PLANNING COMMISSION WORK SESSION AGENDA
Monday, December 11, 2023 - 6:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 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

Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, Marjorie Blom, Dustin Capri, and Greg Sutton.

2. NEW BUSINESS

2.A Draft Amendments to Facilitate Needed Housing (An HPS Recommendation).

Memorandum
Draft NMC Code Amendments to Facilitate Needed Housing
HPS Action Item Cutsheets (pgs. 34-35)
OAR Chapter 918, Division 650- Recreational Vehicle Parks
NMC Chapter 14.06.060 Recreational Vehicle Park Standards
Governors Housing Production Concept for the Upcoming Short Session
ORS 197.746- Transitional Housing Accommodations

2.B Discuss HOLTE Homebuyer Incentive Program (Implementing HPS).

Memorandum
HPS HOLTE Cutsheets
Portland HOLTE Application Materials
ORS 307.651 – 307.687 – Governing Statutes

2.C City Manager Recruitment.

12.5.23 City Manager Recruitment Letter
12.12.23 Virtual Community Input Meeting Flyer

3. UNFINISHED BUSINESS

3.A Planning Commission Work Program Update.

PC Work Program 12-6-23

4. ADJOURNMENT

City of Newport

Community Development Department

Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick Tokos, Community Development Director

Date: December 8, 2023

Re: Draft Amendments to Facilitate Needed Housing (An HPS Recommendation)

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. A copy of the HPS cut out sheets listing the topic areas is enclosed.

Attached to this memo is a draft set of amendments for the Commission's consideration. If adopted, the changes would provide greater flexibility for housing developers struggling to meet certain dimensional standards, building height limitations and parking requirements. The revisions also allow transitional housing as a community service use in commercial and industrial zoned areas.

At this meeting, I would like to walk through the proposed changes to gauge the Commission's comfort level with each of them. With respect to Recreational Vehicle Park requirements, it would be helpful to get additional feedback from the Commission as to the approval standards that are a concern. To that end, I have attached the existing Municipal Code standards and those in OAR Chapter 918, Division 650 that apply to the construction of RV Parks. The administrative rules are mandatory, and must be applied. City standards can be modified if they go above and beyond what is required by rule.

Attachments
Draft NMC Code Amendments to Facilitate Needed Housing
HPS Action Item Cutsheets (pgs. 34-35)
OAR Chapter 918, Division 650 - Recreational Vehicle Parks
NMC Chapter 14.06.060 Recreational Vehicle Park Standards
Governors Housing Production Concept for the Upcoming Short Session
ORS 197.746 - Transitional Housing Accommodations

(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.)

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 housing option in commercial and industrial

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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
	c. Trade/Vocational Schools/Other	P	X	P	P	P	P

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

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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 underdeveloped 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.

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.

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

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

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[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.
[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 5:12 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.

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CHAPTER 14.14 PARKING AND LOADING REQUIREMENTS

14.14.010 Purpose

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.

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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
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.	Waterport/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.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
27.	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.	Park	2 spaces/acre

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29.	Athletic Field	20 spaces/acre
30.	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
31.	Marina	1 space/5 slips or berths
32.	Golf Course	4 spaces/hole
33.	Theater	1 space/4 seats
34.	Bowling alley	4 spaces/alley
35.	Elementary/Middle School	1.6 spaces/classroom
36.	High School	4.5 spaces/classroom
37.	Community College	10 spaces/classroom
38.	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
39.	Day Care Facility	1 space/4 persons of license occupancy
40.	Hospital	1 space/bed
41.	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified

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 unless an alternate configuration has been approved and marked by the City of Newport; and

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

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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 is likely to take up an amended version of HB 3414 which narrowly failed during the 2022 session. A copy of what the Governor's office submitted to legislative counsel is enclosed. It would require that we set aside off-street parking requirements if requested by an applicant. They frame it as an "adjustment." This change would allow the City to get ahead of that process and frame circumstances where relief from off-street parking standards is appropriate.

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

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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 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 by the Community Development Director if the result allows 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. 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. 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 c ode 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.

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:

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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.

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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.

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.

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

v2.0.10

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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. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.

B. The developer of the park obtains a permit from the state.

C. The developer provides a map of the park to the City Building Official.

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 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.

2. Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway 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.

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.

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 receptacles for the disposal of solid waste materials 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.

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 lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. 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.

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 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, 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.

11. Except for the access roadway into the park, the park 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 conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. 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). Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under Section 14.18.020 (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.

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.

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

(Chapter 14.06 was amended by Ordinance No. 2170, adopted on September 21, 2020; effective October 21, 2020.)

Draft Framework: Housing Production Proposal – LC19
(Draft proposal components with high-level policy parameters)
11/03 Update Working Draft

This version of the draft framework will be used to begin drafting LC19 with a goal of getting a working draft of the LC to continue technical and policy discussions with legislators and stakeholders.

Major Policy Changes and Additions to HB3414B

- **Housing Accountability and Production Office section**
    a. Policy changes and clarifications
        i. HAPO will not process or be involved in land use appeals
        ii. HAPO will establish standards to determine if claim merits investigation
    b. Policy additions
        i. Add voluntary mediation services for cities and housing developers
        ii. Add a coordination role with state agencies involved in the housing development process to support cities and housing developers
        iii. Add expanded ready built plans (BCD) and model code (DLCD) programs to be developed in partnership with cities and housing developers
        iv. Add lead responsibility for establishing criteria for eligibility and prioritization of local government requests for housing site acquisition and readiness funds; housing site water, wastewater, stormwater, and transportation infrastructure funds; and moderate-income housing financing funds
        v. Add funding to study state and local timelines and standards related to public works and building permit application review and to develop recommendations for changes to reduce complexity, time, or cost

- **Mandatory design and development adjustments section**
    a. Policy changes and clarifications
        i. Modify bill language as needed to make it clear that section does not apply to land use design and development standards related to natural resources, water, trees, natural hazard risks, management and cleanup of hazardous or contaminated sites, or compliance with federal environmental protections.
        ii. Modify accessory dwelling unit and detached single-family dwelling unit mandatory design and development adjustments to include the following:
            1. Development standards, with each item in list counting as one adjustment for the purpose of the maximum of ten adjustment requests:
                a. Up to a 10% adjustment to side or rear setbacks
                b. Up to a 25% reduction to landscaped area, common area, or open space requirements
                c. Parking minimums
                d. Up to a 10% adjustment to lot size requirements
                e. Up to a 10% adjustment to lot widths or depths
                f. Up to a 10% adjustment to building lot coverage requirements

g. Unit density maximums to account for other adjustments in section

2. Design standards, with each item in list counting as one adjustment for the purpose of the maximum of ten adjustment requests, related to:
    a. Façade materials, color, or pattern
    b. Façade articulation
    c. Roof forms or materials
    d. Entry or garage door materials
    e. Garage door orientation, except for adjacent or across from schools or parks
    f. Window materials
    g. Up to a 30% adjustment to total window area

iii. Modify manufactured dwelling parks, middle housing, multifamily housing, and mixed used residential housing design and development adjustments to include the following:

1. Development standards, with each item in list counting as one adjustment for the purpose of the maximum of ten adjustment requests:
    a. Up to a 10% adjustment to side or rear setbacks
    b. Up to a 25% reduction to landscaped area, common area, or open space requirements
    c. Parking minimums
    d. Up to a 10% adjustment to lot size requirements
    e. Up to a 10% adjustment to lot widths or depths
    f. Bike parking requirements as detailed in HB3414B
    g. Up to a 10% adjustment to building lot coverage requirements
    h. Unit density maximums to account for other adjustments in section
    i. Building height maximums as detailed in HB3414B
    j. Prohibitions, on the ground floor of a mixed-use building as detailed in HB3414B
2. Design standards, with each item in list counting as one adjustment for the purpose of the maximum of ten adjustment requests, related to:
    a. Façade materials, color, or pattern
    b. Façade articulation
    c. Roof forms or materials
    d. Entry or garage door materials
    e. Garage door orientation, except for adjacent or across from schools or parks
    f. Window materials
    g. Up to a 30% adjustment to total window area
    h. Building orientation requirements as detailed in HB3414B
    i. Building height transition requirements as detailed in HB 3414B
    j. Balconies or porches

k. Recesses or offsets

b. Policy additions

i. Add minimum density threshold for eligibility – projects meeting whichever is greater, the current density minimums in the city's development code, or the following net densities:

1. 20 dwelling units per acre for cities within the Metro UGB
2. 5 dwelling units per acre for cities within Baker, Crook, Gilliam, Grant, Harney, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler Counties
3. 6 dwelling units per acre for cities within Clatsop, Coos, Curry, Jefferson, Klamath, Lincoln, and Tillamook Counties
4. 10 dwelling units per acre for all other cities

ii. Add exemption from requirement for cities that can demonstrate, with DLCD review and approval, that the following conditions are met:

1. A current local process exists for design and development adjustments for all housing development in all areas of the city
2. All design and development adjustments in HB3414B are eligible adjustments in the existing local process
3. Housing development adjustment requests have and are occurring and at least 90% of design and development adjustment requests in the last 10 years have been approved

Noted clarifications:

- N/A

Additions and changes under consideration:

- For this section, modify the goalpost rule to allow a land use application in process to opt-in to this new standard – considering this change and seeking feedback
- Feedback that mandatory adjustments for increased density and FAR should be included to facilitate additional housing development – establish table of stakeholders to discuss this in November

- **One-time alternative UGB expansion process**

a. Policy changes and clarifications

i. Modify expansion area average minimum density requirements to whichever is greater, the current density minimums in the city's development code, or the following net densities:

1. 20 dwelling units per acre for cities within the Metro UGB
2. 5 dwelling units per acre for cities within Baker, Crook, Gilliam, Grant, Harney, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler Counties
3. 6 dwelling units per acre for cities within Clatsop, Coos, Curry, Jefferson, Klamath, Lincoln, and Tillamook Counties
4. 10 dwelling units per acre for all other cities

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ii. Modify language to clarify that the one-time alternative UGB expansion process is a decision that must be initiated by a city, and if a city initiates an alternative process each landowner included must also consent
iii. Modify language to clarify that manufactured housing parks and manufactured housing area allowable housing types in UGB expansion areas
iv. Modify language to clarify that any expansion needs to be included in the next BLI and housing capacity analysis

b. Policy additions
   i. To be eligible cities must meet one of the following two criteria:
      1. Need for additional land demonstrated by having no UGB expansions with housing in the last 20 years, or by having 75% of UGB expansion areas with housing in last 20 years with comprehensive plan designations, infrastructure plans, and housing development occurring demonstrated by land use or building permit applications in process
      2. Need for additional affordable housing, where, utilizing the CHAS data provided by HUD, a city has a greater % of households extremely cost burdened (cost burdened > 50%) than the State of Oregon as whole
   ii. If the deed restricted regulated affordable housing (30% of all housing) has not started development within 10 years, the city has a right to have the deed restricted land ownership transferred to the city or the local housing authority
   iii. Add two alternative lower impact options – cities will need to choose the main option or one of the following lower impact options:
      1. A simplified land exchange that has no net increase in the amount of acreage within the UGB, limited to urban reserves, non-resource lands, and exception lands, as outlined in the table below:

Standard UGB Land Exchange	**Simplified UGB Land Exchange**
Cities must exchange capacity, requiring a site-specific BLI for outgoing & incoming land	Cities may exchange residential acreage at approximately a 1:1 ratio.
Land exchange must be 'like for like', incoming land must be same residential use and density	Cities may exchange any residential land (not commercial, industrial). Incoming land may be zoned at the same or greater density.
Cities must complete full priority/locational analysis evaluating potential sites within at least a half mile of UGB. Cities of 10,000 or more must study the area within one mile	Cities may exchange land for any urban reserve or non-resource land that is not actively used for farm or forest purposes without a full priority/locational analysis
Land removed from UGB must be planned and zoned for rural use	Cities may designate outgoing land as urban reserve, without requiring a zone change.
Property owner consent not required, but often politically necessary to minimize appeal risk	Dissenting property owners must accept a binding agreement to annex and develop land within 20 years or be removed

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UGB land exchanges may be appealed, similar to other UGB-related decisions	Similar narrowed appeal provisions that apply to expedited UGB amendment
Cities generally do not apply affordability requirements to incoming lands	Cities may leverage expedited UGB affordability requirements for lands considered for inclusion within the UGB

2. Allow cities to pursue a smaller scale one-time alternative UGB expansion of no more than 15 acres without the binding concept planning requirements of the main option – all other requirements need to be met

Noted clarifications:

- N/A

Additions and changes under consideration:

- Feedback that within the simplified land exchange option, land that is deed restricted for affordable housing is exempt from the net acreage calculation – exploring this concept and seeking feedback

Added Components

1. **Funding for local governments for site acquisition, mitigation, and readiness for housing**
2. **Funding site specific water, sewer, stormwater, and transportation infrastructure for housing**
3. **Funding for moderate income housing financing**

Added components 1-3 would have the following policy framework applied, to the extent possible. Additional feedback to be collected via working drafts of the LC.

a. Minimum density requirements: whichever is greater, the current density minimums in the city's development code, or the following net densities:
    i. 20 dwelling units per acre within the Metro UGB
    ii. 5 dwelling units per acre for cities within Baker, Crook, Gilliam, Grant, Harney, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler Counties
    iii. 6 dwelling units per acre for cities within Clatsop, Coos, Curry, Jefferson, Klamath, Lincoln, and Tillamook Counties
    iv. 10 dwelling units per acre for all other cities
b. Geographic distribution:
    i. At least 20% of funds for cities with populations less than 25,000
    ii. At least 40% of funds for cities with populations between 25,000 and 150,000
c. Eligible applicants:
    i. Cities, counties, and tribal councils
    ii. Special districts (that provide services related to water, wastewater, and stormwater) in partnership with cities, counties, or tribal councils
    iii. Housing authorities or affordable and moderate-income housing developers in partnership cities, counties, or tribal councils
d. Funding structure:

i. Grants for regulated low-income housing *(site acquisition and infrastructure)*
ii. Forgivable loan for moderate-income housing *(infrastructure)*
iii. Repayable loan for moderate-income housing *(site acquisition and financing)*
iv. Repayable loan for all other housing *(only available for infrastructure)*

e. Match requirement:
   i. No match for regulated low-income housing
   ii. 25% match for moderate-income housing
   iii. 50% match for all other housing

Noted clarifications:

- Density minimums for site must be in place prior to using funds via zoning requirements, deed restrictions, or another administrative mechanism
- Questions on how match requirements and grants/loans structure would apply to projects with a mix of affordability – the proportion of affordability would determine the proportional structure *(25% low income, 25% match and grants, etc.)*
- Low-income housing is housing affordable to households earning below 80% MFI
- Moderate income housing is housing affordable to households earning between 80% MFI and 120% MFI
- Manufactured housing and housing parks are an eligible housing type for funds
- Site specific means the development area for the site *(in-fill, large multifamily site, subdivision, etc.)* or connections to infrastructure adjacent to the development area
- Funds will be located within existing programs as sub-funds (SPWF) administratively, but the HAPO and the IFA will be responsible for the structuring eligibility and prioritization and for administering the funds as a single point of contact, respectively
- To the extent that the funding provided is grants, the intent is not to have grants revert at the close of a fiscal biennium
- The infrastructure financing authority will act as a single point of contact cities seeking funding, but will defer to the lead role of the Housing Accountability and Production Office in structuring eligibility and prioritization criteria, etc.

Additions and changes under consideration:

- Waiting for feedback on a city population-based framework rather than a county-location based framework for minimum density requirements, or potentially establishing a lower density threshold for cities below a certain population size
- Feedback that loans and match requirements for smaller cities create barriers to participation – establish table of stakeholders to discuss this in November
- Feedback that small scale facilities *(pump stations, etc.)* should be considered in the event the budget box is not sufficient to support large scale facilities – this will be included
- Feedback that large scale facilities component should be included regardless of budget box to establish the program in anticipation of future appropriations in future legislative sessions – considering this change and seeking feedback
- Feedback that a state SDC deferral risk mitigation fund may support cities interested in deferring SDC payments until the certificate of occupancy but are concerned about the risk of non-payment – exploring this concept and seeking feedback

4. **Incentive based climate programs for housing**
    a. Additional funding for heat pumps
    b. Department of Revenue to identify recommendations for heat pump tax credit
    c. Federal Funding:
        i. Direct OHCS and state agencies involved in the housing development process to provide housing developers information on current tax incentives and direct pay incentives, both of which are private sector-directed
        ii. Develop a "Climate Bonus" program for new and existing moderate and low-income housing construction
            1. Direct agencies to develop a cross-federal funding-sector program strategy to braid programs together and offer a financial bonus incentive if housing construction or retrofits meets certain criteria (e.g., homes that are affordable and comfortable to live in – 100% electric, meet new reach codes, and/or transit-oriented development)
            2. Direct ODOE to identify where federal home energy rebates and funds can be prioritized for these types of housing construction and retrofits.
                a. Electric and efficiency upgrades for housing development and housing retrofits
                b. Climate pollution reduction grants prioritizing clean and affordable housing/transportation items identified the state action plans with an emphasis on supporting transit-oriented housing development
                c. Solar for All focused on benefits from solar energy to low-income households and disadvantaged communities, with an emphasis on higher density housing
        iii. All federal funding must meet Justice40 benchmarks, where 40% of program benefits must flow to disadvantaged and minority communities.
    d. Encourage/reward cities for focusing infrastructure and affordable housing funding to mixed-use, walkable neighborhoods, with higher densities

5. **For 10 years, temporarily require select land use decisions for housing within UGBs that may be processed under Type III procedures to be processed under Type II procedures**
    a. Add exemption from requirement for cities that can demonstrate, with DLCD review and approval, that the requirement creates a financial hardship due to substantial increased costs moving from type III to type II land use review procedures
    b. Applies to the following land use decisions:
        i. Partitions, subdivisions, replats, and property line adjustments
        ii. Site plan review
        iii. Extensions, alterations, or expansions of nonconforming uses
        iv. Variances and adjustments not subject to the mandatory adjustments policy, including cities that request an exemption to the statewide by-right adjustment provision

Noted clarifications:

- Clarification that role of DLCD is to approve exemptions for this requirement due to financial hardship, not to review individual applications.

Additions and changes under consideration:

- Requiring cities to not apply required conditional use permit review processes to housing on residential lands within urban growth boundaries - exploring this concept and seeking feedback
- For this section, modify the goalpost rule to allow a land use application in process to opt-in to this new standard - exploring this concept and seeking feedback
- Concerns raised regarding interpretation of state statute requiring building code compliance prior to land division creating barrier to middle housing subdivisions for non-infill sites - exploring this concept and seeking feedback

6. **Develop a regional infrastructure coordinator program to support local water, sewer, stormwater, and transportation infrastructure planning and financing needed for housing**
    a. State staff or contractors to provide temporary capacity support to local governments, special districts and federally recognized tribes in infrastructure planning and financing
    b. Support local governments, special districts, and federally recognized tribes in maximizing local financing opportunities, and seeking state and federal opportunities through grant navigation, writing and review, technical support, resource sharing and regional collaboration support

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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]

City of Newport

Community Development Department

Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick Tokos, Community Development Director

Date: December 8, 2023

Re: Discuss HOLTE Homebuyer Incentive Program

One of the recommendations in the Housing Production Strategy is for the City of Newport to consider putting in place a Homebuyer Opportunity Limited Tax Exemption (HOLTE) to stimulate construction of new single unit housing affordable to moderate income households (see attached cutsheets).

For this work session, I have pulled together information on Portland's program which may be the only one that is currently operating in the state. This includes an FAQ, their administrative guidelines, statutes, and application forms. Portland's website indicates that they will approve no more than 500 applications a year; however, their guidelines set a cap of 100 applications. This is in a City that averages about 3,400 dwelling unit approvals per year. For a City of Newport's size, the limit would need to be much lower, such as 10 units per year, to avoid significant impacts to the tax base.

Portland also focuses their program on new construction, affordable to households earning 80% median area income. Existing housing is eligible under the statutes governing the program, so this was likely a policy call. Green building standards can be required. This would impact cost though and would require the program be focused on new construction as it would be difficult, if not impossible, to verify the compliance of a pre-existing building.

The governing statues have limited approval criteria; however, one of the requirements is that the units comply with locally adopted design standards. Portland appears to indicate that properties simply need to comply with applicable standards in the zoning ordinance and this might be the most pragmatic approach.

Please take a moment to look over the materials and come prepared to discuss features you believe should be included in a Newport program.

Attachments
HPS HOLTE Cutsheets
Portland HOLTE Application Materials
ORS 307.651 – 307.687 – Governing Statutes

B. Implement the Homebuyer Opportunity Limited Tax Exemption

Rationale

The Homebuyer Opportunity Limited Tax Exemption (HOLTE) can serve as an incentive to stimulate the construction of new single-unit housing and encourage homeownership among low and moderate-income families.

Description

The state-authorized, locally implemented Homebuyer Opportunity Limited Tax Exemption (HOLTE) provides a 10-year property tax exemption on the improvement value of new or rehabilitated for-sale housing valued at no more than 120% of the median sales price for the City (or a lower percentage of median sales price if desired by the City). The City can set additional eligibility criteria (such as income limits or require owner occupancy) and can cap the number or value of units in the program.[9] This program could support expanded homeownership opportunities for low- and moderate-income households and/or production of lower-cost, new, single-unit housing. HOLTE can be used to support homeownership for single-unit detached housing, townhouses, cottages, and plex housing types.

This exemption can be used in conjunction with other incentives (e.g., SDC deferrals), homeownership programs (e.g., down payment assistance programs and mortgage credit certificate programs), and land trust. It can be used to accomplish other development goals, such as green buildings and transit-oriented development.

What does the exemption apply to? The tax abatement can apply to any ownership housing valued at less than 120% of the City's median sales price. This could include housing provided by a community land trust or an affordable housing provider. The program can apply to any housing type as long as the units are sold individually, including single-family homes, townhouses, other for-sale middle housing, or condominiums.

How long does it apply? The property tax exemption can be granted for up to 10 years. State statue does not allow for the abatement to be extended.

What taxing districts would participate? The property tax exemption requires that the City gets affirmative support from at least 51% of overlapping taxing districts for the exemption. Newport's city property taxes account for about 36% of property taxes in Newport.

What impact might HOLTE have? In an analysis for the City of Hillsboro, ECONorthwest estimated the monthly property tax savings for a homeowner with the 10-year single-unit tax exemption as well as the foregone revenue for the City. Based on an example property with an improvement value of $238,000 and an assessed value of $164,000 (excluding land value[10]), the analysis found that the homeowner would save roughly $240 per month or about $28,800 over the 10-year period if all districts participate in the exemption. The City would forego roughly $9,000 (in today's dollars) of tax revenues over 10 years for the unit, with other taxing districts forgoing approximately $19,800.

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[9] ORS 307.657. HOLTE allows cities to adopt standards and guidelines to be utilized in considering applications and making the determinations required under ORS 307.651 to 307.687, **including but not limited** to: (a) Design elements for construction of the single-unit housing proposed to be exempt. (b) Extension of public benefits from the construction of the single-unit housing beyond the period of exemption. The City should review desired requirements with the City attorney before enacting.

[10] Based on the exemption of land value from property taxes allowed in ORS 307,162.

While Newport's tax rates would differ from this example in Washington County, this example shows that the impact to City tax revenues would be minimal while providing much needed support for low- and moderate-income homeowners.

How much impact could this exemption have on Newport? Before adopting the HOLTE, the City should evaluate the potential impact on property tax revenues resulting from HOLTE. The City may want to consider capping the number of households it grants HOLTE exemptions to on an annual basis. The City may also want to run a pilot project for HOLTE, to evaluate its impact and effectiveness.

City Role

Implement the exemption and execute on reporting and administration procedures

Partners

Overlapping taxing districts

Anticipated Impacts

Populations Served	Income	Housing Tenure	Magnitude of New Units Produced
Low and moderate income	Up to 120% of MFI	Ownership	Small

Potential Risks

The City and participating taxing districts will lose property tax income for the duration of the exemption, reducing revenue for City services and revenue for participating taxing districts. If the City does not put a cap on the number of HOLTE applications it could grant each year, the City may be overwhelmed with applications.

Implementation Steps

- Evaluate the tradeoffs of implementing HOLTE with various program parameters. Consider establishing an income cap (i.e., below 120% MFI) and owner occupancy requirements (i.e., demonstrate that they do not own another home) for eligibility in the HOLTE program. Verify legality of requirements with City attorney.
- Seek support from overlapping taxing districts to offer the exemption for all property taxes (not just the City's portion).
- Discuss topic with City Council at work sessions and in public hearings. City Council may choose to adopt HOLTE by resolution or ordinance following a public hearing.
- Follow up with overlapping taxing districts to request that they pass resolutions to support the exemption.

Implementation Timeline

Timeline for Adoption	Implementation to Commence	Timeframe of Impact
December 2025	2026	Ongoing

Funding or Revenue Implications

Consider setting a limit for foregone revenues on an annual basis, or an annual unit cap.

Frequently Asked Questions

Information

HOLTE Program

Can I apply for an Limited Tax Exemption (LTE) on a home I have already begun building or have built?

No. You must apply for the program before you obtain your building permit.

Can I rent out an LTE property prior to selling it?

No. If the LTE approved property is rented prior to selling it, the LTE will be permanently terminated.

How long do I have to construct and sell an LTE home?

Construction must be completed within two years of the exemption approval. Once constructed, the property must remain vacant while it is being marketed and sold.

Does the LTE automatically transfer to the initial homebuyer?

No. The initial homebuyer must submit a verification form and supporting documentation to PHB and qualify for the program prior to buying the home in order for the LTE to continue.

What about subsequent homebuyers? Does the LTE automatically transfer to subsequent homebuyers?

The exemptions require a homebuyer to submit an income verification form and supporting documentation to PHB. However, some of the exemptions do transfer automatically provided the new homebuyer occupies the home as their primary residence. Please call us at 503-823-3270 to verify what steps are necessary to transfer the exemption.

When does the LTE begin?

The LTE begins with the new property tax year (July 1), following City Council approval.

Homebuyer Opportunity Limited Tax Exemption (HOLTE) Program

Administrative Rules

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Appendices
Appendix A – Two-Bedroom Unit Eligibility Area Map

I. Definition of Administrative Rules

These Administrative Rules (these "Rules") are created in accordance with the City of Portland's Administrative Rule process by the Portland Housing Bureau ("PHB") to define the policies, processes, and procedures of implementation of the Homebuyer Opportunity Limited Tax Exemption (the "HOLTE Program") authorized by Portland City Code ("PCC") 3.102 and Oregon Revised Statute ("ORS") 307.651 through 307.687.

These Rules were first approved through City Council and subsequently amended by PHB. The Director of PHB or a designee has authority to make changes to these Rules, according to PHB's rule-making process as necessary to meet current program requirements.

Program policies, processes, and procedures are outlined in these Rules, however, there may be additional program requirements necessary to maintain compliance with city code and state statute.

II. Program Goals

The legislative goals of the HOLTE Program are to stimulate the construction of new single-unit housing and encourage homeownership among low and moderate-income families.

The City of Portland and Multnomah County have established the following additional core goals:

A. Demonstrate value to the taxpayers by stimulating the inclusion of affordable housing and other public benefits where those may not otherwise be developed;
B. Leverage market activity to advance housing and economic prosperity goals through alignment with PHB's Strategic Plan and Portland Plan goals;
C. Assure that the program advances the PHB's priority goal of increasing minority homeownership; and
D. Transparent and accountable stewardship of public investments.

III. Benefit of the Tax Exemption

Properties participating in the HOLTE Program receive a ten-year property tax exemption on the structural improvements of the single-unit housing as long as the single-unit housing and owner remain eligible per program requirements. Owners remain responsible for payment of any taxes on the assessed value of the land throughout the exemption period.

When the tax exemption is either terminated for noncompliance or expires after the ten-year exemption period, the value of the single-unit housing will be reassessed for tax purposes and owners will begin paying full property taxes. The exemption period cannot be extended under this program.

IV. Program Requirements

A. **Location**. The single-unit housing must be located in Multnomah County and within the City of Portland.
B. **Single-unit housing.** Proposed construction must be a new single-family home, townhome, or condominium.

C. **Sale price cap.** The single-unit housing and underlying property shall not sell for more than the sale price cap established annually by PHB. The maximum sale price shall not be more than 120% of the annual median sale price for single-unit housing the City of Portland.

D. **Arm's length transaction.** The initial sale of single-unit housing must occur through an arm's length transaction, defined as a transaction in which the buyer and seller act independently and have no relationship by blood, marriage or related business dealings.

E. **Affordability.** Homebuyers who will both own and occupy the single-unit housing must not earn more than 100% of the median family income (MFI) for a family of four, adjusted upward for households larger than 4 (four) persons.

F. **Cash purchases.** All-cash purchases are not allowed.

G. **Occupancy.** Homebuyers must occupy the single-unit housing within 60-days of closing and must maintain the single-unit housing as their primary residence. The residence cannot be used as a vacation home or second home. The property tax exemption will be removed from any single-unit housing that is rented prior to initial sale or after homebuyer qualification.

H. **Construction time frame**. Construction of the new single-unit housing must be completed within two years of City Council approval of the HOLTE Program application, demonstrated by final permit or certificate of occupancy approval, whichever comes first. Should the owner not complete construction within two years, the owner may request a 12-month extension:

1. Owners must request an extension of construction completion prior to the date of the initial construction deadline.
2. PHB will consider extension requests for single-unit housing that is under construction at least to the point that the framing inspection has been approved, and for which the owner demonstrates that the delay in construction completion was due to circumstances beyond their control, that they have a plan for completing construction within the 12-month extension period, and that they have acted, and will continue to act in good faith and with due diligence to complete construction.
3. PHB may consider and approve an additional 12-month extension should the single-unit housing be delayed further beyond the control of the owner.

I. **Bedroom count**. Proposed single-unit housing must have at least three bedrooms unless it is built within approved transit-oriented areas where two-bedroom single-unit housing allowed, see Appendix A. The bedroom count requirement may be waived if the single-unit housing being built is:

1. Subject to an affordable housing covenant as defined in ORS 456.270; and
2. Affordable to a homebuyer whose household income does not exceed 80% MFI.

J. **Design standards**. Proposed single-unit housing should be of high quality and contribute to the livability of the surrounding area. At a minimum, construction must meet the City of Portland's Base Zone Design Standards.

K. **Green building**. Applicant must participate with a green building program approved by PHB such as Earth Advantage, US and Green Building Council's Leadership and Energy in Environmental Design (LEED), Energy Star, Energy Trust of Oregon, or other comparable green building program.

L. **Equity goals**. Applicant shall acknowledge awareness and understanding of PHB's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping

Portlanders from Communities of Color buy a home and agree to partner with PHB to assure that communities of color are aware of single-unit housing for sale with exemptions.

M. **DMWESB contracting**. Applicant shall acknowledge familiarity with PHB's Disadvantaged, Minority, Women-Owned, Emerging Small Businesses, and Service-Disabled Veterans Business Enterprises (DMWESB-SDVBE) guidelines and contracting opportunity goals, report on past contracting relationships, and contracting opportunities to be created in the construction of the property.

N. **Marketing.** Applicants must submit schematic drawings or like photos of new single-unit housing to be built and seller or listing agent contact information with each new application for use in marketing materials.

V. Application Submission and Review

Applicants shall submit to PHB a completed HOLTE Program application, any supporting documentation, and the application fee, determined annually by PHB. PHB requires a minimum of 10 business day to review and process applications. Applications for the HOLTE Program must be deemed complete and reviewed for program eligibility by PHB prior to building permit issuance.

A. **Annual Application Cap.** PHB will approve no more than 100 new HOLTE Program applications each fiscal year (July 1 – June 30). Applications are exempt from the annual cap of 100 approvals if the single-unit housing being built is:
   1. Subject to an affordable housing covenant as defined in ORS 456.270; and
   2. Affordable to a homebuyer whose household income does not exceed 80% MFI.

B. **URA approval**. Single-unit housing located in either the Lents or Interstate Corridor Urban Renewal Areas require additional approval from Prosper Portland. PHB will coordinate with Prosper Portland for approval prior to PHB's review of the application.

C. **Eligibility.** For qualified applications, PHB will issue a program eligibility letter allowing building permit issuance to proceed. PHB will record a notice on the title to the property requiring PHB verification of homebuyer eligibility requirements. The notice shall contain an explanation of the process and requirements necessary for maintaining the exemption through expiration.

VI. Exemption Approval

Tax exemptions will be approved or denied by City Council within 180 days of PHB receiving a complete application. Approval occurs through the adoption of a resolution by City Council.

A. Upon adoption, PHB will:
   1. Send a copy of the approved resolution to the property owner; and
   2. Send a copy of the approved resolution list of approved tax accounts, and the corresponding fees to Multnomah County no later than April 1 each tax year.

B. Approved tax accounts as of April 1 will receive the tax exemption starting July 1. The tax exemption will be reflected in the tax bill due November 15.

VII. Compliance Requirements

A. **Initial Sale**

Homebuyers that will both own and occupy the single-unit housing as their primary residence must submit a verification form and supporting documentation to PHB for review and response. Failure to submit these items to PHB at least 10 days prior to closing could delay PHB's notification to escrow of the homebuyer's eligibility. PHB will notify the homebuyer and escrow company of the homebuyer's qualification.

1. **Income verification documentation**. Documentation to verify income includes, but is not limited to, the last two years of W2s, the most recent month's paystubs, and documentation of any additional income received such as social security, child support, alimony, or unemployment benefits. Self-employed homebuyers must submit two years of filed federal tax returns with all schedules and a current year-to-date profit and loss statement. PHB may require additional documentation to fully verify current income of the homebuyers including letters of explanation or affidavits.
2. **Sale price cap**. Single-unit housing shall not sell at a price exceeding PHB's annually established price cap. If the single-unit housing is selling over the price cap, the seller or escrow must notify PHB at least 10 business days prior to closing on the purchase and shall not close without PHB review and response. If the tax exemption is already in effect, it will be terminated, and escrow must request the amount of any taxes exempted due from Multnomah County to be paid at closing by the seller.
3. **Construction completion**. The single-unit housing must be fully constructed upon sale demonstrated by final permit or certificate of occupancy approval, whichever comes first.
4. **Processing fee**. Homebuyers must pay a processing fee, determined annually by PHB, to PHB within 30 days of closing. If the single-unit housing is out of compliance at the time of sale, the processing fee must be paid at closing by the seller.
5. **Verification of closing**. PHB must receive documentation of the final sale price and title holders within 30 days of closing demonstrated by copies of the recorded Warranty Deed and the Final Settlement Statement.

B. **Compliance During the Exemption Period**

1. **Transfer of title**. Any transfer of title to another owner (i.e. builder, developer, or financial institution) prior to sale to the initial homebuyer, requires a Subsequent Builder Application to be submitted to PHB for approval. The exemption can continue as long as all other terms of the program are met.
2. **Subsequent homebuyers**. If a single-unit housing with a tax exemption transfers ownership a new homebuyer during the ten-year exemption period, the homebuyer must meet the affordability and owner occupancy requirements of the program. To verify eligibility, the homebuyer must submit a processing fee along with a verification form and supporting income documentation for review and approval by PHB to continue the remaining years of the exemption.

C. **Foreclosed Properties.** Should a bank foreclose on single-unit housing with a tax exemption, the exemption will remain in place as long as the single-unit housing is vacant and not being rented for up to 180 days. The exemption can continue beyond 180 days if the bank is in contract to sell the single-unit housing to a homebuyer who will occupy the single-unit housing, but it will be terminated if the sale does not close.

D. **Non-profit ownership interest.** The full ten-year tax exemption will remain in place on the single-unit housing as long as it is subject to an affordable housing covenant as

defined in ORS 456.270, a non-profit housing organization maintains an ongoing ownership interest in the land or structure as demonstrated by a recorded deed, and the single-unit housing has not been rented.

E. **Monitoring Owner Occupancy.** The single-unit housing shall not be rented prior to initial sale or after homebuyer approval. After initial sale, the single-unit housing must be owner occupied (or listed for sale and vacant) during the exemption period. Multnomah County will provide periodic lists to PHB of exemptions where the situs address differs from the mailing address on record for the tax bill Single-unit housing with a post office box as the mailing address will be included in this list. PHB will send a letter to owners on the list provided by Multnomah County at both the situs and mailing addresses requesting documentation that a single-unit housing is being occupied as the owner's primary residence and is not rented. Documentation includes, but is not limited to, copies of the prior year's complete federal tax return, government-issued photo identification showing the situs address, and a recent (within two months) utility bill showing the mailing address and billing address as the situs address. PHB will determine if documentation submitted is sufficient to document owner occupancy.

VIII. Termination of Active Exemptions

If the property no longer qualifies for the tax exemption due to violation of any of these Rules, the exemption will be terminated. PHB will send a certified letter to both the situs and mailing addresses on record with the date of a hearing where the owner may show cause why the exemption should not be terminated. The hearing will be scheduled at least 20 days from the date of the letter. PHB will determine if the owner has presented sufficient cause to support the continuance rather than termination of the exemption. PHB will present to City Council a list of all exemptions to be terminated. Once a single-unit housing tax exemption is removed, it cannot be reinstated.

A. **Hardship Exception**. If PHB determines that an owner is not meeting the owner occupancy requirement of the program, the owner may submit a letter to PHB asking for a hardship exception to the requirement. Hardship exceptions may be granted for, but are not limited to, the following situations: active military duty outside of the area, temporary relocation to care for an ill or dying family member, or temporary relocation caused by an employer. PHB will review the hardship request and determine whether an exception to the owner occupancy requirement can be granted. PHB will not accept a hardship exception if the property has been rented. Hardship exceptions are granted for a period of one year. Owners must request an additional exception each year should the hardship situation continue.

IX. PHB Administrative Requirements and Dates

A. **Sunset date.** ORS 307.651 through 307.687 and the authority for the HOLTE Program expires January 1, 2025. Single-unit housing with approved exemptions must be built prior to this date unless a one-year extension is approved by PHB, or the program is extended, and a new sunset date is established through the Oregon State Legislature.

B. **Annual Review of Price Cap**. PHB will review and establish an annual maximum market value and price cap based on data of the previous year's sales within the City of Portland provided by Multnomah County. PHB will present a resolution to City Council to approve the cap prior to January 1.

Portland Housing Bureau

Homebuyer Compliance Verification Form

Homebuyer Opportunity Limited Tax Exemption (HOLTE)
System Development Charge (SDC) Exemption

THIS VERIFICATION FORM AND ACCOMPANYING INCOME DOCUMENTATION LISTED ON PAGE 2 MUST BE SUBMITTED TO PHB FOR REVIEW AT LEAST 10 DAYS PRIOR TO CLOSING

I am submitting homebuyer compliance documentation for the following program(s):

☐ Homebuyer Opportunity Limited Tax Exemption (HOLTE) ☐ System Development Charge (SDC) Exemption

Please note that not all properties will have both of the above programs in place. Contact PHB staff to confirm.

I. PROPERTY INFORMATION

Property Address (Number, Area, Street and Zip):	Unit #	Name of Condominium (if applicable):	Number of Bedrooms:
Legal description (Lot, Block and Addition):	Property Tax Account Number:	Purchase Price: $	Target Closing Date:

II. HOMEBUYER INFORMATION

All Homebuyers going on title to the property must complete and sign this form. If there are more than two Homebuyers, a second form should be completed.

HOMEBUYER 1:			HOMEBUYER 2:		
Name (include Jr. or Sr. if applicable):			Name (include Jr. or Sr. if applicable):		
Current Mailing Address (including Street Address or PO Box, City, State & Zip Code):			Current Mailing Address (including Street Address or PO Box, City, State & Zip Code):		
Home Phone:	Cell Phone:		Home Phone:	Cell Phone:	
E-mail:		☐ Married ☐ Separated ☐ Unmarried (single/divorced/widowed)	E-mail:		☐ Married ☐ Separated ☐ Unmarried (single/divorced/widowed)
First-Time Homebuyer?: Yes ☐ No ☐	Will you Live in the Home?: Yes ☐ No ☐	Family Household Size:	First-Time Homebuyer?: Yes ☐ No ☐	Will you Live in the Home?: Yes ☐ No ☐	Family Household Size: (in addition to Homebuyer 1)

Please list all Household Members who will be living in the home, with their ages (not including Homebuyer 1 and 2):

1. Name Age	2. Name Age	3. Name Age	4. Name Age

III. INCOME INFORMATION

Non-occupying Co-Buyers must complete and sign this form and submit a letter of explanation (signed by all Homebuyers) in lieu of income documentation.

HOMEBUYER 1:		HOMEBUYER 2:	
Name of Employer: ☐ Check if Self Employed	Time at this Job:	Name of Employer: ☐ Check if Self Employed	Time at this Job:
	Gross Monthly Income: $		Gross Monthly Income: $
Name of 2nd Employer: (or additional income source)	Time at this Job:	Name of 2nd Employer: (or additional income source)	Time at this Job:
	Gross Monthly Income: $		Gross Monthly Income: $
Previous Employer:	Dates of Employment:	Previous Employer:	Dates of Employment:

IV. RACE AND ORIGIN INFORMATION

This form collects data on your race and origin in order to help the Portland Housing Bureau measure how well it is doing providing access to underserved populations. To ensure accuracy, and to minimize the use of "other," please define your identity as specifically as you can. PHB is not providing a "multiracial" category intentionally, and instead recommends that you fill in as many boxes as you wish.

HOMEBUYER 1: Sex: ☐ Female ☐ Male

What is your race or origin? Mark as many boxes as appropriate:

- ☐ African immigrant or refugee
- ☐ Asian
- ☐ Black/African American
- ☐ Latino/Hispanic
- ☐ Middle Eastern
- ☐ Native American/Alaskan Native
- ☐ Native Hawaiian
- ☐ Pacific Islander
- ☐ Slavic
- ☐ White

Please share your origin, ancestry or Tribal affiliations in whatever other way you wish: _____

HOMEBUYER 2: Sex: ☐ Female ☐ Male

What is your race or origin? Mark as many boxes as appropriate:

- ☐ African immigrant or refugee
- ☐ Asian
- ☐ Black/African American
- ☐ Latino/Hispanic
- ☐ Middle Eastern
- ☐ Native American/Alaskan Native
- ☐ Native Hawaiian
- ☐ Pacific Islander
- ☐ Slavic
- ☐ White

Please share your origin, ancestry or Tribal affiliations in whatever other way you wish: _____

V. ESCROW INFORMATION

Complete the contact information for the party to receive LTE Qualification and SDC Exemption Demand Statement and Release Agreement.

Escrow Officer:	Escrow Number:
Title Company Name:	Phone number:
Street Address:	Email Address:
City, St and Zip:	Fax Number:

VI. SDC EXEMPTION ACKNOWLEDGEMENT AND AGREEMENT

I/We certify that the information provided in this verification form is true and correct as of the date set forth opposite my/our signature(s) on this verification form and acknowledge my/our understanding that any intentional or negligent misrepresentation(s) of the information contained in this verification form may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et. seq. and liability for monetary damages to the Portland Housing Bureau (PHB), its agents, successors and assigns, and any other person who may suffer any loss due to reliance upon any misrepresentation which I/We have made in this verification form.

I/We understand PHB will retain this verification form and completing the verification form is not a guarantee of eligibility. PHB, its agents, successors and assigns are authorized at any time to verify or re-verify any information contained in this verification form, either directly or from any source named in this verification form.

This verification form information is confidential and submitted voluntarily to PHB. I/We understand that non-exempt information contained in this verification form is subject to disclosure under the Oregon Public Records Law, ORS 192.420.

X _____
Homebuyer 1 Date

X _____
Homebuyer 2 Date

VII. HOLTE ACKNOWLEDGEMENT AND CERTIFICATION

Acknowledgement; read carefully and sign below.

I/We, the undersigned Homebuyer(s) acknowledge and certify that:

a) I/We am/are aware of all requirements of the limited tax exemption imposed by Portland City Code Chapter 3.102;
b) That my/our annual gross income is not greater than 100% median family income for a family of four, adjusted upward for households larger than 4 persons. For the purposes of this program, household income is the annual gross income of the titleholder(s) who will occupy the property;
c) If approved by PHB, that I/we intend to occupy the property as our principal residence;
d) If, for any reason, I/we no longer occupy the property as my/our principal residence, that the exemption will cease;
e) If my/our application for tax exemption is approved, that during the period of the exemption, subsequent buyers of the structure must also intend to occupy the property as their principal residence in order to continue the exemption; additionally, they will need to apply, and income qualify for the exemption and so must check with PHB;
f) The information provided in this application is true and correct as of the date set forth opposite my/our signature(s) on this application; and
g) My/our intentional or negligent misrepresentation(s) of the information contained in this verification form may result in civil liability and/or criminal penalties and liability for monetary damages to the PHB, its agents, successors and assigns and/or in revocation of tax exemption status and penalties including but not limited to reimbursement of exemption amount and penalties.

X _____
Homebuyer 1 Date

X _____
Homebuyer 2 Date

Return scanned and completed form, and supporting documentation to:
Email: indirect@portlandoregon.gov or FAX: 503-865-3479
If you are unable to scan and email the documents, or FAX mail to:
PHB HOLTE/SDC Exemption Programs
1900 SW 4th Ave, Suite 7007
Portland, OR 97201
Please note: mailing the documents delays receipt for processing.

The following documentation must be submitted to PHB along with this verification form at least 10 days prior to closing:

Income Verification (Copies are acceptable):

- ☐ Current pay-stub(s) covering at least the past 30 days and including year-to-date earnings, from all employers;
- ☐ W-2 forms for the past two years from all employers; and
- ☐ Documentation of all other income sources such as social security, pension, disability, child support, alimony, etc.

IF SELF EMPLOYED:

- ☐ Past two years' complete **signed** Federal tax returns, including all schedules; and
- ☐ Year-to-date income and expense statement.

Co-Buyers going on title to the property who will not live in the home do not submit income documentation but must complete and sign the verification form and submit a letter of explanation signed by all Homebuyers.

There are additional HOLTE Program requirements due at closing:

- ☐ Copy of the recorded Warranty Deed or the Final HUD-1 Settlement Statement showing the final sale price and the names on title to the property; and
- ☐ Processing fee of $1,000 payable to "PHB" or "Portland Housing Bureau".

For additional information:
SDC Program www.portland.gov/phb/sdc-exemption
HOLTE Program www.Portland.gov/phb/holte
Phone: 503-823-3270
E-mail: indirect@portlandoregon.gov

EQUAL HOUSING OPPORTUNITY

Portland Housing Bureau

Homebuyer Opportunity Limited Tax Exemption (HOLTE) Builder Application

Applications must be submitted to Portland Housing Bureau (PHB) **prior to permit issuance**. PHB will approve no more than 100 applications each year. Please submit a separate application for each permit number and/or unit. PHB requires a minimum of 10 business days to review and process applications.

I. PROPERTY INFORMATION

Property Address (number, area, street and zip):

Property Tax Account Number: R ___ ___ ___ ___ ___ ___

Full Legal Description: (attach metes and bounds legal descriptionseparately)

Lot Block Addition

Permit Number:

Date of Intake_____ Permit Ready to Issue?Y☐N☐

Lot size:	Proposed Square footage:	# of Bedrooms:	Anticipated Sale Price:	Anticipated Construction Completion Date:

Is the property within a designated transit-oriented area?

☐ Yes ☐ No

Will the home be subject to an affordable housing covenant restricting the buyer's MFI to 80% or below?

☐ Yes ☐ No

(Such units are exempt from the annual cap; Please provide supporting documentation.)

Building Type of New Construction:

☐ Single- Family Home

☐ Condominium ☐ Townhome

2. APPLICANT INFORMATION

Applicant(s) (Entity or Individual) as appears on title of property:

Project Contact if other than Applicant:

Project Contact Phone:

Signatory(s) (as registered with the Secretary of State:

Title with Entity (Member, President, etc.; Individual)

Applicant(s) Full Address, including zip code

Phone:	Cell Phone:	Fax:	E-mail:

Applicant Entity Type (check all which apply):

☐ For-Profit
☐ Non-Profit
☐ Limited Partnership
☐ Individual
☐ Corporation
☐ Limited Liability Company
☐ MWESB (Minority, Women, Emerging Small Business Classification)
☐ Other: _____

3. CONTACT FOR INFORMATION ABOUT HOME FOR SALE

PHB will post schematics and photos online for potential homebuyers and real estate professionals to inquire about HOLTE homes.

Listing Company:	Listing Agent:	Phone:

4. REQUIRED EXHIBITS

☐ Articles of Incorporation, By-Laws, Articles of Organization, Operating Agreement or Statement of Action identifying signatory for Entity/Owner
☐ Corporate Resolution (as applicable)
☐ Proof of Site Control (i.e. Deed)
☐ Tax/Plat Map
☐ Green Building Annual Registration
☐ $1,000 Application Fee
☐ Schematics and like photos – internal & external

5. APPROVAL PROCESS

- Approval is subject to meeting the requirements of State Statute ORS 307.651, City Code 3.102 and the Program Administrative Rules.
- For properties located in Urban Renewal Areas, PHB will contact Portland Development Commission (PDC) for approval prior to approval of the application.
- Exemptions will receive final approval by PHB through a resolution approved by City Council within 180 days of application. The Multnomah County processing fee will be paid through the associated building permit at time of permit issuance.
- PHB will record a notice on title to the property requiring PHB verification of home-buyer affordability and owner-occupancy qualification prior to the sale of the property to the initial and subsequent home-buyer(s).
- Approved properties will receive tax exemption starting July 1 following City Council approval which will be reflected in the tax bill due November 15.
- Any transfer of title to another owner (i.e. builder, developer, or financial institution) prior to sale to the initial buyer, requires a Subsequent Application to be submitted to PHB for approval. The exemption can continue as long as all other terms of the program are met.

SIGNATURE PAGE FOLLOWS

6. ACKNOWLEDGEMENT AND CERTIFICATION

Acknowledgement of the provisions of the tax exemption imposed by Portland City Code Chapter 3.102 and certification is required. Read carefully and sign below.

Acknowledgement; I/We, the undersigned Applicant(s) acknowledge:

a) The property must qualify as an eligible property including but not limited to the following criteria:
   - Property is located within the City of Portland;
   - Proposed single-unit home has at least three bedrooms unless built within approved transit-oriented areas, in which case two-bedroom homes are allowed;
   - Proposed homes should be of high quality and contribute to the livability of the surrounding area; at a minimum, construction must meet the City of Portland's Base Zone Design Standards;
   - Construction must be completed within two years from PHB approval of the application;
   - Property must sell within two years of activation of the exemption;
   - Property must be sold under the price limit for this program, or any exempted taxes must be repaid at initial sale; and
   - Property sale must be an arm's length transaction*.

b) Maintaining the tax exemption during the 10-year period depends on the following:
   - The initial homebuyer must submit a verification form and supporting documentation at least 10 business days prior to closing on the home purchase and must not close without PHB review and response. Both initial and subsequent homebuyers (who will be both on title to the property and occupying the home) must earn no more than 100% median family income for a family of four, adjusted upward for households larger than 4 persons. For the purposes of this program, household income is the annual gross income of the titleholder(s) who will occupy the property; and
   - Property may not be rented at any time (both prior to initial sale and after homebuyer qualification); properties which are rented are subject to termination of the exemption. Homebuyers must occupy the property as their primary residence.

c) Awareness and understanding of PHB's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping Portlanders from Communities of Color buy a home and agree to partner with PHB to assure that communities of color are aware of properties for sale with exemptions.

d) Familiarity with PHB's Minority, Women, and Emerging Small Businesses (MWESB) guidelines and contracting opportunity goals and agrees to explore MWESB contracting opportunities in the construction of the property. Applicant will report use of MWESB contractors at the request of PHB.

e) Annual registration with PHB approved green building certification agency is required. Applicant agrees to submit documentation to PHB.

f) If at the time of sale, the property no longer qualifies for the tax exemption, the exemption will be terminated and the remaining fee of $1,000 must be paid. Applicant acknowledges responsibility for compliance with the Code of the City of Portland.

Certification; I/we certify that the information provided in this application is true and correct as of the date set forth opposite my/our signature(s) on this application and acknowledge my/our understanding that my intentional or negligent misrepresentation(s) of the information contained in this application may result in civil liability and/or criminal penalties and liability for monetary damages to the PHB, its agents, successors and assigns and/or in revocation of tax exemption status and penalties including but not limited to reimbursement of exemption amount and penalties.

Please submit to PHB the application fee of $1,000.00 per unit along with this application and supporting documentation. There will be an additional $850.00 added into the permit. The fee is non-refundable and covers the expense to activate the exemption with Multnomah County.

Applications without signature are not valid.

_____ _____
Applicant Date

_____ _____
Co-Applicant Date

*An arm's length transaction is one in which the buyer and seller act independently and have no relationship (by blood, marriage or unrelated business dealings) to each other. An arm's length transaction will be fair and equitable to all parties and will result in a fair market price.

Homebuyer Opportunity Limited Tax Exemption (HOLTE) Program
Portland Housing Bureau
1900 SW 4th Ave, Ste 7007, Portland, OR 97201
Phone 503.823.3270; Fax 503.865.3479
E-mail: indirect@portlandoregon.gov
Website: www.portland.gov/phb/holte

(Single-Unit Housing)

307.651 Definitions for ORS 307.651 to 307.687. As used in ORS 307.651 to 307.687, unless the context requires otherwise:

(1) "Governing body" means the city legislative body having jurisdiction over the property for which an exemption may be applied for under ORS 307.651 to 307.687.

(2) "Qualified dwelling unit" means a dwelling unit that, at the time an application is filed pursuant to ORS 307.667, has a market value for the land and improvements of no more than 120 percent, or a lesser percentage as adopted by the governing body by resolution, of the median sales price of dwelling units located within the city.

(3) "Single-unit housing" means a structure having one or more dwelling units that:

(a) Is, or will be, upon purchase, rehabilitation or completion of construction, in conformance with all local plans and planning regulations, including special or district-wide plans developed and adopted pursuant to ORS chapters 195, 196, 197 and 227.

(b) If newly constructed, is completed within two years after application for exemption is approved under ORS 307.674.

(c) Is designed for each dwelling unit within the structure to be purchased by and lived in by one person or one family.

(d) Has one or more qualified dwelling units within the single-unit housing.

(e) Is not a floating home, as defined in ORS 830.700, or a manufactured structure, other than a manufactured home described in ORS 197.307 (8)(a) to (f).

(4) "Structure" does not include the land or any site development made to the land, as those terms are defined in ORS 307.010. [Formerly 458.005; 2011 c.354 §8; 2013 c.426 §1; 2017 c.294 §1; 2019 c.585 §22; 2021 c.528 §9]

Note: Section 12, chapter 528, Oregon Laws 2021, provides:

Sec. 12. The amendments to ORS 307.651, 307.677 and 307.681 by sections 9 to 11 of this 2021 Act apply to property for which an application has been approved under ORS 307.674 before, on or after the effective date of this 2021 Act [September 25, 2021]. [2021 c.528 §12]

307.654 Legislative findings. (1) The Legislative Assembly finds it to be in the public interest to encourage homeownership among low and moderate income families.

(2) The Legislative Assembly further finds and declares that the cities of this state should be able to establish and design programs to stimulate the purchase, rehabilitation and construction of single-unit housing for homeownership by low and moderate income families by means of a limited property tax exemption, as provided under ORS 307.651 to 307.687. [Formerly 458.010; 2013 c.426 §2; 2017 c.294 §2]

307.657 Local government action to provide exemption. (1) ORS 307.651 to 307.687 apply to single-unit housing located within the jurisdiction of a governing body that adopts, by resolution or ordinance, ORS 307.651 to 307.687. Except as provided in subsection (2) of this section, the exemption provided by ORS 307.651 to 307.687 applies only to the tax levy of a governing body that adopts ORS 307.651 to 307.687.

(2)(a) Except as provided in paragraph (b) of this subsection, the tax exemption provided under ORS 307.651 to 307.687 applies to the tax levy of all taxing units with jurisdiction over property granted the tax exemption by a city if the rates of taxation of taxing units whose governing bodies agree by resolution or ordinance to grant the tax exemption, when combined with the rate of taxation of the city, equal 51 percent or more of the total combined rate of taxation levied on the property.

(b) If the rate of taxation of the city that has granted the tax exemption equals 40 percent or more of the total combined rate of taxation of all taxing units with jurisdiction over the property, the tax exemption applies to the tax levy of all taxing units only if:

(A) The percentage requirement of paragraph (a) of this subsection is met; and

(B) The governing body of the county also agrees, by resolution or ordinance, to grant the tax exemption to the property.

(3) The city shall adopt standards and guidelines to be utilized in considering applications and making the determinations required under ORS 307.651 to 307.687, including but not limited to:

(a) Design elements for construction of the single-unit housing proposed to be exempt.

(b) Extensions of public benefits from the construction of the single-unit housing beyond the period of exemption. [Formerly 458.015; 2013 c.426 §3]

307.660 [1975 c.428 §8; 1995 c.596 §8; renumbered 307.621 in 2005]

307.661 Median sales price. Prior to January 1 of each assessment year, the governing body of a city that adopts ORS 307.651 to 307.687 shall adopt by resolution the median sales price to be used for purposes of determining if dwelling units are qualified under ORS 307.651 to 307.687. In determining the median sales price, the governing body, assisted by the county assessor, shall use the sales data collected under ORS 309.200 in the county in which the greater portion of the taxable assessed value of single-unit housing in the city is located, as of the period ending the prior November 30. [2005 c.470 §5]

307.664 Exemption; limitations. Each qualified dwelling unit of single-unit housing that qualifies for exemption under ORS 307.651 to 307.687 shall be exempt from ad valorem taxation for no more than 10 successive tax years beginning July 1 of the first tax year following approval of the application under ORS 307.674, as determined under rules adopted by the Department of Revenue. The exemption provided by this section shall be in addition to any other exemption provided by law for the property. However, the amount of assessed value exempted under this section may not exceed the real market value of the structure determined as of the date that the property is inspected for purposes of making a determination under ORS 307.674. [Formerly 458.020]

307.667 Application for exemption. (1) Any owner desiring an exemption under ORS 307.651 to 307.687 shall first apply to the city on forms supplied by the city.

(2) The application shall describe the property for which an exemption is requested, set forth the grounds for the exemption and be verified by oath or affirmation of the applicant.

(3) The city may permit the applicant to revise an application made under this section prior to final action by the city. [Formerly 458.025]

307.670 [1975 c.428 §9; 1979 c.425 §4; 1981 c.697 §6; 1983 c.493 §2; 1989 c.1051 §4; 1991 c.459 §75; 1995 c.596 §9; renumbered 307.624 in 2005]

307.671 Approval criteria. The city may approve an application made under ORS 307.667 if it finds that:

(1) For a property that is an existing qualified dwelling unit, the qualified dwelling unit constitutes single-unit housing; or

(2) For a property that is a newly constructed qualified dwelling unit:

(a) The proposed qualified dwelling unit will constitute single-unit housing;

(b) The owner has agreed to include the design elements adopted under ORS 307.657 (3) in the construction; and

(c) The construction will result in public benefits beyond the period of exemption. [Formerly 458.035; 2013 c.426 §4; 2017 c.294 §3]

307.674 Application, approval and denial procedures; filing with assessor; fee. (1) The city shall approve or deny an application filed under ORS 307.667 within 180 days after receipt of the application. An application not acted upon within 180 days shall be deemed approved.

(2) Final action upon an application by the city shall be in the form of an ordinance or resolution that shall contain the owner's name and address, a description of the structure that is the subject of the application that includes either the legal description of the property or the assessor's property account number and the specific conditions upon which the approval of the application is based.

(3) Following approval and on or before the deadline set forth in ORS 307.512, the city shall file with the county assessor and send to the owner at the last-known address of the owner a copy of the ordinance or resolution approving the application. The copy shall contain or be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period or thereafter, and the effects of termination. In addition, the city shall file with the county assessor a document listing the same

information otherwise required to be in an ordinance or resolution under subsection (2) of this section, as to each application deemed approved under subsection (1) of this section.

(4) If the application is denied, the city shall state in writing the reasons for denial and send notice of denial to the applicant at the last-known address of the applicant within 10 days after the denial. The notice shall inform the applicant of the right to appeal under ORS 307.687.

(5) The city, after consultation with the county assessor, shall establish an application fee in an amount sufficient to cover the cost to be incurred by the city and the assessor in administering ORS 307.651 to 307.687. The application fee shall be paid to the city at the time the application for exemption is filed. If the application is approved, the city shall pay the application fee to the county assessor for deposit in the county general fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the city shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant. [Formerly 458.040; 2013 c.193 §10]

Note: Section 6, chapter 294, Oregon Laws 2017, provides:

Sec. 6. (1) A city may not approve an application for exemption under ORS 307.674 on or after January 1, 2025.

(2) Notwithstanding the date specified in subsection (1) of this section, a qualified dwelling unit of single-unit housing that was granted exemption under ORS 307.651 to 307.687 pursuant to an application approved under ORS 307.674 before the date specified in subsection (1) of this section shall continue to receive the exemption for the period of time for which the exemption was granted. [2017 c.294 §6]

307.675 [1981 c.697 §5; 1987 c.158 §45; 1987 c.459 §33; 1991 c.459 §76; 1999 c.808 §7; 2003 c.457 §7; renumbered 307.627 in 2005]

307.677 Extension of construction period; effect of destruction of property. Notwithstanding ORS 307.651 to 307.687:

(1) If the city finds that construction of single-unit housing was not completed in accordance with ORS 307.651 (3)(b), the city may extend the deadline for completion of construction for a period not to exceed an additional 24 consecutive months if the city further finds that:

(a) The failure to complete construction was due to circumstances beyond the control of the owner; and

(b) The owner had been acting and could reasonably be expected to act in good faith and with due diligence.

(2) If property granted exemption under ORS 307.651 to 307.687 is destroyed by fire or act of God, or is otherwise no longer capable of occupancy due to circumstances beyond the control of the owner, the exemption shall cease but no additional taxes or penalty shall be imposed under ORS 307.651 to 307.687 upon the property. [Formerly 458.065; 2017 c.294 §4; 2021 c.528 §10]

Note: See note under 307.651.

307.680 [1975 c.428 §10; 1991 c.459 §77; 1995 c.596 §10; 1997 c.541 §141; renumbered 307.631 in 2005]

307.681 Termination of exemption for failure to meet requirements; procedures. (1) Except as provided in ORS 307.684, if, after an application has been approved under ORS 307.674, the city finds that any provision of ORS 307.651 to 307.687 is not being complied with, or any provision required by the city pursuant to ORS 307.651 to 307.687 is not being complied with, the city shall give notice to the owner, mailed to the owner's last-known address, of the proposed termination of the exemption. The notice shall state the reasons for the proposed termination and shall require the owner to appear at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.

(2) If the owner fails to show cause why the exemption should not be terminated, the city shall adopt an ordinance or resolution stating its findings and terminating the exemption. A copy of the ordinance or resolution shall be filed with the county assessor and a copy sent to the owner at the owner's last-known address within 10 days after its adoption. [Formerly 458.045; 2013 c.426 §5; 2021 c.528 §11]

Note: See note under 307.651.

307.684 Immediate termination of exemption; additional taxes. (1) If, after application has been approved under ORS 307.674, the county assessor discovers that the single-unit housing or a portion of the single-unit housing is changed to a use that is other than single-unit housing:

(a) The exemption granted the single-unit housing or portion under ORS 307.651 to 307.687 shall terminate immediately, without right of notice or appeal;

(b) The property or portion shall be assessed and taxed as other property similarly situated is assessed and taxed; and

(c) Notwithstanding ORS 311.235, there shall be added to the general property tax roll for the tax year next following the discovery, to be collected and distributed in the same manner as other real property tax, an amount equal to the difference between the amount of tax due on the property and the amount of the tax that would have been due on the property had it not been exempt under ORS 307.651 to 307.687 for each of the years, not to exceed the last 10 years, during which the property was exempt from taxation under ORS 307.651 to 307.687.

(2) If, at the time of discovery, the property is no longer exempt, additional taxes shall be imposed as provided in this section, but the number of years that would otherwise be used to compute the additional taxes shall be reduced by one year for each year that has elapsed since the year the property was last granted exemption.

(3) The assessment and tax rolls shall show potential additional tax liability for each property granted exemption under ORS 307.651 to 307.687.

(4) Additional taxes collected under this section shall be deemed to have been imposed in the year to which the additional taxes relate. [Formerly 458.050]

307.687 Review of denial of application; procedures following termination of exemption; correction of tax roll; additional taxes. (1) Review of a denial of an application under ORS 307.674 shall be as provided by ORS 34.010 to 34.100.

(2) Upon termination of an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232 to provide for the assessment and taxation of any property for which exemption was terminated by the city or by a court, in accordance with the finding of the city or the court as to the year in which the exemption is first to be terminated. The county assessor shall make such valuation of the property as shall be necessary to permit such correction of the rolls. The owner may appeal any such valuation in the same manner as provided for appeals under ORS 311.216 to 311.232.

(3) Unless the exemption is terminated pursuant to ORS 307.684, where there has been a failure to comply with ORS 307.681, the property shall become taxable beginning July 1 of the tax year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the month next following the month of correction. If not paid within such period, the additional taxes shall be delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made. [Formerly 458.060]

307.690 [1975 c.428 §11; 1979 c.425 §5; 1983 c.493 §3; 1989 c.1051 §5; 1991 c.459 §78; 1995 c.596 §11; 1997 c.325 §29; renumbered 307.634 in 2005]

307.691 [1995 c.596 §13; 1997 c.541 §143; 1999 c.808 §8; 2003 c.457 §8; 2005 c.176 §1; renumbered 307.637 in 2005]

307.700 [1979 c.561 §1; repealed by 1993 c.475 §3]

307.701 [1993 c.475 §2; 1997 c.541 §144; repealed by 1993 c.475 §4]

307.705 [1979 c.561 §2; 1991 c.459 §79; repealed by 1993 c.475 §3]

Spencer R. Nebel
City Manager
CITY OF NEWPORT
169 S.W. Coast Hwy.
Newport, OR 97365
s.nebel@newportoregon.gov

December 5, 2023

Newport Community
Newport, Oregon

To the Newport Community:

As many of you know, I plan to retire as city manager from the City of Newport effective around July 1, 2024. In preparation for my retirement, the City Council has hired Jensen Strategies to assist in recruiting candidates to fill the position of city manager. Jensen Strategies would like your input on what skills, experience, and other attributes you feel are important for Newport's next city manager. As a value member of the greater Newport Community, your opinion will provide an important perspective for the development of the position profile and the recruitment materials for this job.

There are two ways in which you can participate in this process. The first is to participate by completing a brief survey outlining the attributes and expertise that are desirable in Newport's next city manager. In addition, what do you see as the next challenges that will need to be addressed by the City in the future. Your responses will go directly to Jensen Strategies and information will summarized and will not be individually attributable to anyone. Please feel free to take a few minutes to provide the requested information to Jensen Strategies using the link below:

https://www.surveymonkey.com/r/NewportCommunityInput

In addition, Jensen Strategies will be holding a virtual meeting to receive comments from community members on city manager attributes and expertise on Tuesday December 12, 2023 from 6-7pm. Please see the attached meeting graphic for further details of how to join this meeting.

Spencer R. Nebel
City Manager
City of Newport, Oregon 97365
541-574-0601
s.nebel@newportoregon.gov

Attachment: virtual meeting flyer

VIRTUAL COMMUNITY INPUT MEETING

TUESDAY, DECEMBER 12TH
6 - 7 PM

The City of Newport will be recruiting its next City Manager.

Join to discuss what you would like to see in the next City Manager.

Zoom link: https://bit.ly/NewportCMInputSession
Meeting ID: 844 8472 6867
Password: NewportCM
Zoom Call In Number: +1 669 900 9128

JENSEN STRATEGIES

For questions or techincial difficulties contact
emily@jensenstrategies.com
503-477-5615

Tentative Planning Commission Work Program

(Scheduling and timing of agenda items is subject to change)

November 13, 2023 Work Session

- Review Draft Affordable Housing CET Code Amendments
- Draft Amendments Establishing a "Custom Creative Work" Light-Industrial Use Category
- Discuss HB 2984, Commercial to Residential Conversions

November 13, 2023 Regular Session

- Motion to Refer Affordable Housing CET Code Amendments to the Council (non-land use)
- Initiate Legislative Amendments to Establish a "Custom Creative Work" Light-Industrial Use Category

November 27, 2023 CANCELLED

December 11, 2023 Work Session

- Initial Review of Land Use Amendments to Facilitate Construction of Needed Housing (Implementing HPS)
- Discuss HOLTE Homebuyer Incentive Program (Implementing HPS)

December 11, 2023 Regular Session

- Hearing on File 1-Z-23, Land Use Amendments to Implement 2023 State of Oregon Legislative Mandates

December 26, 2023 CANCELLED

January 8, 2024 Work Session

- Second Review of Amendments to Facilitate Construction of Needed Housing (Implementing HPS)
- Review HOLTE Legislative Concept for Potential Referral to Council (Implementing HPS)

January 8, 2024 Regular Session

- Initiate Legislative Amendments to Facilitate Construction of Needed Housing (Implementing HPS)
- Public Hearing on Legislative Amendments to Establish a "Custom Creative Work" Light-Industrial Use Category

January 22, 2024 Work Session

- Placeholder for Review of Draft Wastewater Plant Master Plan Update (with City Engineering)
- Review Draft Amendments Implementing the Updated Yaquina Bay Estuary Management Plan (w/ DLCD Staff)
- Status of South Beach Island Annexation Project

January 22, 2024 Regular Meeting

- Placeholder for South Beach Church Revised Conditional Use Permit

February 12, 2024 Work Session

- Consideration of Draft Legislative Amendments Implementing the Wastewater Plant Master Plan
- Second Review of Amendments Implementing the Updated Yaquina Bay Estuary Management Plan

February 12, 2024 Regular Session

- Initiate Legislative Amendments Implementing the Updated Yaquina Bay Estuary Management Plan
- Initiate Comprehensive Plan Amendments to Implement the Wastewater Master Plan

February 26, 2024 Work Session

- Placeholder for City Center Revitalization Project Outreach

February 26, 2024 Regular Session

- Public Hearing on Legislative Amendments to Facilitate Construction of Needed Housing (Implementing HPS)