regulations.

(2) Design. All plans must be designed in accordance with the requirements of the various codes and administrative rules and, where required, must be designed by a registered design professional.

(3) Plan Format and Sequence. The following plan format and sequence specification are guidelines for both the designer and the plan reviewer. Deviations are permitted from strict compliance with the plan format and sequence specifications when such deviation will produce the same result:

(a) The cover sheet of each set of plans must give the following:

(A) The name of the recreation park or organizational camp and the location (vicinity map);

(B) The name of the owner;

(C) The name of the operator;

(D) The name of the person who prepared or submitted the plans;

(E) The symbols used; and

(F) The design maximum occupancy load for organizational camps.

(b) The plot plan (on a separate sheet) must include:

(A) Both proposed and existing construction; and

(B) A scale drawing of the general layout of the entire recreation park or organizational camp showing property survey monuments in the area of work and distances from park or camp boundaries to public utilities located outside the park or camp (indicated by arrows without reference to scale).

EXCEPTION: When the work involves an addition to, or a remodeling of, an existing recreation park or organizational camp, the plot plan must show the facilities related to the addition and/or the facilities to be remodeled.

(4)(a) The following features must be clearly shown and identified:

(A) The permanent buildings (dwellings, mobile homes, washrooms, recreation buildings, and similar structures);

(B) The fixed facilities in each space (fire pits, fireplaces or cooking facilities);

(C) The property line boundaries and survey monuments in the area of work;

(D) The location and designation of each space by number, letter or name; and

(E) Plans for combination parks must also show which portions of the parks are dedicated to camp ground, organizational camp, mobile home park, picnic park, recreational vehicle park and joint use.

(b) Park and organizational camp utility systems must be clearly shown and identified on a separate sheet:

(A) Location of space sewer connections, space water connections and service electrical outlets;

(B) Location and source of domestic water supply;

(C) Location of water and sewer lines (showing type, size and material);

(D) Park or camp street layout and connections to public street(s);

(E) Disposal systems, such as septic tanks and drain fields, recreational vehicle dump stations, gray water waste disposal sumps, washdown facilities, sand filters, and sewer connections;

(F) Fire protection facilities, such as fire hydrants, fire lines, tanks and reservoirs, hose boxes and apparatus storage structures;

(G) Solid waste disposal system and solid waste collection features, such as refuse can platforms and supports, and wash-down facilities; and

(H) Liquid Petroleum Gas (LPG) tanks and gas lines.

(c) Park Topography. Park topography must be shown in the area of work when any existing grade or slope exceeds five percent.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0080

918-650-0040
Inspections

(1)(a) General. All construction or work for which a permit is required must be subject to inspection by the building official;

(b) It is be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the employee nor the building official are liable for expense entailed in removal or replacement of any material required to allow inspection.

(2)(a) Inspection Requests. It is the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require every request for inspection be filed at least three working days before such inspection is desired. Such requests may be in writing or by telephone at the option of the building official;

(b) It is the duty of the person requesting any inspections required by these rules to provide access to and means for proper inspection of such work.

(3) Approval Required. Approval may be given only after an inspection has been made on each successive step in the construction as indicated on each of the inspections required in section (4) of this rule.

(4) Required Inspections. The building official, upon notification from the permit holder or the permit holders agent, must make the following inspections and must either approve that portion of the construction as completed or must notify the permit holder or agent wherein the same fails to comply with these rules:

(a) Rough Grading. When rough grading of roads and spaces are completed;

(b) Prior to Paving. Before any asphaltic concrete or portland cement concrete is placed;

(c) Final Inspection. A final inspection may be made after finish grading and all permanent facilities are in place;

(d) Coordinating Regulation Inspections. Inspection required by the Coordinating Regulations specified in these rules.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0085

918-650-0045
General Construction Requirements

General:

(1) Combination Parks. The portions of combination parks which are dedicated to campground, organizational camp, picnic park, mobile home park or recreational vehicle park use must be identified and each use must comply with the applicable regulations. Jointly used areas must be designated accordingly.

(2) Space Separation and Designation. Building or space separation and space designation must be as follows:

(a) The distance between buildings must be as required in the Oregon Structural Specialty Code;

(b) The distance between spaces must be as provided in OAR 918-650-0055(1);

(c) Spaces must be identified by signs or markings corresponding to the letters, numbers or names indicated on the approved plans.

(3) Access. Each space designed for vehicular use within a recreation park or organizational camp must have direct access to a park, street or road. The access may not be obstructed by grade or vertical clearance. The entrance to roads with impaired clearance must be provided with warning signs.

(4) Street Width. Park streets intended for use by the public must be of adequate width to accommodate the planned parking and traffic load. Each traffic lane must be ten feet minimum width. Where parking is permitted on park streets, each parking lane must be ten feet minimum width. All two-way streets without parking must be 20 feet minimum width.

(5) Connection to a Public Way. The park street system must have direct connection to a public way.

(6) Park Roads and Streets. Roads and streets intended for use by the public must be designed for minimum nine-ton gross loads and streets and walkways must be well drained. The street surface may be asphaltic-concrete, portland cement concrete, crushed rock, gravel or other approved surface material.

(7) Cleanable Construction. Fireplaces, fire pits or cooking facilities must be of cleanable construction and designed to permit easy removal of ash and other waste.

(8) Screens. All openings, except doors with self-closing devices, into the outer air of permanent kitchens, dining rooms, toilets and shower facilities must be effectively screened. Screens may not be less than sixteen mesh per inch, and all screen doors must be equipped with a self-closing device.

(9) Solid Waste Containers. Solid waste containers must be in place at the time of final inspection. Solid waste containers or bins must:

(a) Have tight-fitting lids, covers or closable tops; and

(b) Be durable, rust-resistant, water tight, rodent-proof and washable;

(c)(A) Containers in recreational vehicle parks must be provided at a rate of one 30-gallon container for each four recreational vehicle parking spaces and be located within 300 feet of each recreational vehicle parking space. Containers may be grouped;

(B) Containers in picnic parks, campgrounds and organizational camps must be provided at a rate of one 30-gallon container for each 20 occupants or fraction thereof that the camp or park is designed to accommodate. Containers may be grouped.

EXCEPTION: The requirement for solid waste containers in picnic parks, campgrounds and organizational camps may be waived by the regulating authority for areas not accessible by road.

(10) Water Systems in Flood Zones. Potable water systems located in, or partially in flood zones, must be provided with valves to isolate that portion of the system in the flood zone from the rest of the system, and fittings must be installed to permit flushing and treatment of the flood zone portion of the water system.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0090

918-650-0050
Toilets

(1) Toilet facilities must be provided in every recreation park or organizational camp. They must be convenient and accessible and must be located within 500 feet of any recreational vehicle space or camping site not provided with an individual toilet facility or sewer connection.

EXCEPTION: The requirement for toilets in picnic parks, campgrounds and organizational camps may be waived by the regulating authority for areas not accessible by road.

(2)(a) Sanitary facilities must be as required in Table 3-RV;

(b) Toilet Bowls. Toilet bowls for public use must be elongated bowls with open-front seats. Any room with flush toilets must be provided with a floor drain as required in the **Oregon Plumbing Specialty Code**;

(c) Signs. Toilets must either be marked for the designated sex or be provided with a privacy lock. If not apparent, the location of toilets must be indicated by appropriate direction signs;

(d) Flush Toilets and Showers. Flush toilets and showers and the buildings containing them must be constructed in accordance with the State Building Code;

(e) Unisex Toilets. Toilet facilities designed to serve an occupant load of 15 persons or less may serve both sexes. Such toilet facilities must be equipped with a urinal.

(3) Nonwater-Carried Toilets. Nonwater-carried toilets, including, but not limited to, chemical or vault toilets or pit privies, must be constructed and located in accordance with the requirements of the Department of Environmental Quality.

[Publications: Publications referenced are available from the agency.]

[NOTE: Table referenced is not included in rule text.]

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCD 12-2018, amend filed 06/21/2018, effective 07/01/2018
BCA 7-1988, f. & ef. 4-1-88, Renumbered from 814-029-0095
BCA 10-1987, f. & ef. 9-18-87

918-650-0055
Special Rules for Overnight Campgrounds

(1) Spacing. Each camping space must be large enough to accommodate the designated class of recreational vehicle or tent and be located a minimum of ten feet from any other camping space, building or building appurtenance or any boundary line abutting upon a public street or highway, and five feet from any property line. The space area must be designed to minimize the obstruction of any public or private roadway or walkway by vehicles or tents.

(2) Faucets. Camping space faucets and hydrants must be equipped with an approved back flow prevention device as required by the Oregon Plumbing Specialty Code.

(3) Gray Water Waste Disposal System. Recreation parks which supply water must provide a sewage disposal system or a gray water waste disposal sump for each six spaces that meets the requirements of the Department of Environmental Quality.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0100

918-650-0060
Special Rules for Organizational Camps

Sleeping Spaces. Permanently installed beds or bunks must have:

(1) A minimum of 30 inches of lateral separation between beds and a minimum of 30-inch vertical separation between tiers of beds or between the top tier and the ceiling.

(2) A maximum of two tiers of bunks.

(3) Not less than ten inches of space between the floor and the underside of the beds. In lieu of such space, a bed may have a continuous base which is attached to the floor.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0105

918-650-0065
Temporary Recreation Parks

(1) The building official may exempt any requirement of these rules regarding toilets, waste water disposal, spacing or plan review and plan review fees, to meet special short-term campground needs if public health will not be endangered.

(2) Exemptions issued under this rule expire on the date stated in the exemption, but no exemption is valid for more than six months.

(3) The building official may establish reasonable conditions for the operation of a temporary park.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 8-1993, f. 4-29-93, cert. ef. 5-1-93
Reverted to BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0109
BCA 15-1992(Temp), f. & cert. ef. 8-7-92
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0109

918-650-0070
Alternate, Materials and Interpretations; Appeals

(1) These rules are not intended to prevent the use of any alternate material, design, or method of construction for recreation parks or organizational camps which the rules do not specifically prescribe, provided that the building official has approved such alternate.

(2) Modifications. Wherever there are practical difficulties involved in carrying out the provisions of these rules, the building official may grant modifications for individual cases, provided the building official:

(a) Determines that a special individual reason makes the strict compliance with the letter of OAR 918, division 650 impractical;

(b) Ensures that the modification does not lessen any fire protection requirements or any degree of structural integrity or create any health or safety hazards; and

(c) Maintains the details of any such action granting modifications in the files of the municipality.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0110

918-650-0075
Existing Parks

(1) Parks or camps existing prior to September 18, 1987 may have their existing use continued if the use was legal at the time of construction, provided that this continued use is not a threat to life, health, property, and general welfare of the public and is maintained in a safe and healthful condition.

(2) Any alteration to a recreation park or organizational camp must comply with the requirements of ORS Chapter 446 and these rules for new parks or camps.

Statutory/Other Authority: ORS 455.020, 455.110 & 455.680
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0115

918-650-0080
Enforcement

(1)(a) As set forth in ORS 455.680, the permit issuing authority with respect to the construction of recreation parks and organizational camps is the Division;

(b) Delegation to municipalities. The Division may delegate to any municipality which requests any of the authority, responsibilities and functions of the Division relating to recreational parks, organizational camps and picnic parks as defined in ORS 446.310, including but not limited to plan review and sanitation inspections if the Division determined that the municipality is willing and able to carry out the rules of the Division relating to such authority, responsibilities and functions. The Division may review and monitor a municipality's performance under this subsection. In accordance with 183.310 to 183.550, the Division may suspend or rescind a delegation under this subsection. If it is determined that a municipality is not carrying out such rules or the delegation is suspended, the unexpended portion of the fees collected under OAR 918-650-0030(4)(a) must be available to the Division for carrying out the authority, responsibility and functions under this section;

(2) Plan Review and Inspection. The building official must perform plan reviews and construction inspections to assure that the construction complies with the approved plans.

(3) Correction Notice for Violations. All deviations from the requirements of the statutes or these rules must be specified in writing and a copy furnished to the permittee. An additional copy of this notice may be posted at the site of work or mailed or delivered to the permittee or the permittee's agent at the address shown on the permit. The building official may provide information as to the meaning or application of the statutes or rule. Refusal, failure or neglect to correct deviations from the minimum standards specified in the notice of violation within 20 days of receipt or posting of the notice of violation may be considered a separate violation of the statutes or these rules.

(4) Stop Orders. Whenever any work is being done contrary to the provisions of these rules, the building official may order the work stopped by notice in writing served on any person engaged in causing such installation to be made, or by posting a copy thereof at the site of the installation, and thereafter no person may proceed with the work until authorized to do so by the building official.

(5) Suspension or Revocation The building official may, in writing, suspend or revoke a permit issued under these rules, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any rules, regulations or statute.

(6) Right of Entry. Whenever it may be necessary to make an inspection to enforce any provision of these rules, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition which makes that building or those premises unsafe under these rules, the building official may enter that building or those premises at any reasonable time to inspect them or to perform any duty imposed upon the building official by these rules. If that building or those premises be occupied, the building official must first present proper credentials and demand entry; and if that building or those premises be unoccupied, the building official must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official may have recourse to every remedy provided by law to secure entry.

(7) Appeals.

(a) Any person aggrieved by the final decision of a municipal appeals board or of a subordinate officer of the Division as to the application of any provision of these rules may, within 30 days after the date of the decision, appeal that decision as provided for in ORS 455.690.

(b) Alternate appeals process. A person aggrieved by a decision made by a building official may appeal the decision as specified in ORS 455.475.

Statutory/Other Authority: ORS 455.020, 455.110, 455.475, 455.680 & 455.690
Statutes/Other Implemented: ORS 455.680
History:
BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11
BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0121

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82nd OREGON LEGISLATIVE ASSEMBLY--2024 Regular Session

A-Engrossed
Senate Bill 1537

Ordered by the Senate February 16
Including Senate Amendments dated February 16

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Office of the Governor)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act establishes a housing office to support and enforce housing laws; lets home builders use updated local rules; awards lawyer fees for more housing appeals; assists with infrastructure for housing; creates a fund for grants to developers of affordable housing; makes cities approve changes to housing rules; makes cities expedite applications to build housing; lets cities change their growth boundaries; and gives money to DLCD, BO and OHCS for this Act. (Flesch Readability Score: 62.4).

[*Digest: The Act establishes HAPO to support and enforce housing laws; lets home builders use updated local rules; awards additional lawyer fees for housing appeals; gives grants and loans to encourage home building; creates a fund for grants to developers of affordable housing; makes cities approve changes to housing rules; makes cities expedite applications to build housing; lets cities change their growth boundaries; and gives money to DLCD, BO and OHCS for this Act. (Flesch Readability Score: 63.0).*]

Requires the Department of Land Conservation and Development and the Department of Consumer and Business Services to jointly establish and administer the Housing Accountability and Production Office. Requires the office to assist local governments and housing developers with housing laws. Authorizes the office to take certain actions to enforce housing laws. Becomes operative on July 1, 2025.

Allows a housing developer with a pending application to opt in to amended local land use regulations.

Expands eligibility for attorney fees [*for the*] **on** appeal of **the approval of** a residential development proposal to include local governments and all [*needed*] housing.

[*Establishes grant and loan programs within the Oregon Infrastructure Finance Authority, Oregon Business Development Department and Housing and Community Services Department to support housing development.*]

Creates the Housing Infrastructure Support Fund to allow the Oregon Business Development Department to provide capacity and support to local governments in developing infrastructure to support residential development.

Requires the Department of Land Conservation and Development to biennially report to the Legislative Assembly on proposed infrastructure projects that may support residential development.

Authorizes cities and counties to adopt a program for awarding grants to developers of affordable housing and moderate income housing projects to finance certain costs associated with such housing projects. Directs the Housing and Community Services Department to develop a revolving loan program to make interest-free loans to participating cities and counties to fund the grants. Imposes an annual fee on each grantee developer in repayment of the loans. Provides for the distribution of the fee moneys first to fire districts for ad valorem property taxes and then to the department in repayment of the loan that funded the grant awarded to the developer.

Requires local governments to approve certain adjustments to land use regulations for housing development within an urban growth boundary **as a limited land use decision**. [*Establishes alternate appellate procedures for the adjustments.*] Establishes an exemption process. Requires reporting to the Department of Land Conservation and Development on the use of adjustments. Requires the department to report biennially to an interim committee of the Legislative Assembly. Sunsets on January 2, 2032.

Requires local governments to process certain applications relating to housing development as limited land use decisions. [*Sunsets on January 2, 2032.*]

Develops alternative processes to amend urban growth boundaries to include up to [*150*] **100** net residential acres per city. Provides for limitations and review by counties, Metro and the Department of Land Conservation and Development and the courts. Sunsets on January 2, 2033.

Appropriates moneys to the Oregon Business Development Department, Housing and Community

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

Services Department and Department of Land Conservation and Development for purposes of the Act.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to housing; creating new provisions; amending ORS 183.471, 197.015, 197.195, 197.335, 197.843, 215.427, 227.178 and 455.770; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

HOUSING ACCOUNTABILITY AND PRODUCTION OFFICE

SECTION 1. Housing Accountability and Production Office. (1) The Department of Land Conservation and Development and the Department of Consumer and Business Services shall enter into an interagency agreement to establish and administer the Housing Accountability and Production Office.

(2) The Housing Accountability and Production Office shall:

(a) Provide technical assistance, including assistance through grants, to local governments to:

(A) Comply with housing laws;

(B) Reduce permitting and land use barriers to housing production; and

(C) Support reliable and effective implementation of local procedures and standards relating to the approval of residential development projects.

(b) Serve as a resource, which includes providing responses to requests for technical assistance with complying with housing laws, to:

(A) Local governments, as defined in ORS 174.116; and

(B) Applicants for land use and building permits for residential development who are experiencing permitting and land use barriers related to housing production.

(c) Investigate and respond to complaints of violations of housing laws under section 2 of this 2024 Act.

(d) Establish best practices related to model codes, typical drawings and specifications as described in ORS 455.062, procedures and practices by which local governments may comply with housing laws.

(e) Provide optional mediation of active disputes relating to housing laws between a local government and applicants for land use and building permits for residential development, including mediation under ORS 197.860.

(f) Coordinate agencies that are involved in the housing development process, including, but not limited to, the Department of Land Conservation and Development, Department of Consumer and Business Services, Housing and Community Services Department and Oregon Business Development Department, to enable the agencies to support local governments and applicants for land use and building permits for residential development by identifying state agency technical and financial resources that can address identified housing development and feasibility barriers.

(g) Establish policy and funding priorities for state agency resources and programs for the purpose of addressing barriers to housing production, including, but not limited to, making recommendations for moneys needed for the purposes of section 35 of this 2024 Act.

(3) The Land Conservation and Development Commission and the Department of Con-

sumer and Business Services shall coordinate in adopting, amending or repealing rules for:

(a) Carrying out the respective responsibilities of the departments and the office under sections 1 to 5 of this 2024 Act.

(b) Model codes, development plans, procedures and practices by which local governments may comply with housing laws.

(c) Establishing standards by which complaints are investigated and pursued.

(4) The office shall prioritize assisting local governments in voluntarily undertaking changes to come into compliance with housing laws.

(5) As used in sections 1 to 5 of this 2024 Act:

(a) "Housing law" means ORS chapter 197A and ORS 92.010 to 92.192, 92.830 to 92.845, 197.360 to 197.380, 197.475 to 197.493, 197.505 to 197.540, 197.660 to 197.670, 197.748, 215.402 to 215.438, 227.160 to 227.186, 455.148, 455.150, 455.152, 455.153, 455.156, 455.157, 455.165, 455.170, 455.175, 455.180, 455.185 to 455.198, 455.200, 455.202 to 455.208, 455.210, 455.220, 455.465 and 455.467 and administrative rules implementing those laws, to the extent that the law or rule imposes a mandatory duty on a local government or its officers, employees or agents and the application of the law or rule applies to residential development or pertains to a permit for a residential use or a division of land for residential purposes.

(b) "Residential" includes mixed-use residential development.

<u>SECTION 2.</u> <u>Office responses to violations of housing laws. (1) The Housing Accountability and Production Office shall establish a form or format through which the office receives allegations of local governments' violations of housing laws that impact housing production. For complaints that relate to a specific development project, the office may receive complaints only from the project applicant. For complaints not related to a specific development project, the office may receive complaints from any person within the local government's jurisdiction or the Department of Land Conservation and Development or the Department of Consumer and Business Services.**

(2)(a) Except as provided in paragraph (b) of this subsection, the office shall investigate suspected violations of housing laws or violations credibly alleged under subsection (1) of this section.

(b) The office shall develop consistent procedures to evaluate and determine the credibility of alleged violations of housing laws.

(c) If a complainant has filed a notice of appeal with the Land Use Board of Appeals or has initiated private litigation regarding any aspect of the application decision that was alleged to have been the subject of the housing law violation, the office may not further participate in the specific complaint or its appeal, except for:

(A) Providing agency briefs, including briefs under ORS 197.830 (8), to the board or the court;

(B) Providing technical assistance to the local government unrelated to the resolution of the specific complaint; or

(C) Mediation at the request of the local government and complainant, including mediation under ORS 197.860.

(3)(a) If the office has a reasonable basis to conclude that a violation was or is being committed, the office shall deliver written warning notice to the local government specifying the violation and any authority under this section that the office intends to invoke if the violation continues or is not remedied. The notice must include an invitation to address or

remedy the suspected violation through mediation, the execution of a compliance agreement to voluntarily remedy the situation, the adoption of suitable model codes developed by the office under section 1 (3)(b) of this 2024 Act or other remedies suitable to the specific violation.

(b) The office shall prioritize technical assistance funding to local governments that agree to comply with housing laws under this subsection.

(c) A determination by the office is not a legislative, judicial or quasi-judicial decision.

(4) No earlier than 60 days after a warning notice is delivered under subsection (3) of this section, the office may:

(a) Initiate a request for an enforcement order of the Land Conservation and Development Commission by delivering a notice of request under section 3 (3) of this 2024 Act.

(b) Seek a court order against a local government as described under ORS 455.160 (3) without being adversely affected or serving the demand as described in ORS 455.160 (2).

(c) Notwithstanding ORS 197.090 (2)(b) to (e), participate in and seek review of a matter under ORS 197.090 (2)(a) that pertains to housing laws without the notice or consent of the commission. No less than once every two years, the office shall report to the commission on the matters in which the office participated under this paragraph.

(d) Except regarding matters under the exclusive jurisdiction of the Land Use Board of Appeals, apply to a circuit court for an order compelling compliance with any housing law. If the court finds that the defendant is not complying with a housing law, the court may grant an injunction requiring compliance.

(5) The office may not, in the name of the office, exercise the authority of the Department of Land Conservation and Development under ORS 197A.130.

(6) The office shall send notice to each complainant under subsection (1) of this section at the time that the office:

(a) Takes any action under subsection (3) or (4) of this section; or

(b) Has determined that it will not take further actions or make further investigations.

(7) The actions authorized of the office under this section are in addition to and may be exercised in conjunction with any other investigative or enforcement authority that may be exercised by the Department of Land Conservation and Development, the Land Conservation and Development Commission or the Department of Consumer and Business Services.

(8) Nothing in this section:

(a) Amends the jurisdiction of the Land Use Board of Appeals or of a circuit court;

(b) Creates a new cause of action; or

(c) Tolls or extends:

(A) The statute of limitations for any claim; or

(B) The deadline for any appeal or other action.

SECTION 3. Office enforcement orders. (1) The Housing Accountability and Production Office may request an enforcement order under section 2 (4)(a) of this 2024 Act requiring that a local government take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions or actions into compliance with a housing law, except for a housing law that pertains to the state building code or the administration of the code.

(2) Except as otherwise provided in this section, a request for an enforcement order by the office is subject to the applicable provisions of ORS 197.335 and ORS chapter 183 and is

not subject to ORS 197.319, 197.324 or 197.328.

(3) The office shall make a request for an enforcement order under this section by delivering a notice to the local government that states the grounds for initiation and summarizes the procedures for the enforcement order proceeding along with a copy of the notice to the Land Conservation and Development Commission. A decision of the office to initiate an enforcement order is not subject to appeal.

(4) After receiving notice of an enforcement order request under subsection (3) of this section, the local government shall deliver a notice to an affected applicant, if any, in substantially the following form:

NOTICE: The Housing Accountability and Production Office has found good cause for an enforcement proceeding against _____ (name of local government). An enforcement order may be adopted that could limit, prohibit or require the application of specified criteria to any action authorized by this decision but not applied for until after the adoption of the enforcement order. Future applications for building permits or time extensions may be affected.

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(5) Within 14 days after receipt by the commission of the notice under subsection (3) of this section, the Director of the Department of Land Conservation and Development shall assign the enforcement order proceedings to a hearings officer who is:

(a) An administrative law judge assigned under ORS 183.635; or

(b) A hearings officer randomly selected from a pool of officers appointed by the commission to review proceedings initiated under this section.

(6) The hearings officer shall schedule a contested case hearing within 60 days of the delivery of the notice to the commission under subsection (3) of this section.

(7)(a) The hearings officer shall prepare a proposed enforcement order or order of dismissal, including recommended findings and conclusions of law.

(b) A proposed enforcement order may require the local government to take any necessary action to comply with housing laws that is suitable to address the basis for the proposed enforcement order, including requiring the adoption or application of suitable models that have been developed by the office under section 1 (3)(b) of this 2024 Act.

(c) The hearings officer must issue and serve the proposed enforcement order on the office and all parties to the hearing within 30 days of the date the record closed.

(8)(a) The proposed enforcement order becomes a final order of the commission 14 days after service on the office and all parties to the hearing, unless the office or a party to the hearing appeals the proposed enforcement order to the commission prior to the proposed enforcement order becoming final.

(b) If the proposed enforcement order is appealed, the commission shall consider the matter at:

(A) Its next regularly scheduled meeting; or

(B) If the appeal is made 45 or fewer days prior to the next regularly scheduled meeting, at the following regularly scheduled meeting or a special meeting held earlier.

(9) The commission shall affirm, affirm with modifications or reverse the proposed

enforcement order. The commission shall issue a final order no later than 30 days after the meeting at which it considered the matter.

(10) The commission may adopt rules administering this section, including rules related to standing, preserving issues for commission review or other provisions concerning the commission's scope and standard for review of proposed enforcement orders under this section.

SECTION 4. Housing Accountability and Production Office Fund. (1) The Housing Accountability and Production Office Fund is established in the State Treasury, separate and distinct from the General Fund.

(2) The Housing Accountability and Production Office Fund consists of moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise.

(3) Interest earned by the fund shall be credited to the fund.

(4) Moneys in the fund are continuously appropriated to the Department of Land Conservation and Development to administer the fund, to operate the Housing Accountability and Production Office and to implement sections 1 to 5 of this 2024 Act.

SECTION 5. Reporting. On or before September 15, 2026, the Housing Accountability and Production Office shall:

(1) Contract with one or more organizations possessing relevant expertise to produce a report identifying improvements in the local building plan review approval, design review approval, land use, zoning and permitting processes, including but not limited to plan review approval timelines, process efficiency, local best practices and other ways to accelerate and improve the efficiency of the development process for construction, with a focus on increasing housing production.

(2) Produce a report based on a study by the office of state and local timelines and standards related to public works and building permit application review and develop recommendations for changes to reduce complexity, delay or costs that inhibit housing production, including an evaluation of their effect on the feasibility of varying housing types and affordability levels.

(3) Produce a report summarizing state agency plans, policies and programs related to reducing or eliminating regulatory barriers to the production of housing. The report must also include recommendations on how state agencies may prioritize resources and programs to increase housing production.

(4) Provide the reports under subsections (1) to (3) of this section to one or more appropriate interim committees of the Legislative Assembly in the manner provided in ORS 192.245.

SECTION 6. Sunset. Section 5 of this 2024 Act is repealed on January 2, 2027.

SECTION 7. Operative and applicable dates. (1) Sections 2 and 3 of this 2024 Act become operative on July 1, 2025.

(2) Sections 2 and 3 of this 2024 Act apply only to violations of housing laws occurring on or after July 1, 2025.

(3) The Department of Land Conservation and Development and Department of Consumer and Business Services may take any action before the operative date specified in subsection (1) of this section that is necessary for the departments or the Housing Accountability and Production Office to exercise, on and after the operative date, all of the duties, functions and

powers conferred by sections 1 to 5, 35, 39 and 46 of this 2024 Act.

OPTING IN TO AMENDED HOUSING REGULATIONS

SECTION 8. ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section and ORS 197A.470 upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information[*, as described in subsection (2) of this section,*] within 180 days of the date the application was first submitted [*and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251*], approval or denial of the application [*shall be based*] **must be based:**

(A) Upon the standards and criteria that were applicable at the time the application was first submitted[.]**; or**

(B) For an application relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.

(b) If an applicant requests review under different standards as provided in paragraph (a)(B) of this subsection:

(A) For the purposes of this section, any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request;

(B) For the purposes of this section and ORS 197A.470 the application is not deemed complete until:

(i) The county determines that additional information is not required under subsection (2) of this section; or

(ii) The applicant makes a submission under subsection (2) of this section in response to a county's request;

(C) A county may deny a request under paragraph (a)(B) of this subsection if:

(i) The county has issued a public notice of the application; or

(ii) A request under paragraph (a)(B) of this subsection was previously made; and

(D) The county may not require that the applicant:

(i) Pay a fee, except to cover additional costs incurred by the county to accommodate the

request;

(ii) Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or

(iii) Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.

[*(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.*]

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section or the 100-day period set in ORS 197A.470 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section and the 100-day period set in ORS 197A.470 do not apply to:

(a) A decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610; or

(b) A decision of a county involving an application for the development of residential structures within an urban growth boundary, where the county has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 215.429 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

SECTION 9. ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section or ORS 197A.470 upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted [*and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251*], approval or denial of the application [*shall*] **must** be based**:**

(A) Upon the standards and criteria that were applicable at the time the application was first submitted[.]**; or**

(B) For an application relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.

(b) If an applicant requests review under different standards as provided in paragraph (a)(B) of this subsection:

(A) For the purposes of this section, any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request;

(B) For the purposes of this section and ORS 197A.470 the application is not deemed complete until:

(i) The city determines that additional information is not required under subsection (2) of this section; or

(ii) The applicant makes a submission under subsection (2) of this section in response to a city's request;

(C) A city may deny a request under paragraph (a)(B) of this subsection if:

(i) The city has issued a public notice of the application; or

(ii) A request under paragraph (a)(B) of this subsection was previously made; and

(D) The city may not require that the applicant:

(i) Pay a fee, except to cover additional costs incurred by the city to accommodate the

request;

(ii) Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or

(iii) Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.

[*(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.*]

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section or the 100-day period set in ORS 197A.470 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section and the 100-day period set in ORS 197A.470 do not apply to:

(a) A decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610; or

(b) A decision of a city involving an application for the development of residential structures within an urban growth boundary, where the city has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee; or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

ATTORNEY FEES FOR NEEDED HOUSING CHALLENGES

SECTION 10. ORS 197.843 is amended to read:

197.843. (1) The Land Use Board of Appeals shall award attorney fees to**:**

(a) An applicant whose application is only for the development of affordable housing[*, as defined in ORS 197A.445, or publicly supported housing, as defined in ORS 456.250*], if the board [*affirms a quasi-judicial land use decision approving the application or*] reverses a quasi-judicial land use decision denying the application[.]**;**

(b) An applicant whose application is only for the development of housing and was approved by the local government, if the board affirms the decision; and

(c) The local government that approved a quasi-judicial land use decision described in paragraph (b) of this subsection.

(2) A party who was awarded attorney fees under this section or ORS 197.850 shall repay the fees plus any interest from the time of the judgment if the property upon which the fees are based is developed for a use other than [*affordable*] **the proposed** housing.

(3) As used in this section:

[*(a) "Applicant" includes:*]

[*(A) An applicant with a funding reservation agreement with a public funder for the purpose of developing publicly supported housing;*]

[*(B) A housing authority, as defined in ORS 456.005;*]

[*(C) A qualified housing sponsor, as defined in ORS 456.548;*]

[*(D) A religious nonprofit corporation;*]

[*(E) A public benefit nonprofit corporation whose primary purpose is the development of affordable housing; and*]

[*(F) A local government that approved the application of an applicant described in this paragraph.*]

(a) "Affordable housing" means affordable housing, as defined in ORS 197A.445, or publicly supported housing, as defined in ORS 456.250.

(b) "Attorney fees" includes prelitigation legal expenses, including preparing **and processing** the application and supporting the application in local land use hearings or proceedings.

SECTION 11. Operative and applicable dates. (1) The amendments to ORS 197.843 by section 10 of this 2024 Act become operative on January 1, 2025.

(2) The amendments to ORS 197.843 by section 10 of this 2024 Act apply to decisions for which a notice of intent to appeal under ORS 197.830 is filed on or after January 1, 2025.

INFRASTRUCTURE SUPPORTING HOUSING PRODUCTION

SECTION 12. Sections 13 and 14 of this 2024 Act are added to and made a part of ORS chapter 285A.

SECTION 13. Capacity and support for infrastructure planning. The Oregon Business Development Department shall provide capacity and support for infrastructure planning to municipalities to enable them to plan and finance infrastructure for water, sewers and sanitation, stormwater and transportation consistent with opportunities to produce housing units at densities defined in section 55 (3)(a)(C) of this 2024 Act. "Capacity and support" includes assistance with local financing opportunities, state and federal grant navigation, writing, review and administration, resource sharing, regional collaboration support and technical support, including engineering and design assistance and other capacity or support as the department may designate by rule.

SECTION 14. Housing Infrastructure Support Fund. (1) The Housing Infrastructure Support Fund is established in the State Treasury, separate and distinct from the General Fund.

(2) The Housing Infrastructure Support Fund consists of moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise.

(3) Interest earned by the fund shall be credited to the fund.

(4) Moneys in the fund are continuously appropriated to the Oregon Business Development Department to administer the fund and to implement section 13 of this 2024 Act.

SECTION 15. Sunset. (1) Sections 13 and 14 of this 2024 Act are repealed on January 2, 2030.

(2) Any unobligated moneys in the Housing Infrastructure Support Fund on January 2, 2030, must be transferred to the General Fund for general governmental purposes.

SECTION 16. Infrastructure recommendation reporting. (1) The Department of Land Conservation and Development shall adopt, and periodically update, assessment metrics by which to score infrastructure projects of local governments, as defined in ORS 174.116. Scored projects must contribute to the development of housing within an urban growth boundary. The metrics may include:

(a) The total costs of the infrastructure project;

(b) The total number of anticipated developed dwelling units;

(c) The population within the jurisdiction of the local government; and

(d) The anticipated time for completion of the infrastructure project and any associated housing projects.

(2) The department shall develop a form by which local governments may submit proposed infrastructure projects for assessment under this section.

(3) On or before September 15 of each even-numbered year, the department shall provide a report to an appropriate interim committee of the Legislative Assembly in the manner provided in ORS 192.245 on received infrastructure project proposals and the department's assessment of each project.

NOTE: Sections 17 through 23 were deleted by amendment. Subsequent sections were not renumbered.

HOUSING PROJECT REVOLVING LOANS

SECTION 24. As used in sections 24 to 35 of this 2024 Act:

(1) "Assessor," "tax collector" and "treasurer" mean the individual filling that county office so named or any county officer performing the functions of the office under another name.

(2) "County tax officers" and "tax officers" mean the assessor, tax collector and treasurer of a county.

(3) "Eligible costs" means the following costs associated with an eligible housing project:

(a) Infrastructure costs, including, but not limited to, system development charges;

(b) Predevelopment costs;

(c) Construction costs; and

(d) Land write-downs.

(4) "Eligible housing project" means a project to construct housing, or to convert a building from a nonresidential use to housing, that is:

(a) Affordable to households with low income or moderate income as those terms are defined in ORS 458.610;

(b) If for-sale property, a single-family dwelling, middle housing as defined in ORS 197A.420 or a multifamily dwelling that is affordable as described in paragraph (a) of this subsection continuously from initial sale for a period, to be established by the Housing and Community Services Department and the sponsoring jurisdiction, of not less than the term of the loan related to the for-sale property; or

(c) If rental property:

(A)(i) Middle housing as defined in ORS 197A.420;

(ii) A multifamily dwelling;

(iii) An accessory dwelling unit as defined in ORS 215.501; or

(iv) Any other form of affordable housing or moderate income housing; and

(B) Rented at a monthly rate that is affordable to households with an annual income not greater than 120 percent of the area median income, such affordability to be maintained for a period, to be established by the department and the sponsoring jurisdiction, of not less than the term of the loan related to the rental property.

(5) "Eligible housing project property" means the taxable real and personal property

constituting the improvements of an eligible housing project.

(6) "Fee payer" means, for any property tax year, the person responsible for paying ad valorem property taxes on eligible housing project property to which a grant awarded under section 29 of this 2024 Act relates.

(7) "Fire district taxes" means property taxes levied by fire districts within whose territory all or a portion of eligible housing project property is located.

(8) "Nonexempt property" means property other than eligible housing project property in the tax account that includes eligible housing project property.

(9) "Nonexempt taxes" means the ad valorem property taxes assessed on nonexempt property.

(10) "Sponsoring jurisdiction" means:

(a)(A) A city with respect to eligible housing projects located within the city boundaries; or

(B) A county with respect to eligible housing projects located in urban unincorporated areas of the county; or

(b) The governing body of a city or county described in paragraph (a) of this subsection.

SECTION 25. (1)(a) A sponsoring jurisdiction may adopt by ordinance or resolution a program under which the sponsoring jurisdiction awards grants to developers for eligible costs.

(b) Before adopting the program, the sponsoring jurisdiction shall consult with the governing body of any city or county with territory inside the boundaries of the sponsoring jurisdiction.

(2) The ordinance or resolution shall set forth:

(a) The kinds of eligible housing projects for which a developer may seek a grant under the program; and

(b) Any eligibility requirements to be imposed on projects and developers in addition to those required under sections 24 to 35 of this 2024 Act.

(3) A grant award:

(a) Shall be in the amount determined under section 26 (3) of this 2024 Act; and

(b) May include reimbursement for eligible costs incurred for up to 12 months preceding the date on which the eligible housing project received local site approval.

(4) Eligible housing project property for which a developer receives a grant for eligible costs may not be granted any exemption, partial exemption or special assessment of ad valorem property taxes other than the exemption granted under section 30 of this 2024 Act.

(5) A sponsoring jurisdiction may amend an ordinance or resolution adopted pursuant to this section at any time. The amendments shall apply only to applications submitted under section 26 of this 2024 Act on or after the effective date of the ordinance or resolution.

SECTION 26. (1)(a) A sponsoring jurisdiction that adopts a grant program pursuant to section 25 of this 2024 Act shall prescribe an application process, including forms and deadlines, by which a developer may apply for a grant with respect to an eligible housing project.

(b) An application for a grant must include, at a minimum:

(A) A description of the eligible housing project;

(B) A detailed explanation of the affordability of the eligible housing project;

(C) An itemized description of the eligible costs for which the grant is sought;

(D) The proposed schedule for completion of the eligible housing project;

(E) A project pro forma demonstrating that the project would not be economically feasible but for receipt of the grant moneys; and

(F) Any other information, documentation or attestation that the sponsoring jurisdiction considers necessary or convenient for the application review process.

(c)(A) The project pro forma under paragraph (b)(E) of this subsection shall be on a form provided to the sponsoring jurisdiction by the Housing and Community Services Department and made available to grant applicants.

(B) The department may enter into an agreement with a third party to develop the project pro forma template.

(2)(a) The review of an application under this section shall be completed within 90 days following the receipt of the application by the sponsoring jurisdiction.

(b) Notwithstanding paragraph (a) of this subsection:

(A) The sponsoring jurisdiction may in its sole discretion extend the review process beyond 90 days if the volume of applications would make timely completion of the review process unlikely.

(B) The sponsoring jurisdiction may consult with a developer about the developer's application, and the developer, after the consultation, may amend the application on or before a deadline set by the sponsoring jurisdiction.

(3) The sponsoring jurisdiction shall:

(a) Review each application;

(b) Request that the county tax officers provide to the sponsoring jurisdiction the amounts determined under section 27 of this 2024 Act;

(c) Set the term of the loan that will fund the grant award for a period not to exceed the greater of:

(A) Ten years following July 1 of the first property tax year for which the completed eligible housing project property is estimated to be taken into account; or

(B) If agreed upon by the sponsoring jurisdiction and the department, the period required for the loan principal and fees to be repaid in full;

(d) Set the amount of the grant that may be awarded to the developer under section 29 (2) of this 2024 Act by multiplying the increment determined under section 27 (1)(c) of this 2024 Act by the term of the loan; and

(e)(A) Provisionally approve the application as submitted;

(B) Provisionally approve the application on terms other than those requested in the application; or

(C) Reject the application.

(4)(a) The sponsoring jurisdiction shall forward provisionally approved applications to the Housing and Community Services Department.

(b) The department shall review the provisionally approved applications for completeness, including, but not limited to, the completeness of the project pro forma submitted with the application under subsection (1)(b)(E) of this section and the amounts computed under section 27 (1) of this 2024 Act and notify the sponsoring jurisdiction of its determination.

(5)(a) If the department has determined that a provisionally approved application is incomplete, the sponsoring jurisdiction may:

(A) Consult with the applicant developer and reconsider the provisionally approved application after the applicant revises it; or

(B) Reject the provisionally approved application.

(b) If the department has determined that a provisionally approved application is complete, the approval shall be final.

(c) The sponsoring jurisdiction shall notify each applicant and the department of the final approval or rejection of an application and the amount of the grant award.

(d) The rejection of an application and the amount of a grant award may not be appealed, but a developer may reapply for a grant at any time within the applicable deadlines of the grant program for the same or another eligible housing project.

(6) Upon request by a sponsoring jurisdiction, the department may assist the sponsoring jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this section.

SECTION 27. (1) Upon request of the sponsoring jurisdiction under section 26 (3)(b) of this 2024 Act, the assessor of the county in which is located the eligible housing project to which an application being reviewed under section 26 of this 2024 Act relates shall:

(a) Using the last certified assessment roll for the property tax year in which the application is received under section 26 of this 2024 Act:

(A) Determine the amount of property taxes assessed against all tax accounts that include the eligible housing project property; and

(B) Subtract the amount of operating taxes as defined in ORS 310.055 and local option taxes as defined in ORS 310.202 levied by fire districts from the amount determined under subparagraph (A) of this paragraph.

(b) For the first property tax year for which the completed eligible housing project property is estimated to be taken into account:

(A) Determine the estimated amount of property taxes that will be assessed against all tax accounts that include the eligible housing project property; and

(B) Subtract the estimated amount of operating taxes and local option taxes levied by fire districts from the amount determined under subparagraph (A) of this paragraph.

(c) Determine the amount of the increment that results from subtracting the amount determined under subsection (1)(a) of this section from the amount determined under subsection (1)(b) of this section.

(2) As soon as practicable after determining amounts under this section, the county tax officers shall provide written notice to the sponsoring jurisdiction of the amounts.

SECTION 28. (1)(a) The Housing and Community Services Department shall develop a program to make loans to sponsoring jurisdictions to fund grants awarded under the sponsoring jurisdiction's grant program adopted pursuant to section 25 of this 2024 Act.

(b) The loans shall be interest free for the term set by the sponsoring jurisdiction under section 26 (3)(c) of this 2024 Act.

(2) For each application approved under section 26 (5)(b) of this 2024 Act, the Housing and Community Services Department shall:

(a) Enter into a loan agreement with the sponsoring jurisdiction for a payment in an amount equal to the total of:

(A) Loan proceeds in an amount equal to the grant award for the application set under section 26 (3)(d) of this 2024 Act; and

(B) The administrative costs set forth in subsection (3) of this section; and

(b) Pay to the sponsoring jurisdiction the total amount set forth in paragraph (a) of this

subsection out of the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.

(3) The administrative costs referred to in subsection (2)(a)(B) of this section are:

(a) An amount not greater than five percent of the loan proceeds to reimburse the sponsoring jurisdiction for the costs of administering the grant program, other than the costs of tax administration; and

(b) An amount equal to one percent of the loan proceeds to be transferred to the county in which the sponsoring jurisdiction is situated to reimburse the county for the costs of the tax administration of the grant program by the county tax officers.

(4) The Housing and Community Services Department may assign any and all loan amounts made under this section to the Department of Revenue for collection as provided in ORS 293.250.

(5) The Housing and Community Services Department may:

(a) Consult with the Oregon Business Development Department about any of the powers and duties conferred on the Housing and Community Services Department by sections 24 to 35 of this 2024 Act; and

(b) Adopt any rule it considers necessary or convenient for the administration of sections 24 to 35 of this 2024 Act by the Housing and Community Services Department.

<u>SECTION 29.</u> (1) Upon entering into a loan agreement with the Housing and Community Services Department under section 28 of this 2024 Act, a sponsoring jurisdiction shall offer a grant agreement to each developer whose application was approved under section 26 (5)(b) of this 2024 Act.

(2) The grant agreement shall:

(a) Include a grant award in the amount set under section 26 (3)(d) of this 2024 Act; and

(b) Contain terms that:

(A) Are required under sections 24 to 35 of this 2024 Act or the ordinance or resolution adopted by the sponsoring jurisdiction pursuant to section 25 of this 2024 Act.

(B) Do not conflict with sections 24 to 35 of this 2024 Act or the ordinance or resolution adopted by the sponsoring jurisdiction pursuant to section 25 of this 2024 Act.

(3) Upon entering into a grant agreement with a developer, a sponsoring jurisdiction shall adopt an ordinance or resolution setting forth the details of the eligible housing project that is the subject of the agreement, including but not limited to:

(a) A description of the eligible housing project;

(b) An itemized description of the eligible costs;

(c) The amount and terms of the grant award;

(d) Written notice that the eligible housing project property is exempt from property taxation in accordance with section 30 of this 2024 Act; and

(e) A statement declaring that the grant has been awarded in response to the housing needs of communities within the sponsoring jurisdiction.

(4) Unless otherwise specified in the grant agreement, as soon as practicable after the ordinance or resolution required under subsection (3) of this section becomes effective, the sponsoring jurisdiction shall distribute the loan proceeds received from the department under section 28 (2)(a)(A) of this 2024 Act to the developer as the grant moneys awarded under this section.

(5) The sponsoring jurisdiction shall forward to the tax officers of the county in which

the eligible housing project is located a copy of the grant agreement, the ordinance or resolution and any other material the sponsoring jurisdiction considers necessary for the tax officers to perform their duties under sections 24 to 35 of this 2024 Act or the ordinance or resolution.

(6) Upon request, the department may assist the sponsoring jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this section.

SECTION 30. (1) Upon receipt of the copy of a grant agreement and ordinance or resolution from the sponsoring jurisdiction under section 29 (5) of this 2024 Act, the assessor of the county in which eligible housing project property is located shall:

(a) Exempt the eligible housing project property in accordance with this section;

(b) Assess and tax the nonexempt property in the tax account as other similar property is assessed and taxed; and

(c) Submit a written report to the sponsoring jurisdiction setting forth the assessor's estimate of the amount of:

(A) The real market value of the exempt eligible housing project property; and

(B) The property taxes on the exempt eligible housing project property that would have been collected if the property were not exempt.

(2)(a) The exemption shall first apply to the first property tax year that begins after completion of the eligible housing project to which the grant relates.

(b) The eligible housing project property shall be disqualified from the exemption on the earliest of:

(A) July 1 of the property tax year immediately succeeding the date on which the fee payment obligation under section 32 of this 2024 Act that relates to the eligible housing project is repaid in full;

(B) The date on which the annual fee imposed on the fee payer under section 32 of this 2024 Act becomes delinquent;

(C) The date on which foreclosure proceedings are commenced as provided by law for delinquent nonexempt taxes assessed with respect to the tax account that includes the eligible housing project; or

(D) The date on which a condition specified in section 33 (1) of this 2024 Act occurs.

(c) After the eligible housing project property has been disqualified from the exemption under this subsection, the property shall be assessed and taxed as other similar property is assessed and taxed.

(3) For each tax year that the eligible housing project property is exempt from taxation, the assessor shall enter a notation on the assessment roll stating:

(a) That the property is exempt under this section; and

(b) The presumptive number of property tax years for which the exemption is granted, which shall be the term of the loan agreement relating to the eligible housing project set under section 26 (3)(c) of this 2024 Act.

SECTION 31. (1) Repayment of loans made under section 28 of this 2024 Act shall begin, in accordance with section 32 of this 2024 Act, after completion of the eligible housing project funded by the grant to which the loan relates.

(2)(a) The sponsoring jurisdiction shall determine the date of completion of an eligible housing project.

(b)(A) If an eligible housing project is completed before July 1 of the assessment year,

repayment shall begin with the property tax year that begins on July 1 of the assessment year.

(B) If an eligible housing project is completed on or after July 1 of the assessment year, repayment shall begin with the property tax year that begins on July 1 of the succeeding assessment year.

(c) After determining the date of completion under paragraph (a) of this subsection, the sponsoring jurisdiction shall notify the Housing and Community Services Department and the county tax officers of the determination.

(3) A loan shall remain outstanding until repaid in full.

SECTION 32. (1) The fee payer for eligible housing project property that has been granted exemption under section 30 of this 2024 Act shall pay an annual fee for the term that shall be the presumptive number of years for which the property is granted exemption under section 30 (3)(b) of this 2024 Act.

(2)(a) The amount of the fee for the first property tax year in which repayment of the loan is due under section 31 (1) of this 2024 Act shall equal the total of:

(A) The portion of the increment determined under section 27 (1)(c) of this 2024 Act that is attributable to the eligible housing project property to which the fee relates; and

(B) The administrative costs described in section 28 (3) of this 2024 Act divided by the term of the grant agreement entered into under section 29 of this 2024 Act.

(b) For each subsequent property tax year, the amount of the fee shall be 103 percent of the amount of the fee for the preceding property tax year.

(3)(a) Not later than July 15 of each property tax year during the term of the fee obligation, the sponsoring jurisdiction shall certify to the assessor each fee amount that became due under this section on or after July 16 of the previous property tax year from fee payers with respect to eligible housing projects located in the sponsoring jurisdiction.

(b) The assessor shall place each fee amount on the assessment and tax rolls of the county and notify:

(A) The sponsoring jurisdiction of each fee amount and the aggregate of all fee amounts imposed with respect to eligible housing project property located in the sponsoring jurisdiction.

(B) The Housing and Community Services Department of each fee amount and the aggregate of all fee amounts with respect to all eligible housing project property located in the county.

(4)(a) The assessor shall include on the tax statement of each tax account that includes exempt eligible housing project property the amount of the fee imposed on the fee payer with respect to the eligible housing project property.

(b) The fee shall be collected and enforced in the same manner as ad valorem property taxes, including nonexempt taxes, are collected and enforced.

(5)(a) For each property tax year in which a fee is payable under this section, the treasurer shall:

(A) Estimate the amount of operating taxes as defined in ORS 310.055 and local option taxes as defined in ORS 310.202 levied by fire districts that would have been collected on eligible housing project property if the property were not exempt;

(B) Distribute out of the fee moneys the amounts determined under subparagraph (A) of this paragraph to the respective fire districts when other ad valorem property taxes are

distributed under ORS 311.395; and

(C) Transfer the net fee moneys to the Housing and Community Services Department for deposit in the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act in repayment of the loans to which the fees relate.

(b) Nonexempt taxes shall be distributed in the same manner as other ad valorem property taxes are distributed.

(6) Any person with an interest in the eligible housing project property on the date on which any fee amount becomes due shall be jointly and severally liable for payment of the fee amount.

(7) Any loan amounts that have not been repaid when the fee payer has discharged its obligations in full under this section remain the obligation of the sponsoring jurisdiction that obtained the loan from the department under section 28 of this 2024 Act.

(8) Any fee amounts collected in excess of the loan amount shall be distributed in the same manner as other ad valorem property taxes are distributed.

SECTION 33. (1)(a) A developer that received a grant award under section 29 of this 2024 Act shall become liable for immediate payment of any outstanding annual fee payments imposed under section 32 of this 2024 Act for the entire term of the fee if:

(A) The developer has not completed the eligible housing project within three years following the date on which the grant moneys were distributed to the developer;

(B) The eligible housing project changes substantially from the project for which the developer's application was approved such that the project would not have been eligible for the grant; or

(C) The developer has not complied with a requirement specified in the grant agreement.

(b) The sponsoring jurisdiction may, in its sole discretion, extend the date on which the eligible housing project must be completed.

(2) If the sponsoring jurisdiction discovers that a developer willfully made a false statement or misrepresentation or willfully failed to report a material fact to obtain a grant with respect to an eligible housing project, the sponsoring jurisdiction may impose on the developer a penalty not to exceed 20 percent of the amount of the grant so obtained, plus any applicable interest and fees associated with the costs of collection.

(3) Any amounts imposed under subsection (1) or (2) of this section shall be a lien on the eligible housing project property and the nonexempt property in the tax account.

(4) The sponsoring jurisdiction shall provide written notice of any amounts that become due under subsections (1) and (2) of this section to the county tax officers and the Housing and Community Services Department.

(5)(a) Any and all amounts required to be paid under this section shall be considered to be liquidated and delinquent, and the Housing and Community Services Department shall assign such amounts to the Department of Revenue for collection as provided in ORS 293.250.

(b) Amounts collected under this subsection shall be deposited, net of any collection charges, in the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.

SECTION 34. (1) Not later than June 30 of each year in which a grant agreement entered into under section 29 of this 2024 Act is in effect, a developer that is party to the agreement shall submit a report to the sponsoring jurisdiction in which the eligible housing project is located that contains:

(a) The status of the construction or conversion of the eligible housing project property, including an estimate of the date of completion;

(b) An itemized description of the uses of the grant moneys; and

(c) Any information the sponsoring jurisdiction considers important for evaluating the eligible housing project and the developer's performance under the terms of the grant agreement.

(2) Not later than August 15 of each year, each sponsoring jurisdiction shall submit to the Housing and Community Services Department a report containing such information relating to eligible housing projects within the sponsoring jurisdiction as the department requires.

(3)(a) Not later than November 15 of each year, the department shall submit, in the manner required under ORS 192.245, a report to the interim committees of the Legislative Assembly related to housing.

(b) The report shall set forth in detail:

(A) The information received from sponsoring jurisdictions under subsection (2) of this section;

(B) The status of the repayment of all outstanding loans made under section 28 of this 2024 Act and of the payment of all fees imposed under section 32 of this 2024 Act and all amounts imposed under section 33 of this 2024 Act; and

(C) The cumulative experience of the program developed and implemented under sections 24 to 35 of this 2024 Act.

(c) The report may include recommendations for legislation.

SECTION 35. (1) The Housing Project Revolving Loan Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Housing Project Revolving Loan Fund shall be credited to the fund.

(2) Moneys in the fund may be invested as provided by ORS 293.701 to 293.857, and the earnings from the investments shall be credited to the fund.

(3) Moneys in the Housing Project Revolving Loan Fund shall consist of:

(a) Amounts appropriated or otherwise transferred or credited to the fund by the Legislative Assembly;

(b) Net fee moneys transferred under section 32 of this 2024 Act;

(c) Amounts deposited in the fund under section 33 of this 2024 Act;

(d) Interest and other earnings received on moneys in the fund; and

(e) Other moneys or proceeds of property from any public or private source that are transferred, donated or otherwise credited to the fund.

(4) Moneys in the Housing Project Revolving Loan Fund are continuously appropriated to the Housing and Community Services Department for the purpose of paying amounts determined under section 28 of this 2024 Act.

(5) Moneys in the Housing Project Revolving Loan Fund at the end of a biennium shall be retained in the fund and used for the purposes set forth in subsection (4) of this section.

SECTION 36. (1) The Housing and Community Services Department shall have developed and begun operating the loan program that the department is required to develop under section 28 of this 2024 Act, including regional trainings and outreach for jurisdictional partners, no later than June 30, 2025.

(2) In the first two years in which the loan program is operating, the department may

not expend an amount in excess of two-thirds of the moneys appropriated to the department for the purpose under section 62 of this 2024 Act.

HOUSING LAND USE ADJUSTMENTS

SECTION 37. Sections 38 to 41 of this 2024 Act are added to and made a part of ORS chapter 197A.

SECTION 38. Mandatory adjustment to housing development standards. (1) As used in sections 38 to 41 of this 2024 Act:

(a) "Adjustment" means a deviation from an existing land use regulation.

(b) "Adjustment" does not include:

(A) A request to allow a use of property not otherwise permissible under applicable zoning requirements;

(B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources;

(C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or

(D) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.

(2) Except as provided in section 39 of this 2024 Act, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section. An application qualifies for an adjustment under this section only if the following conditions are met:

(a) The application is for a building permit or a quasi-judicial, limited or ministerial land use decision;

(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;

(c) The residential development is for densities not less than those required under section 55 (3)(a)(C) of this 2024 Act;

(d) The development is within an urban growth boundary, not including lands that have not been annexed by a city;

(e) The development is of net new housing units in new construction projects, including:

(A) Single-family or multifamily;

(B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses;

(C) Manufactured dwelling parks;

(D) Accessory dwelling units; or

(E) Middle housing as defined in ORS 197A.420;

(f) The application requests not more than 10 distinct adjustments to development standards as provided in this section. A "distinct adjustment" means:

(A) An adjustment to one of the development standards listed in subsection (4) of this

section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; or

(B) An adjustment to one of the development standards listed in subsection (5) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; and

(g) The application states how at least one of the following criteria apply:

(A) The adjustments will enable development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;

(B) The adjustments will enable development of housing that reduces the sale or rental prices per residential unit;

(C) The adjustments will increase the number of housing units within the application;

(D) All of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30 years;

(E) At least 20 percent of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to low income households as defined in ORS 456.270 for a minimum of 60 years;

(F) The adjustments will enable the provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or

(G) All of the units in the application are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.

(3) A decision on an application for an adjustment made under this section is a limited land use decision. Only the applicant may appeal the decision. No notice of the decision is required if the application is denied, other than notice to the applicant. In implementing this subsection, a local government may:

(a) Use an existing process, or develop and apply a new process, that complies with the requirements of this subsection; or

(b) Directly apply the process set forth in this subsection.

(4) A local government shall grant an adjustment to the following development standards:

(a) Side or rear setbacks, for an adjustment of not more than 10 percent.

(b) For an individual development project, the common area, open space or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent.

(c) Parking minimums.

(d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths.

(e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:

(A) More dwelling units than would be allowed without the adjustment; and

(B) No reduction in density below the minimum applicable density.

(f) Building lot coverage requirements for up to a 10 percent adjustment.

(g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-

family housing and mixed-use residential housing:

(A) Requirements for bicycle parking that establish:

(i) The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; or

(ii) The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development;

(B) For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:

(i) Are in addition to existing applicable height bonuses, if any; and

(ii) Are not more than an increase of the greater of:

(I) One story; or

(II) A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;

(C) Unit density maximums, not more than an amount necessary to account for other adjustments under this section; and

(D) Prohibitions, for the ground floor of a mixed-use building, against:

(i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and

(ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.

(5) A local government shall grant an adjustment to design standards that regulate:

(a) Facade materials, color or pattern.

(b) Facade articulation.

(c) Roof forms and materials.

(d) Entry and garage door materials.

(e) Garage door orientation, unless the building is adjacent to or across from a school or public park.

(f) Window materials, except for bird-safe glazing requirements.

(g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.

(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential:

(A) Building orientation requirements, not including transit street orientation requirements.

(B) Building height transition requirements, not more than a 50 percent adjustment from the base zone.

(C) Requirements for balconies and porches.

(D) Requirements for recesses and offsets.

<u>SECTION 39.</u> <u>Mandatory adjustments exemption process.</u> (1) A local government may apply to the Housing Accountability and Production Office for an exemption to section 38 of this 2024 Act only as provided in this section. After the application is made, section 38 of this 2024 Act does not apply to the applicant until the office denies the application or revokes the exemption.

(2) To qualify for an exemption under this section, the local government must demonstrate that:

(a) The local government reviews requested design and development adjustments for all applications for the development of housing that are under the jurisdiction of that local government;

(b) All listed development and design adjustments under section 38 (4) and (5) of this 2024 Act are eligible for an adjustment under the local government's process; and

(c)(A) Within the previous 5 years the city has approved 90 percent of received adjustment requests; or

(B) The adjustment process is flexible and accommodates project needs as demonstrated by testimonials of housing developers who have utilized the adjustment process within the previous five years.

(3) Upon receipt of an application under this section, the office shall allow for public comment on the application for a period of no less than 45 days. The office shall enter a final order on the adjustment exemption within 120 days of receiving the application. The approval of an application may not be appealed.

(4) In approving an exemption, the office may establish conditions of approval requiring that the city demonstrate that it continues to meet the criteria under subsection (2) of this section.

(5) Local governments with an approved or pending exemption under this section shall clearly and consistently notify applicants, including prospective applicants seeking to request an adjustment, that are engaged in housing development:

(a) That the local government is employing a local process in lieu of section 38 of this 2024 Act;

(b) Of the development and design standards for which an applicant may request an adjustment in a housing development application; and

(c) Of the applicable criteria for the adjustment application.

(6) In response to a complaint and following an investigation, the office may issue an order revoking an exemption issued under this section if the office determines that the local government is:

(a) Not approving adjustments as required by the local process or the terms of the exemption;

(b) Engaging in a pattern or practice of violating housing-related statutes or implementing policies that create unreasonable cost or delays to housing production under ORS 197.320 (13)(a); or

(c) Failing to comply with conditions of approval adopted under subsection (4) of this section.

SECTION 40. Temporary exemption authority. Before January 1, 2025, notwithstanding section 39 of this 2024 Act:

(1) Cities may deliver applications for exemption under section 39 of this 2024 Act to the Department of Land Conservation and Development; and

(2) The Department of Land Conservation and Development may perform any action that the Housing Accountability and Production Office may take under section 39 of this 2024 Act. Decisions and actions of the department under this section are binding on the office.

SECTION 41. Reporting. (1) A city required to provide a report under ORS 197A.110 shall

include as part of that report information reasonably requested from the Department of Land Conservation and Development on residential development produced through approvals of adjustments granted under section 38 of this 2024 Act. The department may not develop a separate process for collecting this data or otherwise place an undue burden on local governments.

(2) On or before September 15 of each even-numbered year, the department shall provide a report to an interim committee of the Legislative Assembly related to housing in the manner provided in ORS 192.245 on the data collected under subsection (1) of this section. The committee shall invite the League of Oregon Cities to provide feedback on the report and the efficacy of section 38 of this 2024 Act.

SECTION 42. Operative date. Sections 38 to 41 of this 2024 Act become operative on January 1, 2025.

SECTION 43. Sunset. Sections 38 to 41 of this 2024 Act are repealed on January 2, 2032.

LIMITED LAND USE DECISIONS

SECTION 44. ORS 197.015 is amended to read:

197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the context requires otherwise:

(1) "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals.

(2) "Board" means the Land Use Board of Appeals.

(3) "Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

(4) "Commission" means the Land Conservation and Development Commission.

(5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

(6) "Department" means the Department of Land Conservation and Development.

(7) "Director" means the Director of the Department of Land Conservation and Development.

(8) "Goals" means the mandatory statewide land use planning standards adopted by the commission pursuant to ORS chapters 195, 196, 197 and 197A.

(9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs

and regulations in compliance with goals. Guidelines are advisory and do not limit state agencies, cities, counties and special districts to a single approach.

(10) "Land use decision":

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

(i) The goals;

(ii) A comprehensive plan provision;

(iii) A land use regulation; or

(iv) A new land use regulation;

(B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; or

(C) A decision of a county planning commission made under ORS 433.763;

(b) Does not include a decision of a local government:

(A) That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;

(B) That approves or denies a building permit issued under clear and objective land use standards;

(C) That is a limited land use decision;

(D) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;

(E) That is an expedited land division as described in ORS 197.360;

(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;

(G) That approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan; or

(H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the acknowledged comprehensive plan and land use regulations implementing the plan, if:

(i) The local government has already made a land use decision authorizing a use or activity that encompasses the proposed state agency action;

(ii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan; or

(iii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action requires a future land use review under the acknowledged comprehensive plan and land use regulations implementing the plan;

(c) Does not include a decision by a school district to close a school;

(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

(e) Does not include:

(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;

(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

(C) A state agency action subject to ORS 197.180 (1), if:

(i) The local government with land use jurisdiction over a use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action has already made a land use decision approving the use or activity; or

(ii) A use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan.

(11) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

(12)**(a)** "Limited land use decision"[:]

[*(a)*] means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).

(B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

(C) The approval or denial of an application for a replat.

(D) The approval or denial of an application for a property line adjustment.

(E) The approval or denial of an application for an extension alteration or expansion of a nonconforming use.

(b) **"Limited land use decision"** does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

(13) "Local government" means any city, county or Metro or an association of local governments performing land use planning functions under ORS 195.025.

(14) "Metro" means a metropolitan service district organized under ORS chapter 268.

(15) "Metro planning goals and objectives" means the land use goals and objectives that Metro may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive plan.

(16) "Metro regional framework plan" means the regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan.

(17) "New land use regulation" means a land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land regulations acknowledged under ORS 197.251.

(18) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. The Land Conservation and Development Commission or its designee is considered a person for purposes of appeal under ORS chapters 195, 197 and 197A.

(19) "Special district" means any unit of local government, other than a city, county, Metro or

an association of local governments performing land use planning functions under ORS 195.025, authorized and regulated by statute and includes but is not limited to water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

(20) "Urban growth boundary" means an acknowledged urban growth boundary contained in a city or county comprehensive plan or adopted by Metro under ORS 268.390 (3).

(21) "Urban unincorporated community" means an area designated in a county's acknowledged comprehensive plan as an urban unincorporated community after December 5, 1994.

(22) "Voluntary association of local governments" means a regional planning agency in this state officially designated by the Governor pursuant to the federal Office of Management and Budget Circular A-95 as a regional clearinghouse.

(23) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SECTION 45. ORS 197.195 is amended to read:

197.195. (1) A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

(2) A limited land use decision is not subject to the requirements of ORS 197.797.

(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection.

(a) In making a limited land use decision, the local government shall follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(c) The notice and procedures used by local government shall:

(A) Provide a 14-day period for submission of written comments prior to the decision;

(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(C) List, by commonly used citation, the applicable criteria for the decision;

(D) Set forth the street address or other easily understood geographical reference to the subject property;

(E) State the place, date and time that comments are due;

(F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

(G) Include the name and phone number of a local government contact person;

(H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and

(I) Briefly summarize the local decision making process for the limited land use decision being made.

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(5) A local government may provide for a hearing before the local government on appeal of a limited land use decision under this section. The hearing may be limited to the record developed pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with the requirements of ORS 197.797. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

(6) A city shall apply the procedures in this section, and only the procedures in this section, to a limited land use decision, even if the city has not incorporated limited land use decisions into land use regulations, as required by ORS 197.646 (3), except that a limited land use decision that is also a land use decision under ORS 197.015 (10)(b)(A) may be made by city staff using an administrative process.

SECTION 45a. Section 46 of this 2024 Act is added to and made a part of ORS chapter 197.

SECTION 46. Applicability of limited land use decision to housing development. (1) The Housing Accountability and Production Office may approve a hardship exemption or time extension to ORS 197.195 (6), during which time ORS 197.195 (6) does not apply to decisions by a local government.

(2) The office may grant an exemption or time extension only if the local government demonstrates that a substantial hardship would result from the increased costs or staff capacity needed to implement procedures as required under ORS 197.195 (6).

(3) The office shall review exemption or time extension requests under the deadlines provided in section 39 (3) of this 2024 Act.

SECTION 47. Sunset. Section 46 of this 2024 Act is repealed on January 2, 2032.

SECTION 47a. Operative date. Section 46 of this 2024 Act and the amendments to ORS 197.015 and 197.195 by sections 44 and 45 of this 2024 Act become operative on January 1, 2025.

ONE-TIME SITE ADDITIONS TO URBAN GROWTH BOUNDARIES

SECTION 48. Sections 49 to 59 of this 2024 Act are added to and made a part of ORS chapter 197A.

SECTION 49. Definitions. As used in sections 49 to 59 of this 2024 Act:

(1) "Net residential acre" means an acre of residentially designated buildable land, not including rights of way for streets, roads or utilities or areas not designated for development due to natural resource protections or environmental constraints.

(2) "Site" means a lot or parcel or contiguous lots or parcels, or both, with or without common ownership.

SECTION 50. City addition of sites outside of Metro. (1) Notwithstanding any other provision of ORS chapter 197A, a city outside of Metro may add a site to the city's urban growth boundary under sections 49 to 59 of this 2024 Act, if:

(a) The site is adjacent to the existing urban growth boundary of the city or is separated from the existing urban growth boundary by only a street or road;

(b) The site is:

(A) Designated as an urban reserve under ORS 197A.230 to 197A.250, including a site whose designation is adopted under ORS 197.652 to 197.658;

(B) Designated as nonresource land; or

(C) Subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland;

(c) The city has not previously adopted an urban growth boundary amendment or exchange under sections 49 to 59 of this 2024 Act;

(d) The city has demonstrated a need for the addition under section 52 of this 2024 Act;

(e) The city has requested and received an application as required under sections 53 and 54 of this 2024 Act;

(f) The total acreage of the site:

(A) For a city with a population of 25,000 or greater, does not exceed 100 net residential acres; or

(B) For a city with a population of less than 25,000, does not exceed 50 net residential acres; and

(g)(A) The city has adopted a binding conceptual plan for the site that satisfies the requirements of section 55 of this 2024 Act; or

(B) The added site does not exceed 15 net residential acres and satisfies the requirements of section 56 of this 2024 Act.

(2) A county shall approve an amendment to an urban growth boundary made under this section that complies with sections 49 to 59 of this 2024 Act and shall cooperate with a city to facilitate the coordination of functions under ORS 195.020 to facilitate the city's annexation and the development of the site. The county's decision is not a land use decision.

(3) Notwithstanding ORS 197.626, an action by a local government under sections 49 to 59 of this 2024 Act is not a land use decision as defined in ORS 197.015.

SECTION 51. Petition for additions of sites to Metro urban growth boundary. (1) A city within Metro may petition Metro to add a site within the Metro urban growth boundary if the site:

(a) Satisfies the requirements of section 50 (1) of this 2024 Act; and

(b) Is designated as an urban reserve.

(2)(a) Within 120 days of receiving a petition under this section, Metro shall determine whether the site would substantially comply with the applicable provisions of sections 49 to 59 of this 2024 Act.

(b) If Metro determines that a petition does not substantially comply, Metro shall:

(A) Notify the city of deficiencies in the petition, specifying sufficient detail to allow the city to remedy any deficiency in a subsequent resubmittal; and

(B) Allow the city to amend its conceptual plan and resubmit it as a petition to Metro under this section.

(c) If Metro determines that a petition does comply, notwithstanding any other provision of ORS chapter 197A, Metro shall adopt amendments to its urban growth boundary to include the site in the petition, unless the amendment would result in more than 300 total net residential acres added under this subsection.

(3) If the net residential acres included in petitions that Metro determines are in compliance on or before July 1, 2025, total less than 300 net residential acres, Metro shall adopt amendments to its urban growth boundary under subsection (2)(c) of this section:

(a) On or before November 1, 2025, for all petitions deemed compliant on or before July 1, 2025; or

(b) Within 120 days after a petition is deemed compliant after July 1, 2025, in the order in which the petitions are received.

(4) If the net residential acres included in petitions that Metro determines are in compliance on or before July 1, 2025, total 300 or more net residential acres, on or before January 1, 2027, Metro shall adopt amendments to its urban growth boundary under subsection (2)(c) of this section to include the sites in those petitions that Metro determines will:

(a) Best comply with the provisions of section 55 of this 2024 Act; and

(b) Maximize the development of needed housing.

(5) Metro may not conduct a hearing to review or select petitions or adopt amendments to its urban growth boundary under this section.

SECTION 52. City demonstration of need. A city may not add, or petition to add, a site under sections 49 to 59 of this 2024 Act, unless:

(1) The city has demonstrated a need for additional land based on the following factors:

(a)(A) In the previous 20 years there have been no urban growth boundary expansions for residential use adopted by a city or by Metro in a location adjacent to the city; and

(B) The city does not have within the existing urban growth boundary an undeveloped, contiguous tract that is zoned for residential use that is larger than 20 net residential acres; or

(b) Within urban growth boundary expansion areas for residential use adopted by the city over the previous 20 years, or by Metro in locations adjacent to the city, 75 percent of the lands either:

(A) Are developed; or

(B) Have an acknowledged comprehensive plan with land use designations in preparation for annexation and have a public facilities plan and associated financing plan.

(2) The city has demonstrated a need for affordable housing, based on:

(a) Having a greater percentage of extremely cost-burdened households than the average for this state based on the Comprehensive Housing Affordability Strategy data from the United States Department of Housing and Urban Development; or

(b) At least 25 percent of the renter households in the city being severely rent burdened as indicated under the most recent housing equity indicator data under ORS 456.602 (2)(g).

SECTION 53. City solicitation of site applications. (1) Before a city may select a site for

inclusion within the city's or Metro's urban growth boundary under sections 49 to 59 of this 2024 Act, a city must provide public notice that includes:

(a) The city's intention to select a site for inclusion within the city's urban growth boundary.

(b) Each basis under which the city has determined that it qualifies to include a site under section 52 of this section.

(c) A deadline for submission of applications under this section that is at least 45 days following the date of the notice.

(d) A description of the information, form and format required of an application, including the requirements of section 55 (2) of this 2024 Act.

(2) A copy of the notice of intent under this section must be provided to:

(a) Each county in which the city resides;

(b) Each special district providing urban services within the city's urban growth boundary;

(c) The Department of Land Conservation and Development; and

(d) Metro, if the city is within Metro.

SECTION 54. City review of site applications. (1) After the deadline for submission of applications established under section 55 of this 2024 Act, the city shall:

(a) Review applications filed for compliance with sections 49 to 59 of this 2024 Act.

(b) For each completed application that complies with sections 49 to 59 of this 2024 Act, provide notice to the residents of the proposed site area who were not signatories to the application.

(c) Provide opportunities for public participation in selecting a site, including, at least:

(A) One public comment period;

(B)(i) One meeting of the city's planning commission at which public testimony is considered;

(ii) One meeting of the city's council at which public testimony is considered; or

(iii) One public open house; and

(C) Notice on the city's website or published in a paper of record at least 14 days before:

(i) A meeting under subparagraph (B) of this paragraph; and

(ii) The beginning of a comment period under subparagraph (A) of this paragraph.

(d) Consult with, request necessary information from and provide the opportunity for written comment from:

(A) The owners of each lot or parcel within the site;

(B) If the city does not currently exercise land use jurisdiction over the entire site, the governing body of each county with land use jurisdiction over the site;

(C) Any special district that provides urban services to the site; and

(D) Any public or private utility that provides utilities to the site.

(2) An application filed under this section must:

(a) Be completed for each property owner or group of property owners that are proposing an urban growth boundary amendment under sections 49 to 59 of this 2024 Act;

(b) Be in writing in a form and format as required by the city;

(c) Specify the lots or parcels that are the subject of the application;

(d) Be signed by all owners of lots or parcels included within the application; and

(e) Include each owner's signed consent to annexation of the properties if the site is

added to the urban growth boundary.

(3) If the city has received approval from all property owners of such lands, in writing in a form and format specified by the city, the governing body of the city may select an application and the city shall adopt a conceptual plan as described in section 55 of this 2024 Act for all or a portion of the lands contained within the application.

(4) A conceptual plan adopted under subsection (3) of this section must include findings identifying reasons for inclusion of lands within the conceptual plan and reasons why lands, if any, submitted as part of an application that was partially approved were not included within the conceptual plan.

SECTION 55. Conceptual plan for added sites. (1) As used in this section:

(a) "Affordable units" means residential units described in subsection (3)(f)(A) or (4) of this section.

(b) "Market rate units" means residential units other than affordable units.

(2) Before adopting an urban growth boundary amendment under section 50 of this 2024 Act or petitioning Metro under section 51 of this 2024 Act, for a site larger than 15 net residential acres, a city shall adopt a binding conceptual plan as an amendment to its comprehensive plan.

(3) The conceptual plan must:

(a) Establish the total net residential acres within the site and must require for those residential areas:

(A) A diversity of housing types and sizes, including middle housing, accessible housing and other needed housing;

(B) That the development will be on lands zoned for residential or mixed-use residential uses; and

(C) The development will be built at net residential densities not less than:

(i) Seventeen dwelling units per net residential acre if sited within the Metro urban growth boundary;

(ii) Ten units per net residential acre if sited in a city with a population of 30,000 or greater;

(iii) Six units per net residential acre if sited in a city with a population of 2,500 or greater and less than 30,000; or

(iv) Five units per net residential acre if sited in a city with a population less than 2,500;

(b) Designate within the site:

(A) Recreation and open space lands; and

(B) Lands for commercial uses, either separate or as a mixed use, that:

(i) Primarily serve the immediate surrounding housing;

(ii) Provide goods and services at a smaller scale than provided on typical lands zoned for commercial use; and

(iii) Are provided at the minimum amount necessary to support and integrate viable commercial and residential uses;

(c) If the city has a population of 5,000 or greater, include a transportation network for the site that provides diverse transportation options, including walking, bicycling and transit use if public transit services are available, as well as sufficient connectivity to existing and planned transportation network facilities as shown in the local government's transportation system plan as defined in Land Conservation and Development Commission rules;

(d) Demonstrate that protective measures will be applied to the site consistent with the statewide land use planning goals for:

(A) Open spaces, scenic and historic areas or natural resources;

(B) Air, water and land resources quality;

(C) Areas subject to natural hazards;

(D) The Willamette River Greenway;

(E) Estuarine resources;

(F) Coast shorelands; or

(G) Beaches and dunes;

(e) Include a binding agreement among the city, each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts that the site will be served with all necessary urban services as defined in ORS 195.065, or an equivalent assurance; and

(f) Include requirements that ensure that:

(A) At least 30 percent of the residential units are subject to affordability restrictions, including but not limited to affordable housing covenants, as described in ORS 456.270 to 456.295, that require for a period of not less than 60 years that the units be:

(i) Available for rent, with or without government assistance, by households with an income of 80 percent or less of the area median income as defined in ORS 456.270; or

(ii) Available for purchase, with or without government assistance, by households with an income of 130 percent or less of the area median income;

(B) The construction of all affordable units has commenced before the city issues certificates of occupancy to the last 15 percent of market rate units;

(C) All common areas and amenities are equally available to residents of affordable units and of market rate units and properties designated for affordable units are dispersed throughout the site; and

(D) The requirement for affordable housing units is recorded before the building permits are issued for any property within the site, and the requirements contain financial penalties for noncompliance.

(4) A city may require greater affordability requirements for residential units than are required under subsection (3)(f)(A) of this section, provided that the city significantly and proportionally offsets development costs related to:

(a) Permits or fees;

(b) System development charges;

(c) Property taxes; or

(d) Land acquisition and predevelopment costs.

SECTION 56. Alternative for small additions. (1) A city that intends to add 15 net residential acres or less is not required to adopt a conceptual plan under section 55 of this 2024 Act if the city has entered into:

(a) Enforceable and recordable agreements with each landowner of a property within the site to ensure that the site will comply with the affordability requirements described in section 55 (3)(f) of this 2024 Act; and

(b) A binding agreement with each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts to ensure that the site will be served with all

necessary urban services as defined in ORS 195.065.

(2) This section does not apply to a city within Metro.

SECTION 57. Department approval of site additions. (1) Within 21 days after the adoption of an amendment to an urban growth boundary or the adoption or amendment of a conceptual plan under sections 49 to 59 of this 2024 Act, and the approval by a county if required under section 50 (2) of this 2024 Act, the conceptual plan or amendment must be submitted to the Department of Land Conservation and Development for review. The submission must be made by:

(a) The city, for an amendment under section 50 or 58 of this 2024 Act; or

(b) Metro, for an amendment under section 51 or 58 of this 2024 Act.

(2) Within 60 days after receiving a submittal under subsection (1) of this section, the department shall:

(a) Review the submittal for compliance with the provisions of sections 49 to 59 of this 2024 Act.

(b)(A) If the submittal substantially complies with the provisions of sections 49 to 59 of this 2024 Act, issue an order approving the submittal; or

(B) If the submittal does not substantially comply with the provisions of sections 49 to 59 of this 2024 Act, issue an order remanding the submittal to the city or to Metro with a specific determination of deficiencies in the submittal and with sufficient detail to identify a specific remedy for any deficiency in a subsequent resubmittal.

(3) If a conceptual plan is remanded to Metro under subsection (2)(b) of this section:

(a) The department shall notify the city; and

(b) The city may amend its conceptual plan and resubmit a petition to Metro under section 51 of this 2024 Act.

(4) Judicial review of the department's order:

(a) Must be as a review of orders other than a contested case under ORS 183.484; and

(b) May be initiated only by the city or an owner of a proposed site.

(5) Following the approval of a submittal under this section, a local government must include the added lands in any future inventory of buildable lands or determination of housing capacity under ORS 197A.270, 197A.280, 197A.335 or 197A.350.

SECTION 58. Alternative urban growth boundary land exchange. (1) In lieu of amending its urban growth boundary under any other process provided by sections 49 to 59 of this 2024 Act, Metro or a city outside of Metro may amend its urban growth boundary to add one or more sites described in section 51 (1)(a) and (b) of this 2024 Act to the urban growth boundary and to remove one or more tracts of land from the urban growth boundary as provided in this section.

(2) The acreage of the added site and removed lands must be roughly equivalent.

(3) The removed lands must have been zoned for residential uses.

(4) The added site must be zoned for residential uses at the same or greater density than the removed lands.

(5)(a) Except as provided in paragraph (b) of this subsection, land may be removed from an urban growth boundary under this section without landowner consent.

(b) A landowner may not appeal the removal of the landowner's land from an urban growth boundary under this section unless the landowner agrees to enter into a recorded agreement with Metro or the city in which the landowner would consent to annexation and

development of the land within 20 years if the land remains in the urban growth boundary.

(6) Review of an exchange of lands made under this section may only be made by:

(a) For cities outside of Metro, the county as provided in section 50 (2) of this 2024 Act and by the Department of Land Conservation and Development, subject to judicial review, as provided in section 57 of this 2024 Act; or

(b) For Metro, the Department of Land Conservation and Development, subject to judicial review, as provided in section 57 of this 2024 Act.

(7) Sections 50 (1)(d) to (g), 52, 53, 54, 55 and 56 of this 2024 Act do not apply to a site addition made under this section.

SECTION 59. Reporting on added sites. A city for which an amendment was made to an urban growth boundary and approved under sections 49 to 59 of this 2024 Act shall submit a report describing the status of development within the included area to the Department of Land Conservation and Development every two years until:

(1) January 2, 2033; or

(2) The city determines that development consistent with the acknowledged conceptual plan is deemed complete.

SECTION 60. Sunset. Sections 49 to 59 of this 2024 Act are repealed on January 2, 2033.

APPROPRIATIONS

SECTION 61. Appropriation to Department of Land Conservation and Development. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium ending June 30, 2025, out of the General Fund, the following amounts:

(1) $ ___ to take any action to implement sections 1 to 5, 16, 38 to 41, 46 and 49 to 59 of this 2024 Act and the amendments to ORS 183.471, 197.015, 197.195, 197.335, 215.427 and 227.178 by sections 8, 9, 44, 45, 64 and 65 of this 2024 Act.

(2) $5,000,000 for deposit into the Housing Accountability and Production Office Fund, established under section 4 of this 2024 Act, for the Housing Accountability and Production Office, established under section 1 of this 2024 Act, to provide technical assistance, including grants, under section 1 (2) of this 2024 Act and to provide required studies under section 5 of this 2024 Act.

SECTION 62. Appropriation to Housing and Community Services Department. In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium ending June 30, 2025, out of the General Fund, the amount of $75,000,000, for deposit into the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.

SECTION 63. Appropriation to Oregon Business Development Department. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Business Development Department, for the biennium ending June 30, 2025, out of the General Fund, the amount of $3,000,000, for deposit into the Housing Infrastructure Support Fund established under section 14 of this 2024 Act.

CONFORMING AMENDMENTS

SECTION 64. ORS 197.335, as amended by section 17, chapter 13, Oregon Laws 2023, is amended to read:

197.335. (1) [*An order issued under ORS 197.328 and the copy of the order mailed*] **The Land Conservation and Development Commission shall mail a copy of an enforcement order** to the local government, state agency or special district**. An order** must set forth:

(a) The nature of the noncompliance, including, but not limited to, the contents of the comprehensive plan or land use regulation, if any, of a local government that do not comply with the goals or the contents of a plan, program or regulation affecting land use adopted by a state agency or special district that do not comply with the goals. In the case of a pattern or practice of decision-making, the order must specify the decision-making that constitutes the pattern or practice, including specific provisions the [*Land Conservation and Development*] commission believes are being misapplied.

(b) The specific lands, if any, within a local government for which the existing plan or land use regulation, if any, does not comply with the goals.

(c) The corrective action decided upon by the commission, including the specific requirements, with which the local government, state agency or special district must comply. In the case of a pattern or practice of decision-making, the commission may require revisions to the comprehensive plan, land use regulations or local procedures which the commission believes are necessary to correct the pattern or practice. Notwithstanding the provisions of this section, except as provided in subsection (3)(c) of this section, an enforcement order does not affect:

(A) Land use applications filed with a local government prior to the date of adoption of the enforcement order unless specifically identified by the order;

(B) Land use approvals issued by a local government prior to the date of adoption of the enforcement order; or

(C) The time limit for exercising land use approvals issued by a local government prior to the date of adoption of the enforcement order.

(2) Judicial review of a final order of the commission is governed by the provisions of ORS chapter 183 applicable to contested cases except as otherwise stated in this section. The commission's final order must include a clear statement of findings which set forth the basis for the order. Where a petition to review the order has been filed in the Court of Appeals, the commission shall transmit to the court the entire administrative record of the proceeding under review. Notwithstanding ORS 183.482 (3) relating to a stay of enforcement of an agency order, an appellate court, before it may stay an order of the commission, shall give due consideration to the public interest in the continued enforcement of the commission's order and may consider testimony or affidavits thereon. Upon review, an appellate court may affirm, reverse, modify or remand the order. The court shall reverse, modify or remand the order only if it finds:

(a) The order to be unlawful in substance or procedure, but an error in procedure is not cause for reversal, modification or remand unless the court finds that substantial rights of any party were prejudiced thereby;

(b) The order to be unconstitutional;

(c) The order is invalid because it exceeds the statutory authority of the agency; or

(d) The order is not supported by substantial evidence in the whole record.

(3)(a) If the commission finds that in the interim period during which a local government, state agency or special district would be bringing itself into compliance with the commission's order [*under ORS 197.320 or subsection (2) of this section*] it would be contrary to the public interest in the

conservation or sound development of land to allow the continuation of some or all categories of land use decisions or limited land use decisions, it shall, as part of its order, limit, prohibit or require the approval by the local government of applications for subdivisions, partitions, building permits, limited land use decisions or land use decisions until the plan, land use regulation or subsequent land use decisions and limited land use decisions are brought into compliance. The commission may issue an order that requires review of local decisions by a hearings officer or the Department of Land Conservation and Development before the local decision becomes final.

(b) Any requirement under this subsection may be imposed only if the commission finds that the activity, if continued, aggravates the goal, comprehensive plan or land use regulation violation and that the requirement is necessary to correct the violation.

(c) The limitations on enforcement orders under subsection (1)(c)(B) of this section do not affect the commission's authority to limit, prohibit or require application of specified criteria to subsequent land use decisions involving land use approvals issued by a local government prior to the date of adoption of the enforcement order.

(4) As part of its order [*under ORS 197.320 or subsection (2) of this section*], the commission may withhold grant funds from the local government to which the order is directed. As part of an order issued under this section, the commission may notify the officer responsible for disbursing state-shared revenues to withhold that portion of state-shared revenues to which the local government is entitled under ORS 221.770, 323.455, 366.762 and 366.800 and ORS chapter 471 which represents the amount of state planning grant moneys previously provided the local government by the commission. The officer responsible for disbursing state-shared revenues shall withhold state-shared revenues as outlined in this section and shall release funds to the local government or department when notified to so do by the commission or its designee. The commission may retain a portion of the withheld revenues to cover costs of providing services incurred under the order, including use of a hearings officer or staff resources to monitor land use decisions and limited land use decisions or conduct hearings. The remainder of the funds withheld under this provision shall be released to the local government upon completion of requirements of the [*commission*] **enforcement** order.

(5)(a) As part of its order under this section, the commission may notify the officer responsible for disbursing funds from any grant or loan made by a state agency to withhold such funds from a special district to which the order is directed. The officer responsible for disbursing funds shall withhold funds as outlined in this section and shall release funds to the special district or department when notified to do so by the commission.

(b) The commission may retain a portion of the funds withheld to cover costs of providing services incurred under the order, including use of a hearings officer or staff resources to monitor land use decisions and limited land use decisions or conduct hearings. The remainder of the funds withheld under this provision shall be released to the special district upon completion of the requirements of the commission order.

(6) As part of its order under this section, upon finding a city failed to comply with ORS 197.320 (13), the commission may, consistent with the principles in ORS 197A.130 (1), require the city to:

(a) Comply with the housing acceleration agreement under ORS 197A.130 (6).

(b) Take specific actions that are part of the city's housing production strategy under ORS 197A.100.

(c) Impose appropriate models that have been developed by department, including model ordinances, procedures, actions or anti-displacement measures.

(d) Reduce maximum timelines for review of needed housing or specific types of housing or

affordability levels, [*including*] through ministerial approval or any other expedited existing approval process.

(e) Take specific actions to waive or amend local ordinances.

(f) Forfeit grant funds under subsection (4) of this section.

(7) The commission may institute actions or proceedings for legal or equitable remedies in the Circuit Court for Marion County or in the circuit court for the county to which the [*commission's*] order is directed or within which all or a portion of the applicable city is located to enforce compliance with the provisions of any order issued under this section or to restrain violations thereof. Such actions or proceedings may be instituted without the necessity of prior agency notice, hearing [*and*] **or** order on an alleged violation.

(8) As used in this section, "enforcement order" or "order" means an order issued under ORS 197.320 or section 3 of this 2024 Act as may be modified on appeal under subsection (2) of this section.

SECTION 65. ORS 183.471 is amended to read:

183.471. (1) When an agency issues a final order in a contested case, the agency shall maintain the final order in a digital format that:

(a) Identifies the final order by the date it was issued;

(b) Is suitable for indexing and searching; and

(c) Preserves the textual attributes of the document, including the manner in which the document is paginated and any boldfaced, italicized or underlined writing in the document.

(2) The Oregon State Bar may request that an agency provide the Oregon State Bar, or its designee, with electronic copies of final orders issued by the agency in contested cases. The request must be in writing. No later than 30 days after receiving the request, the agency, subject to ORS 192.338, 192.345 and 192.355, shall provide the Oregon State Bar, or its designee, with an electronic copy of all final orders identified in the request.

(3) Notwithstanding ORS 192.324, an agency may not charge a fee for the first two requests submitted under this section in a calendar year. For any subsequent request, an agency may impose a fee in accordance with ORS 192.324 to reimburse the agency for the actual costs of complying with the request.

(4) For purposes of this section, a final order entered in a contested case by an administrative law judge under ORS 183.625 (3) is a final order issued by the agency that authorized the administrative law judge to conduct the hearing.

(5) This section does not apply to final orders by default issued under ORS 183.417 (3) or to final orders issued in contested cases by:

(a) The Department of Revenue;

(b) The State Board of Parole and Post-Prison Supervision;

(c) The Department of Corrections;

(d) The Employment Relations Board;

(e) The Public Utility Commission of Oregon;

(f) The Oregon Health Authority;

(g) The Land Conservation and Development Commission**, except for enforcement orders under section 3 of this 2024 Act**;

(h) The Land Use Board of Appeals;

(i) The Division of Child Support of the Department of Justice;

(j) The Department of Transportation, if the final order relates to the suspension, revocation or

cancellation of identification cards, vehicle registrations, vehicle titles or driving privileges or to the assessment of taxes or stipulated settlements in the regulation of vehicle related businesses;

(k) The Employment Department or the Employment Appeals Board, if the final order relates to benefits as defined in ORS 657.010;

(L) The Employment Department, if the final order relates to an assessment of unemployment tax for which a hearing was not held;

(m) The Employment Department, if the final order relates to:

(A) Benefits, as defined in ORS 657B.010;

(B) Employer and employee contributions under ORS 657B.150 for which a hearing was not held;

(C) Employer-offered benefit plans approved under ORS 657B.210 or terminated under ORS 657B.220; or

(D) Employer assistance grants under ORS 657B.200; or

(n) The Department of Human Services, if the final order was not related to licensing or certification.

SECTION 66. ORS 455.770 is amended to read:

455.770. (1) In addition to any other authority and power granted to the Director of the Department of Consumer and Business Services under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and 693 **and sections 1 to 5 of this 2024 Act**, with respect to municipalities, building officials and inspectors, if the director has reason to believe that there is a failure to enforce or a violation of any provision of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes, the director may:

(a) Examine building code activities of the municipality;

(b) Take sworn testimony; and

(c) With the authorization of the Office of the Attorney General, subpoena persons and records to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise subject to public inspection under ORS 192.311 to 192.478.

(2) The investigative authority authorized in subsection (1) of this section covers the violation or omission by a municipality related to enforcement of codes or administrative rules, certification of inspectors or financial transactions dealing with permit fees and surcharges under any of the following circumstances when:

(a) The duties are clearly established by law, rule or agreement;

(b) The duty involves procedures for which the means and methods are clearly established by law, rule or agreement; or

(c) The duty is described by clear performance standards.

(3) Prior to starting an investigation under subsection (1) of this section, the director shall notify the municipality in writing setting forth the allegation and the rules or statutes pertaining to the allegation and give the municipality 30 days to respond to the allegation. If the municipality does not satisfy the director's concerns, the director may then commence an investigation.

(4) If the Department of Consumer and Business Services or the director directs corrective action[*, the following shall be done*]:

(a) The corrective action [*shall*] **must** be in writing and served on the building official and the chief executive officers of all municipalities affected;

(b) The corrective action [*shall*] **must** identify the facts and law relied upon for the required

action; and

(c) A reasonable time [*shall*] **must** be provided to the municipality for compliance.

(5) The director may revoke any authority of the municipality to administer any part of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes if the director determines after a hearing conducted under ORS 183.413 to 183.497 that:

(a) All of the requirements of this section and ORS 455.775 and 455.895 were met; and

(b) The municipality did not comply with the corrective action required.

CAPTIONS

SECTION 67. The unit and section captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.

EFFECTIVE DATE

SECTION 68. This 2024 Act takes effect on the 91st day after the date on which the 2024 regular session of the Eighty-second Legislative Assembly adjourns sine die.

EUGENE

Multiple-Unit Subsidized Low-Income Disabled Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Multiple-Unit Subsidized Low-Income Senior Housing Partial in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Unit Subsidized Low-Income Specialized Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Uses	**Minimum Number of Required Off-Street Parking Spaces**
Controlled Income and Rent Housing (CIR) where density is above that usually permitted in the zoning, yet not to exceed 150%	1 per dwelling.
Assisted Care & Day Care	
– Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	1 for each 4 beds.
– Assisted Care (6 or more people living in facility)	1 for each 4 beds.
– Day Care (4 to 16 people served)	.9 for each employee not living in home on site at the same time.
– Day Care (17 or more people served)	.9 for each employee not living in home on site at the same time.
Rooms for Rent	
– Boarding and Rooming House	1 per guest room.
– Campus Living Organizations, including Fraternities and Sororities	1 for each 3 occupants for which sleeping facilities are provided.
– Single Room Occupancy	1 per dwelling (4 single rooms are equal to 1 dwelling).
– University and College Dormitories	1 for each 3 occupants for which sleeping facilities are provided.
Trade (Retail and Wholesale)	
Agricultural Machinery Rental/Sales/Service	1 per each 440 square feet of floor area.
Appliance Sales/Service	1 per each 660 square feet of floor area.
Boat and Watercraft Sales/Service	1 per each 660 square feet of floor area.
Building Materials and Supplies	1 per each 660 square feet of floor area.
Convenience Store	1 per each 330 square feet of floor area.
Equipment, Light, Rental/Sales/Service	1 per each 440 square feet of floor area.
Equipment, Heavy, Rental/Sales/Service – includes truck and tractor sales	1 per each 440 square feet of floor area.
Furniture and Home Furnishing Store	1 per each 660 square feet of floor area.
Garden Supply/Nursery	1 per each 660 square feet of floor area.
General Merchandise (includes supermarket and department store)	1 per each 330 square feet of floor area.
Hardware/Home Improvement Store	1 per each 660 square feet of floor area.
Healthcare Equipment and Supplies	1 per each 330 square feet of floor area.

MEDFORD

Land Use Category	Minimum Number of Required Parking Spaces	Maximum Permitted Parking Spaces
		parking
Residential, Retirement or Congregate Housing	0.0 spaces	0.6 spaces per dwelling unit plus 1.0 space per employee on the maximum shift
Residential, Single-Family	2.0 spaces per dwelling unit	3.0 spaces per dwelling unit, including visitor parking
Residential, Single Room Occupancy	0.0 spaces	2.0 spaces per dwelling unit, including visitor parking
Residential, Townhouse	1.0 space per dwelling unit	2.0 spaces per dwelling unit, including visitor parking
Residential, Triplex (attached or detached units)	1.0 space per dwelling unit	2.0 spaces per dwelling unit, including visitor parking
Restaurant, Standard	9.0 spaces	11.0 spaces
Restaurant (with drive-through)	12.0 spaces plus 5.0 spaces for drive-up window queue	14.0 spaces
Road Service or Towing	4.5 spaces	5.4 spaces
School, College, University, Vocational, or other Educational Courses	1.0 space per 3.3 students, plus 1.0 space per employee (including faculty) at largest capacity class attendance period	1.0 space per 2.6 students, plus 1.0 space per employee (including faculty) at largest capacity class attendance period
School, Elementary (Kindergarten – 8th)	1.0 space per teacher and staff plus 1.0 space per 2.2 classrooms	1.0 space per teacher and staff plus 1.0 space per 1.8 classrooms
School, Secondary (9th – 12th)	1.0 space per teacher and staff plus 1.0 space per 5.5 nonbused students	1.0 space per teacher and staff member plus 1.0 space per 4.4 nonbused students
Taverns, Dance Halls, Night Clubs, and Lounges	18.0 spaces	22.0 spaces
Temporary Shelter	0.0 spaces	1.0 space per 20.0 resident beds, plus 1.0 space per employee on the largest shift
Theater or Auditorium, indoor or outdoor	1.0 space per 3.3 patrons	1.0 space per 2.6 patrons
Vehicle Sales	0.6 spaces	1.0 spaces
Vehicle Repair and Maintenance	2.2 spaces	3.0 spaces
Veterinary Office or Animal Hospital	2.7 spaces per doctor plus 1.0 space per other employee on the largest shift	3.3 spaces per doctor plus 1.0 space per other employee on the largest shift

There are no minimum parking requirements for the following additional uses and development types:

a) Facilities and homes designed to serve people with psychosocial, physical, intellectual, or development disabilities such as Residential Care Facility, Residential Training Facility, Residential Treatment Facility, Residential Training Home, Residential Treatment Home, and a Conversion Facility, as defined in ORS 443.400;

Building Services & Code Enforcement
451 South State Street, Room 215
PO Box 145490
Salt Lake City, UT 84114
www.slc.gov/buildingservices
801-535-6000

Updated 10-2012

Parking Calculator

Requirement

The number of off-street parking spaces provided shall be in accordance with Table 21A.44.060F, Schedule of Minimum Off-Street Parking Requirements and shall apply to all buildings and structures erected and all uses of land established after April 12, 1995. (Section 21A.44.060)

Determination

In the event that 21A.44.060F does not specify the number of parking spaces for a specific use, the Zoning Administrator shall determine the number of spaces required. In making this determination, the Zoning Administrator shall consider the following criteria.

1. The number of parking spaces required for a use listed in Table 21A.44.060F that is the most similar to the proposed use in terms of the parked vehicles that are anticipated to be generated
2. The square footage to be occupied by the proposed use
3. The number of employees and patrons that are anticipated for the proposed use

Parking space requirements based on the number of employees or users shall be based on the maximum number of employees or users on the premises at any one time. (Section 21A.44.060B)

Exemptions

Nonresidential uses in buildings less than one thousand (1,000) square feet and located on a lot in the commercial districts or the downtown districts (D-2 and D-3 only) shall be exempt from the requirement of providing off-street parking. The exemption shall be applied to the least generating use on the lot. Only one exemption shall be allowed per lot. (Section 21A.44.060C)

Residential

Bed and breakfast establishment

1 parking space per room

Congregate care facility

1 parking space for each living unit containing 2 or more bedrooms 3/4 parking space for each 1 bedroom living unit

Fraternity, sorority or dormitory

1 parking space for each 2 residents, plus 1 parking space for each 3 full-time employees. Note: The specific college or university may impose additional parking requirements

Group home

1 parking space per home and 1 parking space for every 2 support staff present during the most busy shift

Hotel or motel

1 parking space for each 2 separate rooms, plus 1 space for each dwelling unit

Multiple-family dwellings

(1) 2 parking spaces for each dwelling unit containing 2 or more bedrooms (2) 1 parking space for 1 bedroom and efficiency dwelling (3) 1/2 parking space for single room occupancy dwellings (600 square foot maximum) (4) 1/2 parking space for each dwelling unit in the R-MU, D-1, D-2 and D-3 Zones

Rooming house

1 parking space for each 2 persons for whom rooming accommodations are provided

Single-family attached dwellings (row and townhouse) and single-family detached dwellings

1 parking space for each dwelling unit in the SR-3 Zone 1 parking space for each dwelling in the D-1, D-2 and D-3 Zones 2 parking spaces for each dwelling unit in all other zones where residential uses are allowed 4 outdoor parking spaces maximum for single-family detached dwellings

Transitional treatment home/halfway house

1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the most busy shift

Two-family dwellings and twin home dwellings

2 parking spaces for each dwelling unit

Institutional

Assisted living facility

1 parking space for each 4 employees, plus 1 parking space for each 6 infirmary or nursing home beds, plus 1 parking space for each 4 rooming units, plus 1 parking space for each 3 dwelling units

Auditorium; accessory to a church, school, university or other institution

1 space for each 5 seats in the main auditorium or assembly hall

Daycare, child and adult

2 spaces per 1,000 square feet of gross floor area

Funeral services

1 space per 4 seats in parlor plus 1 space per 2 employees plus 1 space per vehicle used in connection with the business

Hospital

1.80 parking spaces per hospital bed

Places of worship

1 parking space for each 5 seats in the main auditorium or assembly hall

Sanitarium, nursing care facility

1 parking space for each 6 beds for which accommodations are offered, plus 1 parking space for each 4 employees other than doctors, plus 1 parking space for each 3 dwelling units

Schools

K-8th grades

1 parking space for each 3 faculty members and other full-time employees

Senior high school

1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students

College/university

1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students

Vocational/trade school

1 space per 1 employee plus 1 space for each 3 students based on the maximum number of students attending classes on the premises at any time

Homeless shelters

1 parking space for each employee

Recreation, cultural, entertainment

Art gallery/museum/house museum

1 space per 1,000 square feet gross floor area

Bowling alley

2 spaces per lane

Club/lodge

6 spaces per 1,000 square feet of gross floor area

Dance/music studio

1 space for every 1 employee

Gym/health club/recreation facilities

3 spaces per 1,000 square feet of gross floor area

Library

1 space per 1,000 square feet of gross floor area

Sports arena/stadium

1 space per 10 seats

Swimming pool, skating rink or natatorium

1 space per 5 seats and 3 spaces per 1,000 square feet of gross floor area

Tennis court

2 spaces per court

Theater, movie and live

1 space per 4 seats

Commercial/manufacturing

Bus facility

1 space per 2 employees plus 1 space per bus

Durable goods, furniture, appliances, etc.

1 space per 500 square feet gross floor area

General manufacturing

1 space per 3 employees plus 1 space per company vehicle

Radio/TV station

3 spaces per 1,000 square feet

Warehouse

2 spaces per 1,000 square feet of gross floor area for the first 10,000 square feet plus 1/2 space per 2,000 square feet for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates

Wholesale distribution

1 space per 1,000 square feet of gross floor area for the first 10,000 square feet, plus 1/2 per 2,000 square feet floor area for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates

City of Newport
Draft Planning Commission Work Session Minutes
December 11, 2023

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT
Time Start: 6:00 P.M. **Time End:** 7:19 P.M.

ATTENDANCE LOG/ROLLCALL

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan (by video)	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East	
Commissioner Braulio Escobar	
Commissioner John Updike	
Commissioner Marjorie Blom	
Citizen Advisory Member Dustin Capri	
Citizen Advisory Member Greg Sutton (absent)	

AGENDA ITEM	ACTIONS
WORK SESSION MEETING	
CALL TO ORDER AND ROLL CALL a. Roll Call	None.
DRAFT AMENDMENTS TO FACILITATE NEEDED HOUSING (AN HPS RECOMMENDATION).	
a. Staff report	Mr. Tokos provided an overview of the draft code amendments to NMC Chapter 14, Facilitating Construction of Needed Housing.
b. Discussion on amendments	Commission held discussions on restrictions on shelters in residential areas; garage setbacks within underdeveloped rights-of-way; density limitations for building heights and roof pitch minimums; on-street parking credits; on-street parking credits for dwellings; changes to adjustments and variances in residential zones; approval standards for ministerial decisions for deviations up to 10%; and ministerial actions necessary to implement Title XIV of the Newport Municipal Code.
c. Commission feedback on amendments	Tokos received input from the Commission on edits to the document.
DISCUSS HOLTE HOMEBUYER INCENTIVE PROGRAM (IMPLEMENTING HPS).	Discussion deferred to the January 8, 2024 Planning Commission work session meeting.
CITY MANAGER RECRUITMENT.	None.

PLANNING COMMISSION WORK PROGRAM UPDATE.	None.

Submitted by: Sherri Marineau

Sherri Marineau, Executive Assistant

City of Newport
Draft Planning Commission Work Session Minutes
January 8, 2024

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT
Time Start: 6:00 P.M. **Time End:** 7:10 P.M.

ATTENDANCE LOG/ROLLCALL

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East	
Commissioner Braulio Escobar (by video)	
Commissioner John Updike	
Commissioner Marjorie Blom	
Citizen Advisory Member Dustin Capri (absent, excused)	
Citizen Advisory Member Greg Sutton (absent)	

AGENDA ITEM	ACTIONS
WORK SESSION MEETING	
CALL TO ORDER AND ROLL CALL	
a. Roll Call	None.
DRAFT CHANGES TO RV PARK STANDARDS TO FACILITATE CONSTRUCTION OF NEEDED HOUSING.	
a. Staff report	Mr. Tokos provided an overview of the draft code amendments to NMC Chapter 14.06, pertaining to the City's Recreational Vehicle Park Standards.
b. Discussion on RV Park standards	Commission held discussions on where RV parks are permitted; the need to clarify legacy language from the Oregon Building Codes Division; changing the spacing for RV camping spaces from 600 to 400 square feet maximum; updating standards for roadways to allow compacted gravel; RV pad surfacing requirements; water and power requirements for RV spaces; off-street parking; trash receptacles; restroom facilities; utility buildings for clothes washing; heating for building spaces; screening for RV parks; landscaping standards; outside storage for materials and equipment; and requiring a certificate of sanitation.
c. Commission feedback	Tokos received input from the Commission on edits to the document.
SECOND REVIEW OF AMENDMENTS TO FACILITATE CONSTRUCTION OF NEEDED HOUSING.	

a. Staff report b. Discussion on amendments c. Commission feedback	Mr. Tokos provided an overview of the updated draft set of zoning code amendments to facilitate the construction of needed housing. Commission held discussions on garage setbacks; roof pitches; parallel parking; deviations less than or equal to 10% being set as a ministerial process that the Community Development Director would determine if it would result in an additional dwelling unit. Tokos received input from the Commission on edits to the document. The Commission was in general agreement on the presented amendments with edits.
DISCUSS HOLTE HOMEBUYER INCENTIVE PROGRAM. a. Staff report b. Discussion on viability of program for Newport c. Commission feedback	Mr. Tokos provided an overview of the HOLTE Homebuyer Incentive Program. Commission held discussions to determine if the program would be appropriate for Newport. Blom expressed concerns about the city's limited staffing and questioned the need for the program. Updike reported that the Portland program had 40% of their applicants fail to qualify, and he didn't think the numbers worked for Newport given the staff work. Tokos agreed that this might not be the best structured program for small cities and might be better run as a State program that smaller jurisdictions could enroll in. Berman thought it might be impossible for the city staff to monitor the program, and thought it was impractical for Newport. The Commission was in general agreement to say that a discussion on the program was had and they had determined a program like this was a more than the city could tackle at this point.
STATUS OF THE CITY CENTER REVITALIZATION PROJECT.	Mr. Tokos provided an update on the delay of the City Center Revitalization Project by ODOT.
PLANNING COMMISSION WORK PROGRAM UPDATE.	None.

Submitted by: Sherri Marineau

Sherri Marineau, Executive Assistant

Derrick Tokos

From: DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov>
Sent: Friday, January 19, 2024 5:21 PM
To: Derrick Tokos
Subject: Confirmation of PAPA Online submittal to DLCD

[WARNING] This message comes from an external organization. Be careful of embedded links.

You don't often get email from plan.amendments@dlcd.oregon.gov. Learn why this is important

Newport

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.
Local File #: 3-Z-23
DLCD File #: 001-24
Proposal Received: 1/19/2024
First Evidentiary Hearing: 2/26/2024
Final Hearing Date: 3/18/2024
Submitted by: dtokos

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.

Attachment "I"
File No. 3-Z-23

CITY OF NEWPORT

NOTICE OF A PUBLIC HEARING

The Newport Planning Commission will hold a public hearing on Monday, February 26, 2024, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 3-Z-23, amendments to Newport Municipal Code (NMC) Chapter 14.03, Zoning Districts; Chapter 14.06, Manufactured Dwellings and Recreational Vehicles; Chapter 14.11, Required Yard, Setbacks, and Solid Waste/Recyclable Materials Storage and Access Requirements; Chapter 14.13, Density Limitations; Chapter 14.14, Parking and Loading Requirements; Chapter 14.33, Adjustments and Variances; and Chapter 14.52, Procedural Requirements, related to the implementation of the City's Housing Production Strategy, to reduce code barriers for housing development. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (address above).

(FOR PUBLICATION ONCE ON WEDNESDAY, February 21, 2024)

2/21/2024

104 Landscaping

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AFFORDABLE RATES & FREE ESTIMATES
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150 Misc Services

Rickreall Gun Show. Saturday, March 9th, 9am-5pm. Sunday, March 10th, 9am-3pm. Admission $8.00. Polk County Fairgrounds. 520 S. Pacific Hwy. W., Rickreall.

DIVORCE $130. Complete preparation. Includes children, custody, support, property and bills division. No court appearances. Divorced in 1-5 weeks possible. 503-772-5295. www.paralegalalternatives.com legalalt@msn.com.

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The Generac PWRcell, a solar plus battery storage system. SAVE money, reduce your reliance on the grid, prepare for power outages and power your home. Full installation services available. $0 Down Financing Option. Request a FREE, no

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obligation, quote today. Call 1-844-989-2328.

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Portable Oxygen Concentrator May Be Covered by Medicare! Reclaim independence and mobility with the compact design and long-lasting battery of Inogen One. Free information kit! Call 855-839-0752.

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Stroke and Cardiovascular disease are leading causes of death, according to the American Heart Association. Screenings can provide peace of mind or early detection! Contact Life Line Screening to schedule your screening. Special offer - 5 screenings for just $149. Call 1-844-655-0972.

Make a tax-savvy move this holiday season and year-end! Donate your car,

150 Misc Services

truck, boat, RV, and more to champion our veterans. Arrange a swift, no-cost vehicle pickup and secure a generous year-end tax deduction. Call Veteran Car Donations at 1-866-695-9265 today!

Get your deduction ahead of the year-end! Donate your car, truck, or SUV to assist the blind and visually impaired. Arrange a swift, no-cost vehicle pickup and secure a generous year-end tax credit. Call Heritage for the Blind Today at 1-844-533-9173 today!

502 Help Wanted

Firefighter/EMT
North Lincoln Fire & Rescue District #1
NLFR is seeking individuals who are self-motivated, have Certifications in Firefighting, and are Licensed EMT's. NLFR has one Firefighter/EMT position open and is establishing a list for several anticipated future vacancies. For Application Packets, Job description, benefits package, and the testing process visit the District's website at: nlfr.org or https://nationaltestingnetwork.com/publicsafetyjobs/ Application Packets available in person at: NLFR Fire Station 14, 2525 NW Hwy 101, Lincoln City. Deadline for Acceptance of Applications and NTN Fire-Team testing: March 22, 2024 at 5p.m.

Help Wanted
The Galley Kitchen Shop
on Newport Bayfront
Looking for someone who is outgoing, loves selling, and has knowledge of kitchen tools, Mondays and Thursdays only, plus possible fill ins. Year round. Competitive wage and bonuses. Fun work environment. Employee discount. Please drop off resume at 420 SW Bay Bvld. Newport, OR 97365.

Lifeguard Closing Date: 02/29/24
PURPOSE: Ensure the safety of all patrons and visitors to the City's Swimming Pool. Oversee patrons in pool setting and perform water rescue as needed. Educate patrons on model pool safety procedures. Maintain a safe, sanitary work environment. Provide high quality customer service to all patrons, visitors, and guests. For detailed information, please visit our website at: www.governmentjobs.com/careers/ cityofnewport. All applications for this position must be submitted via our online application system.

902 Homes for Sale

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999 Public Notices

LCL 97-21 CITY OF NEWPORT NOTICE OF A PUBLIC HEARING
The Newport Planning Commission will hold a public hearing on Monday, February 26, 2024, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 3-Z-23, amendments to Newport Municipal Code (NMC) Chapter 14.03, Zoning Districts; Chapter 14.06, Manufactured Dwellings and Recreational Vehicles; Chapter 14.11, Required Yard, Setbacks, and Solid Waste/Recyclable Materials Storage and Access Requirements; Chapter 14.13, Density Limitations; Chapter 14.14, Parking and Loading Requirements; Chapter 14.33, Adjustments and Variances; and Chapter 14.52, Procedural Requirements, related to the implementation of the City's Housing Production Strategy, to reduce code barriers for housing development. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other mate-

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rial in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (address above). F21

LCL 98-21 Invitation to Bid
Sealed bids for the Water Storage Tank Recoating Project ("Project") will be received on behalf of City of Waldport ("Owner") by Christopher Brugato, Project Manager, of Westech Engineering, Inc. at 3841 Fairview Industrial Drive SE, Suite 100, Salem, Oregon 97302-1192; until the bid closing time of 2:00 p.m. local time on March 19, 2024. Bids will be publicly opened (at the above address) and the applicable information read aloud immediately after the bid closing time, and while bid totals and apparent low bidders will be available, formal written bid tabulations will not be finalized until after 4:00 p.m. (the submittal deadline for the "First-Tier Subcontractor Disclosure Form"). Bids shall be clearly marked "Bid for the Water Storage Tank and Recoating", showing the date and time of the public bid closing, as well as the Bidders name, and shall be delivered to the location specified above, by or before the above bid closing time. By no later than 4:00 p.m. local time on March 19, 2024 each bidder shall deliver to the same individual at the same address as the bids were delivered to, the "First Tier Subcontractor Disclosure Form" contained in the bidding documents. This form shall be submitted regardless of the bid total. Bidders who fail to submit the required disclosure form will be considered non-responsive, and their bid will not be considered for award. The disclosure form shall either be submitted in the same envelope as the bid, or shall be submitted in a separate sealed envelope clearly marked "Disclosure Form for the Water Storage Tank Recoating Project," showing the date and time of the disclosure submittal deadline, as well as the Bidders name. The work includes the full removal and replacement the interior coating system in an existing 2 million gallon steel potable water storage tank as well as the installation of cathodic protection system. A non-mandatory pre-bid open-house & site inspection for prospective bidders will be held at the project site (3536 SE Nelson Wayside Drive) between 12:00 PM and 4:00 PM local time on March 5, 2024. The work site is in secured area that will be open during this time for inspection. Bidders are welcome to arrive for inspection of the facilities at any time during the open house. Parking at the facility is very limited. Therefore, bidders are encouraged to stagger visitations rather than all arriving at 12:00PM. There will be no formal meeting

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that starts at 12:00 PM. Any prospective bidder not attending the pre-bid open house will be fully responsible for making separate arrangements with the City of Waldport for access to examine the project site. In the event that the prospective bidder fails to coordinate such separate access with the City of Waldport, the bidder will be fully responsible for any and all information affecting the cost, progress or performance of the work that could have been obtained by such a pre-bid inspection visit. Copies of the Bid Documents may be examined at the following location: Westech Engineering, Inc., 3841 Fairview Industrial Dr. SE, Suite 100, Salem, OR 97302 (phone 503/585-2474) City of Waldport, City Hall, 355 NW Alder St. Waldport, OR 97394 Paper sets of the bid documents will not be available for purchase from Westech Engineering for bidding purposes. Complete digital (pdf) copies of Bid Documents (including drawings) are available at http://www.westecheng.com (under the Currently Bidding tab). The digital Bid Documents may be downloaded for a non-refundable payment of $25 by inputting QuestCDN eBidDoc Number listed on the project information sheet available through the website link above. Assistance with free QuestCDN registration, document downloading or working with the project information may be obtained at QuestCDN.com, at 952-233-1632, or via email at info@questcdn.com. This contract is for a public works project subject to ORS 279C.800 to 279C.870 (state prevailing wages). Publication Dates: Daily Journal of Commerce: February 14, 2024 & February 21, 2024. Newport News Times: February 21, 2024. Quest CDN Number 8974977. F21

LCL 12-21 NOTICE OF PUBLIC HEARING DEPOE BAY PLANNING COMMISSION
Wednesday, March 13, 2024, 6:00 p.m. APPLICATION FOR AMENDMENT TO PLANNED DEVELOPMENT DEPOE HILLS PHASE 1 CASE FILE #2-PD-PC- 24 APPLICANT: Owner - Hills of Depoe Bay, LLC Agent - Same as owner REQUEST: The applicant requests approval of an amendment to Phase 1 of the Depoe Hills planned development to accommodate development of eleven (11) townhomes on Lots 9 through 19, inclusive, and Tract J. The proposed amendments would allow a zero-foot (0') property line setback along the interior side property lines between attached townhouse dwellings; and a minimum five-foot (5') garage entry setback from an alley. The proposed townhomes may be used as tourist accommodations (vacation rentals) in accordance with the approved provisions of the Depoe Hills planned development master plan. APPLI-

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CABLE CRITERIA: Depoe Bay Zoning Ordinance a) Section 152.026: Residential Zone R-2 b) Section 152.042: Planned Development Zone P-D Depoe Bay Comprehensive Plan LOCATION: The subject property is located at NE Seascape Drive and NE Moonwake Lane, and is further identified on Lincoln County Assessor's Map 09-11- 05AB as Tax Lots 00900 through 01900 (townhouse lots) and Tax Lot 02700 (alley). APPLICATION MATERIALS: Application materials, documents and evidence submitted by or on behalf of the applicant are available for inspection at City Hall and can be obtained at cost. Documents or evidence submitted by the applicant after 20 days prior to the hearing constitutes grounds for a continuance of the hearing if any party requests such a continuance. Copies of the staff report for this case are also available for review and may be purchased at Depoe Bay City Hall, 570 SE Shell Avenue, seven days prior to the hearing. TESTIMONY: Testimony may be submitted in written or oral form. Oral testimony will be taken during the course of the public hearing. Failure to raise an issue in a hearing, either in person or in writing, or failure to provide statements/evidence sufficient to afford the Planning Commission an opportunity to respond to the issues precludes appeal to the Land Use Board of Appeals on that issue. The comment period for written testimony expires Wednesday, March 13, 2024, 4:00 p.m. Send letters to Depoe Bay City Hall or email planner@cityofdepoebay.org. CONTACT: Kit Fox, AICP, City Planner (541) 765-2361 x15, planner@cityofdepoebay.org TIME/PLACE: Wednesday, March 13, 2024, 6:00 P.M., Depoe Bay City Hall, 570 SE Shell Avenue, Depoe Bay, OR 97341. Mail comments to P.O. Box 8, Depoe Bay, OR 97341. Depoe Bay City Hall is accessible to the disabled. If special accommodations are needed, please contact the City Recorder at (541) 765-2361 forty-eight hours in advance of the meeting so that appropriate assistance can be provided. APPS PLANNED DEVELOPMENTS/2024/#2-PD-PC-24 HILLS OF DEPOE BAY LLC/NOTICE. F21

LCL 11-21 NOTICE OF PUBLIC HEARING DEPOE BAY PLANNING COMMISSION
Wednesday, March 13, 2024, 6:00 p.m. APPLICATION FOR PLANNED DEVELOPMENT WHALE WATCH PHASE 2 PRELIMINARY PLAN CASE FILE #1-PD-PC- 24 APPLICANT: Owner - Hills of Depoe Bay, LLC Agent - Same as owner REQUEST: The applicant requests approval of the Phase 2 Preliminary Plan for the Whale Watch Planned Development. Phase 2 is proposed to consist of forty (40) detached single-family

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residences, a 4-unit multi-family building, and a 0.15-acre site for a future civic building. There are a total of 44 residential units proposed in this phase. Use of the residential units in this phase as tourist accommodations (vacation rentals) will not be allowed. NE Shoreline Drive is planned to be extended northward from NE Lillian Lane to access Phase 2, with additional streets (NE Sand Dollar Drive and NE Baleen Drive) to provide circulation within the phase. APPLICABLE CRITERIA: Depoe Bay Zoning Ordinance a) Sec. 152.025: Residential R-1, b) Sec. 152.030: Retail Commercial C-1, c) Sec. 152.042: Planned Development P-D, d) Sec. 152.055: Supplemental Regulations, e) Sec. 152.185: Amendments f) Sec. 152.225: Development Guidelines, g) Sec. 152.250: Land Division Depoe Bay Comprehensive Plan LOCATION: The subject property is located at 1032 N Highway 101, and is further identified on Lincoln County Assessor's Map 09-11- 05B0 as Tax Lot 01200. APPLICATION MATERIALS: Application materials, documents and evidence submitted by or on behalf of the applicant are available for inspection at City Hall and can be obtained at cost. Documents or evidence submitted by the applicant after 20 days prior to the hearing constitutes grounds for a continuance of the hearing if any party requests such a continuance. Copies of the staff report for this case are also available for review and may be purchased at Depoe Bay City Hall, 570 SE Shell Avenue, seven days prior to the hearing. TESTIMONY: Testimony may be submitted in written or oral form. Oral testimony will be taken during the course of the public hearing. Failure to raise an issue in a hearing, either in person or in writing, or failure to provide statements/evidence sufficient to afford the Planning Commission an opportunity to respond to the issues precludes appeal to the Land Use Board of Appeals on that issue. The comment period for written testimony expires Wednesday, March 13, 2024, 4:00 p.m. Send letters to Depoe Bay City Hall or email planner@cityofdepoebay.org. CONTACT: Kit Fox, AICP, City Planner (541) 765-2361 x15, planner@cityofdepoebay.org TIME/PLACE: Wednesday, March 13, 2024, 6:00 P.M., Depoe Bay City Hall, 570 SE Shell Avenue, Depoe Bay, OR 97341. Mail comments to P.O. Box 8, Depoe Bay, OR 97341. Depoe Bay City Hall is accessible to the disabled. If special accommodations are needed, please contact the City Recorder at (541) 765-2361 forty- eight hours in advance of the meeting so that appropriate assistance can be provided. APPS PLANNED DEVELOPMENTS/2024/#1-PD-PC-24 HILLS OF DEPOE BAY LLC/NOTICE. F21