



PLANNING COMMISSION WORK SESSION AGENDA

Monday, October 23, 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.

1. CALL TO ORDER

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

2. UNFINISHED BUSINESS

2.A Amendments to NMC Chapter 14 to Comply with 2023 Legislative Mandates.

[Memorandum](#)

[Draft Legislative Amendments, dated 10/23/23](#)

[House Bill 2898](#)

[House Bill 3167](#)

[House Bill 3395](#)

3. NEW BUSINESS

3.A Review Draft Affordable Housing CET Code Amendments.

[Memorandum](#)

[HPS Implementation Schedule](#)

[Summaries of Action Items D and I Related to CET Distributions](#)

[Summary of CET Collections through FY 2021/2022](#)

3.B Upcoming Changes to Format and Content of Planning Commission Minutes.

[Memorandum](#)

[Materials from October 16, 2023 City Council Meeting Regarding Use of Action Minutes](#)

3.C Planning Commission Work Program Update.

[PC Work Program 10-19-23](#)

4. ADJOURNMENT

Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick Tokos, Community Development Director

Date: October 19, 2023

Re: Amendments to NMC Chapter 14 to Comply with 2023 Legislative Mandates

On August 14, 2023, the Planning Commission met in work session to review relevant legislation adopted during the 2023 Oregon legislative session. A number of the bills amended land use and related statutes such that the City must update its municipal code to incorporate the changes. Enclosed is a draft set of the amendments along with a staff explanation for each change. Also, attached is the adopted state legislation that is necessitating the changes. All of the amendments are to Newport Municipal Code (NMC) Chapter 14, which contains the City's zoning ordinance.

The first amendment is to Chapter 14.01, Definitions, adding definitions for the terms "emergency shelter" and "single room occupancy" both of which are prescribed by statute and implement Sections 7 and 17 of House Bill 3395. Changes are also being made to Chapter 14.03, Zoning Districts, adding single room occupancy and emergency shelters to the table that lists permitted uses in residential areas. A single room occupancy use is permitted in all zones subject to the limitations noted in footnote 4, which align with language contained in Sections 16 and 17 of House Bill 3395. With respect to emergency shelters, the City has the option of requiring a public hearing; however, a resulting decision is not a land use decision. The standards for review are listed in ORS 197.782. They are also contained in Section 7 of House Bill 3395. This is a section that you might want to put some thought to, since you have options. Changes have also been made to Sections 14.03.060 and 14.03.070 as it relates to emergency shelters.

Chapter 14.09, Temporary Uses, is being amended extend the period of time persons can reside in a recreational vehicle on a lot or parcel where the residence was destroyed by natural disaster. The existing limit of 24-months was extended to 60-months. Chapter 14.15, Residential Uses in Nonresidential Zoning Districts, is being amended to allow affordable housing at street grade in commercial areas irrespective of the form of ownership. This change implements Section 2 of House Bill 3395. Chapters 14.44 and 14.48 are being amended to include an additional type of financial guarantee that can be used to assure performance when a developer elects to enter into an agreement to defer required public improvements. It implements Section 15 of House Bill 3395. A cross-reference and clarifying language has been added to Chapter 14.44. Lastly, Chapter 14.52, Procedural Requirements, has been updated to allow legal notices to be published digitally, as allowed by House Bill 3167, and the decision time limits have been amended to provide an additional seven days for land use decisions to be finalized where they involve the approval of residential structures. That change implements Section 4 of House Bill 3395. If these changes are acceptable to the Commission then it can, by motion, initiate the legislative amendment process at its regular meeting, consistent with NMC 14.36.020, so that staff can provide the Department of Land Conservation and Development 35-day notice prior to the first evidentiary hearing.

Attachments

Draft Legislative Amendments, dated 10/23/23, House Bill 2898, House Bill 3167, and House Bill 3395

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strike through~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

CHAPTER 14.01 PURPOSE, APPLICABILITY, AND DEFINITIONS**

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:

Emergency Shelter. A building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.

Single Room Occupancy. A residential development with no fewer than four attached units that are independently rented and lockable and providing living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

Staff: Definitions added as drafted or referenced in Sections 7 and 17 of House Bill 3395. The City did not previously have a definition for a single room occupancy use.

CHAPTER 14.03 ZONING DISTRICTS

14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed. Short-term rentals are permitted uses in the

City of Newport's R-1, R-2, R-3 and R-4 zone districts subject to requirements of [Section 14.25](#).

"P" = Permitted uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

A.	Residential	R-1	R-2	R-3	R-4
	1. Single-Family	P	P	P	P
	2. Two-family	P	P	P	P
	3. Townhouse	X	P	P	P
	<u>4. Single Room Occupancy</u> ⁴	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	45. Cottage Cluster	X	X	P	P
	56. Multi-family	X	X	P	P
	67. Manufactured Homes ¹	P	P	P	P
	78. Manufactured Dwelling Park	X	P	P	P
B.	Accessory Dwelling Units	P	P	P	P
	(B. was added on the adoption of Ordinance No 2055 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.)				
C.	Accessory Uses	P	P	P	P
D.	Home Occupations	P	P	P	P
E.	Community Services				
	1. Parks	P	P	P	P
	2. Publicly Owned Recreation Facilities	C	C	C	C
	3. Libraries	C	C	C	C
	4. Utility Substations	C	C	C	C
	5. Public or Private Schools	C	C	C	P
	6. Family Child Care Home	P	P	P	P
	7. Child Care Center	C	C	C	C
	8. Religious Institutions/Places of Worship	C	C	C	C
	<u>9. Emergency Shelter</u> ⁵	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
F.	Residential Care Homes	P	P	P	P
G.	Nursing Homes	X	X	C	P
H.	Motels and Hotels ³ .	X	X	X	C
I.	Professional Offices	X	X	X	C
J.	Rooming and Boarding Houses	X	X	C	P
K.	Beauty and Barber Shops	X	X	X	C
L.	Colleges and Universities	C	C	C	C
M.	Hospitals	X	X	X	P
N.	Membership Organizations	X	X	X	p
O.	Museums	X	X	X	P
P.	Condominiums ²	X	P	P	P
Q.	Hostels	X	X	X	C

R.	Golf Courses	C	C	C	X
S.	Recreational Vehicle Parks	X	X	X	C
T.	Necessary Public Utilities and Public Service Uses or Structures	C	C	C	C
U.	Residential Facility*	X	X	P	P
V.	Movies Theaters**	X	X	X	C
W.	Assisted Living Facilities***	X	C	P	P
X.	Bicycle Shop****	X	X	X	C
Y.	Short-Term Rentals (subject to requirements of Chapter 14.25)	P	P	P	P
Z.	Transportation Facilities	P	P	P	P

¹ Manufactured homes may be located on lots, parcels or tracts outside of a manufactured dwelling park subject to the provisions listed in NMC 14.06.020.

² Condominiums are a form of ownership allowed in all zones within dwelling types otherwise permitted pursuant to subsection (A).

³ Hotels/motels units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone.

⁴ A building with four to six units on a lot or parcel in an R-1 or R-2 zone district, or a combination of buildings of at least four units each subject to the density limitations of an R-3 or R-4 zone district.

⁵ Subject to the requirements of ORS 197.782. An emergency shelter proposed within an R-1, R-2, or R-3 zone district shall be subject to a public hearing before the Newport City Council.

Staff: Implements Sections 16 and 17, House Bill 3395, which requires local governments allow single room occupancy development in this manner.

Provisions related to emergency shelters implement Section 7, House Bill 3395, which allows emergency shelters irrespective of zoning subject to specific standards set forth in the statute. At least a couple of the standards are discretionary, such as adequate access to commercial and medical services and whether or not it poses an unreasonable risk to public health or safety. A public hearing is optional so the Commission should consider whether or not it wants to require one in certain circumstances. The proposed amendments require a hearing in circumstances where a

shelter is proposed in a low or medium density residential area as these lands are often located further away from commercial or medical services and could put shelter users in direct conflict with area residents, making compliance with discretionary standards, such as those listed, more nuanced where the Commission may want policy makers making the call as opposed to staff. The law makes it clear that any resulting decision is not a land use decision, thus the reference to a hearing for the Council as opposed to using a Type III decision-making process.

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.

E. Institutional and Civic Use Categories

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 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: All types of emergency shelters might not fall under the existing language, so this change clarifies that there is an alternate path forward for shelters under ORS 197.782.

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

October 23, 2023 Revisions to NMC Chapter 14, Implementing 2023 Legislative Mandates

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	P	<u>C^{7.}</u>	P	P	<u>C^{7.}</u>	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
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 shall be subject to a public hearing before the Newport City Council.

Staff: Like the R-1, R-2, and R-3 zones, a shelter in a C-2 or I-2 might have a difficult time satisfying discretionary standards listed in the statute and the Commission might want to have a policymaking body like the City Council determine whether or not the standards are met (as opposed to staff).

CHAPTER 14.09 TEMPORARY USES

14.09.010 Purpose

The purpose of this section is to provide some allowance for short-term uses that are temporary in nature, where no permanent improvements are made to the site, and the use can be terminated and removed immediately. Temporary activities include special events as defined in [9.80.010](#) of the Newport Municipal Code, temporary living quarters, construction trailers, leasing offices, mobile food units, kiosks, storage buildings, and similar structures.

14.09.030 Temporary Living Quarters

A. Notwithstanding any other restrictions and prohibitions in this code, a recreational vehicle may be used as a temporary living quarters subject to the following conditions:

1. The individual(s) occupying the recreational vehicle are actively engaged in the construction or repair of a building on the premises; and
2. Any required building permits have been obtained; and

- 3. The recreational vehicle is used as a place of habitation for no more than 24-months, or the date that occupancy is granted, whichever is sooner; and
 - 4. The recreational vehicle used as the temporary living quarters is self-contained for sanitary sewer; and
 - 5. The location of the temporary living quarters on the site satisfies the vision clearance requirements as set forth in [Section 14.17](#).
- B. Temporary living situations for non-residential projects may use a job shack or other such structure instead of a recreational vehicle as the living quarters and may have a portable toilet instead of a self-contained unit.
- C. A permit is not required to utilize a recreational vehicle as a temporary living quarters as provided in this subsection.

D. Notwithstanding the occupancy limit set forth in 14.09.030(A)(3), a recreational vehicle may be used as a place of habitation for up to 60-months in circumstances where the construction or repair of a building is in response to damage from a natural disaster, such as a wildfire, earthquake, flood, or severe storm.

Staff: Implements HB 2898, which extended the period of time a recreational vehicle can be occupied while a dwelling is being repaired or rebuilt from 24-months to 60-months. The legislation is limited to circumstances where construction is related to a dwelling that is rendered uninhabitable as a result of a natural disaster. The City's language is more permissive in that it is not limited to repair or replacement of uninhabitable dwellings.

CHAPTER 14.15 RESIDENTIAL USES IN NONRESIDENTIAL ZONING DISTRICTS

14.15.010 Purpose

It is the intent of this section to regulate the placement of residences in nonresidential zoning districts.

14.15.020 Residential Uses in Nonresidential Zoning Districts

Residences shall be allowed in nonresidential zones as follows:

- A. **C-1 zones:** Residences are prohibited at street grade. For floors other than street grade, residences are allowed as an outright permitted use.
- B. **C-2 zones:** For areas outside of the Historic Nye Beach Design Review District, residences are prohibited at street grade. For floors other than street grade, residences are allowed as an outright permitted use. On lands zoned C-2 that are within the Historic Nye Beach Design Review District, residential uses shall be allowed as specified in Chapter 14.30, Design Review Standards.
- C. **C-3 zones:** Same as the C-1 zone.
- D. **For all I zones:** One residence for a caretaker or watchman as an accessory use is allowed as a permitted use.
- E. **W-2 zones:** Residences are prohibited at street grade. For floors other than street grade, residences are allowed subject to the issuance of a conditional use permit in accordance with the provisions of [Section 14.34, Conditional Uses](#), and [Section 14.52, Procedural Requirements](#).
- F. **For all other nonresidential zones:** Residences are prohibited.
- G. **Affordable Housing:** Notwithstanding other provisions of this section, Affordable Housing ~~on property owned by a public body, or non-profit corporation,~~ shall be permitted at street grade provided:
 - 1. It is situated outside of the Tsunami Hazards Overlay Zone; and
 - a. The property is zoned for commercial or public use, as outlined in Section 14.03.020; or
 - b. The property is zoned I-1, is publicly owned, and is adjacent to land zoned for residential use or a school.

2. Development standards for Affordable Housing under this sub-section shall be the same as those that apply to the adjacent residentially zoned property. If there is no adjacent land zoned for residential use, then the development standards of the R-4 zone shall apply.
3. Affordable Housing on property within the Historic Nye Beach Design Review District, shall satisfy the development standards specified in Chapter 14.30, Design Review Standards.

Staff: Implements Section 2, HB 3395, which stipulates that affordable housing is to be allowed at street grade in commercial zones irrespective of whether or not the property is owned by a public body or non-profit.

CHAPTER 14.44 TRANSPORTATION STANDARDS

14.44.020 When Standards Apply

The standards of this section apply to land divisions and new development or redevelopment for which a building permit is required that place demands on public or private transportation facilities and related city utilities. Unless otherwise provided, all construction, reconstruction, or repair of transportation facilities and related utilities shall comply with the standards of this Chapter.

This Chapter applies to the vacation of streets only to the extent that new lots created, consolidated, or modified as a result of such a vacation shall have at least 25 feet of frontage or approved access to a public street.

14.44.050 Transportation Standards

- A. Street Improvement Requirements. Streets within or adjacent to a land division, development of new streets, and planned improvements to existing streets shall satisfy the requirements of Section 14.44.060, and public streets shall be dedicated to the applicable road authority.

- B. Substandard streets. Substandard streets adjacent to existing lots or parcels shall be brought into conformance with the standards of [Section 14.44.060](#) when new development or redevelopment of the lots or parcels will place additional demands on the streets and related city utilities.
- C. Neighborhood Traffic Management. Traffic calming measures such as speed tables, curb bulb outs, traffic circles, and other solutions may be identified as required on-site or off-site improvements for development along Neighborhood Collector or Local Streets.
- D. Guarantee. The city may accept a future improvement guarantee in the form of an improvement agreement as outlined in 14.48.060(B) through (G) cash deposit, surety bond, letter of credit or non-remonstrance agreement, in lieu of street improvements, if it determines that one or more of the following conditions exist:
1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 3. The improvement is being carried out prior to certificate of occupancy or it is funded and programmed for construction in an adopted capital improvement plan; or
 4. The improvement is associated with an approved land partition or minor replat and the proposed land partition does not create any new streets.

Staff: There is a new form of financial assurance cities are required to accept per Section 15 of House Bill 3395. This impacts Chapters 14.44 and 14.48. The latter describes the substantive requirements for an improvement agreement and guarantee in greater detail, so the new financial assurance language is being added to NMC Chapter 14.48, and a cross-reference is being added to

this section. The change to (D)(3) aligns with the City’s practice, which is to allow improvements to be deferred via an improvement agreement between the time a building permit is issued and occupancy is sought. This is in addition to deferral of improvements because the City has them programmed in its capital improvement plan.

CHAPTER 14.48 LAND DIVISIONS

14.48.060 Final Plat Requirements

- B. Provision of Improvements. It shall be the responsibility of the developer to install all required improvements and to repair any existing improvements damaged in the development of the property. The installation of improvements and repair of damage shall be completed prior to final plat approval. Except as provided in Subsection C., or where payment in lieu of constructing a required improvement is allowed by the city and has been paid by the developer per Chapter 14.44, the final plat will not be approved until improvements are installed to the specifications of the city and “as constructed” drawings are given to the city and approved by the city engineer. The developer shall warrant the materials and workmanship of all required public improvements for a period of one year from the date the city accepts the public improvements.
- C. Improvement Agreements. If all the required improvements have not been satisfactorily completed before the final plat is submitted for approval, the city may, at its discretion, allow final approval of the plat if the developer enters into a written agreement with the city to provide the required improvements secured by a cash deposit, bond, or letter of credit. The agreement must provide for completion within one year of the approval of the final plat. The agreement shall be acceptable to the city attorney and include provisions that:
 - 1. Authorize the city to complete the required improvements and recover their full cost and expense from the developer if the developer fails to complete the improvements as required.

2. Authorize the inspection of all improvements by the city engineer and provide for reimbursement to the city of all costs of inspection.
3. Indemnify of the city, its officials, employees and agents, from and against all claims of any nature arising or resulting from the failure of the developer to comply with any requirement of such agreement.
4. Ensure compliance with conditions required by the city in approving the final plat prior to completion of all required improvements.

D. Financial Assurances. A developer that enters into an improvement agreement shall provide financial assurances in the form of one or more of the following:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon and in a form satisfactory to the city attorney, or
2. An irrevocable letter in a form satisfactory to the city attorney, or
3. A cashier's check or money order from a bank or other reputable lending institution, or
4. Certification by a bank or other reputable lending institution that funds are being held, or a line of credit has been established, to cover the cost of required improvements.

5. One or more award letters from public funding sources made to a subdivider who is subdividing property to develop affordable housing, that is or will be subject to an affordability restriction as defined in ORS 456.250 or an affordable housing covenant as defined in ORS 456.270.

Staff: This is an additional form of financial assurance cities are required to accept per Section 15 of House Bill 3395.

E. Amount of Security. The financial assurances shall be in an amount equal to 110% of the amount determined by the city engineer as sufficient to cover the cost of the improvements,

engineering, inspection, and incidental expenses. The financial assurances may provide for reduction of the amount in increments as improvements are completed and approved by the city engineer. However, the number of reductions or disbursements and the amount of retainage required shall be at the discretion of the city engineer.

F. Post Completion Financial Assurances. On acceptance of all improvements by the city, a financial assurance, as provided in Subsection (D), shall be provided in an amount equivalent to 10% of the construction cost. Such financial assurance shall remain in effect for a period of one year. All deficiencies in construction and maintenance discovered and brought to the attention of the developer within one year of acceptance must be corrected to the satisfaction of the city engineer.

G. Acceptance of Improvements by City, Guarantee. The city will accept public improvements only if they have received final inspection approval by the city engineer and "as constructed" engineering plans have been received and accepted by the city engineer. The developer shall warrant all public improvements and repairs for a period of one year after acceptance by the city.

CHAPTER 14.52 PROCEDURAL REQUIREMENTS

14.52.060 Notice

The notification requirements in general for the various types of land use actions are identified below. The applicant shall provide city staff with the required names and addresses for notice. Notice of hearings to individual property owners is not required for Type IV legislative actions unless required by state law, such as ORS 227.186 (notice to owners whose property is rezoned). These notification requirements are in addition to any other notice requirements imposed by state law or city ordinance.

- F. Published Notice. Notice of each Type III and Type IV hearing shall be published at least once in a print format or digital newspaper of general circulation in the city at least 5 days, and no more than 14 days, prior to the date set for public hearing. For the purpose of this subsection, a digital newspaper is an online newspaper delivered in an electronic form that is formatted similarly to a printed newspaper and produced in an archivable format.

Staff: Implements HB 3167, which allows publication of legal notices in digital newspapers. It is the City's intent to continue to use the printed News-Times format as long as the paper continues to be published at least once a week.

14.52.110 Decision Time

Once a complete application is received by the City of Newport, the city shall take final action, including resolution of all local appeals, on applications subject to ORS 227.178 within 100 or 120 days, as applicable, unless otherwise waived by the applicant in accordance with state requirements. In circumstances where a land use action involving the development of residential structures has been tentatively approved, the 100 or 120 day time limits shall be extended up to seven additional days to allow for the adoption of a final order affirming the tentative decision.

Staff: Implements a land use procedural change listed in Section 4 of House Bill 3395.

Enrolled House Bill 2898

Sponsored by Representative CATE, Senator SMITH DB; Representatives BOSHART DAVIS, EVANS, GOMBERG, GRAYBER, HIEB, KROPF, LEVY B, LEWIS, MARSH (Presession filed.)

CHAPTER

AN ACT

Relating to use of recreational vehicles while abating natural disaster damages; amending ORS 197.493 and section 2, chapter 217, Oregon Laws 2021.

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

SECTION 1. ORS 197.493 is amended to read:

197.493. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (B) Occupied as a residential dwelling; and
- (C) Lawfully connected to water and electrical supply systems and a sewage disposal system;

or

(b) On a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural [*disasters*] **disaster**, including wildfires, earthquakes, flooding or storms, until no later than the date:

- (A) The dwelling has been repaired or replaced and an occupancy permit has been issued;
- (B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
- (C) [*Twenty-four months*] **Five years** after the date the dwelling first became uninhabitable.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

SECTION 2. Section 2, chapter 217, Oregon Laws 2021, as amended by section 3, chapter 520, Oregon Laws 2021, is amended to read:

Sec. 2. (1) This section applies only to owners of properties on which structures or uses were destroyed or interrupted by a wildfire that was identified in an executive order issued by the Governor in accordance with the Emergency Conflagration Act under ORS 476.510 to 476.610 between August 1 and September 30, 2020. The local government may alter, restore or replace such a use as provided in this section in lieu of another process.

(2) Except as provided in subsection (4) of this section, a property owner may alter, restore or replace a nonresidential use without further application with the local government if:

- (a) The use was allowed outright as an accessory use, without regard to whether the primary use was destroyed or was or will be restored;
- (b)(A) The use was subject to a land use process; and

(B) A permit, including a conditional permit, was issued for the use notwithstanding any expiration of the permit or any subsequent changes to the law or process; or

(c)(A) The use was established before a requirement that the use be subject to a land use process; and

(B) The replacement use conforms as nearly as practicable to records of the use with the county assessor, building permit information or other reliable records.

(3) The local government shall approve an application to alter, restore or replace a dwelling if the local government determines that the evidence in the record establishes that:

(a) The former dwelling:

(A) Had intact exterior walls and roof structure;

(B) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(C) Had interior wiring for interior lights;

(D) Had a heating system; and

(E)(i) Was authorized by building permits or other regulatory approval process by the appropriate authority; or

(ii) Was assessed as a residential dwelling for purposes of ad valorem taxation for the tax year beginning July 1, 2001, and is not subject to unresolved enforcement proceedings questioning the lawfulness of the dwelling; and

(b) The proposed dwelling will:

(A) Not exceed the floor area of the destroyed dwelling by more than 10 percent;

(B) Be adequately served by water, sanitation and roads;

(C) Be located wholly or partially within the footprint of the destroyed dwelling unless the applicant chooses a different location within the same lot or parcel to comply with local flood regulations or to avoid a natural hazard area; and

(D) Comply with applicable building codes that were in effect on the later of:

(i) January 1, 2008; or

(ii) The date of the former dwelling's construction.

(4) A local government may not add conditions to the approval or siting of a dwelling under subsection (3) of this section except as necessary to maintain participation in the National Flood Insurance Program under 42 U.S.C. 4001 et seq. A local government may require that the property owner submit an application for a permit for the approval or siting of a nonresidential use only for the purpose of establishing such conditions that are necessary to maintain participation in the National Flood Insurance Program.

(5) A local government may delegate the approval of an application under subsection (3) of this section to:

(a) A hearings officer, as defined in ORS 215.402 or 227.160;

(b) A planning commission, as described in ORS 215.020; or

(c) A building official, as defined in ORS 455.715.

(6) The findings of the local government or its designee in approving an application under subsection (3) of this section is not a land use decision. The local government may not require an applicant give notice to any nonparty. The findings and conclusions of the local government are entitled to deference if there is any evidence to support the findings and are subject to review only under ORS 34.010 to 34.100.

(7) If a local government determines based on the evidence in the record that the use legally existed, the local government may, through a land use decision, approve an application to alter, restore or replace a use for which a land use application, building permit or other regulatory approval was required but record of the approval is unavailable for:

(a) A dwelling built after January 1, 2001, that complies with subsection (3)(a)(A) to (D) and (b) of this section; or

(b) A nonresidential use or structure.

(8) An application under this section must be filed on or before September 30, 2025.

(9) For applications described in subsection (3) of this section, the amount of time during which an applicant is permitted to occupy a recreational vehicle under ORS 197.493 (1)(b)(C) is extended to December 30, 2030.

[9] **(10)** An approval of an application under this section expires only if the property owner has not commenced development of the structure or use on or before December 30, 2030.

Passed by House March 7, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 21, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

.....
Secretary of State

Enrolled
House Bill 3167

Sponsored by Representatives MARSH, SMITH G, Senators KNOPP, PATTERSON

CHAPTER

AN ACT

Relating to publication of legal notices; amending ORS 193.010; and declaring an emergency.

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

SECTION 1. ORS 193.010 is amended to read:

193.010. As used in this section and [in] ORS 193.020:

(1) “Bona fide subscriber” means a person who has been a paid subscriber **to a print format or a digital newspaper format of a newspaper** for an uninterrupted period of 12 months, such subscription in no case to be over six months in arrears.

(2) “**Digital newspaper**” means an online newspaper delivered in an electronic form that is formatted similarly to a printed newspaper and produced in an archivable format.

[(2)] (3) “Newspaper” means a newspaper of general circulation[,] **that meets all of the following requirements:**

(a) **Is circulated in a print format or a digital newspaper format.**

(b) **Conducts consistent, regular coverage of local news and in which at least 25 percent of the total news content is locally and originally composed by the newspaper, regardless of whether the newspaper is produced or printed in the local area.**

(c) **Is published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news[.].**

(d) **Is made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising an equivalent amount of type matter[, which].**

(e)(A) **Except as provided in subparagraph (B) of this paragraph,** has bona fide subscribers representing more than half of the total distribution of [*copies circulated, or distribution verified by an independent circulation auditing firm, and which*] **printed newspapers and paid-for digital newspapers.**

(B) **Subparagraph (A) of this paragraph does not apply during a period, not to exceed 12 months, after a newspaper that has been generally recognized as best suited for publication of public notices in a jurisdiction ceases operation and no other suitable newspaper is published which affords a reasonable alternative for publication of public notices.**

(f)(A) **Except as provided in subparagraph (B) of this paragraph,** has been established and regularly and uninterruptedly published at least once a week during a period of at least 12 consecutive months immediately preceding the first publication of the public notice. Interrupted publication because of labor-management disputes, fire, flood or the elements for a period not to exceed 120 days, either before or after a newspaper is qualified for publication of public notices, shall not affect such qualification.

(B) Subparagraph (A) of this paragraph does not apply during a period, not to exceed 12 months, after a newspaper that has been generally recognized as best suited for publication of public notices in a jurisdiction ceases operation and no other suitable newspaper is published which affords a reasonable alternative for publication of public notices.

SECTION 2. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House April 3, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 22, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Secretary of State

Enrolled House Bill 3395

Sponsored by Representatives RAYFIELD, DEXTER, GOMBERG, Senator JAMA; Representatives ANDERSEN, NELSON, Senators ANDERSON, PATTERSON

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 92.090, 94.550, 100.015, 100.022, 100.105, 100.110, 100.115, 197.303, 197.758, 197.830, 215.427, 227.178 and 458.650 and sections 3 and 4, chapter 639, Oregon Laws 2019, section 3, chapter 18, Oregon Laws 2021, sections 4 and 6, chapter 67, Oregon Laws 2021, and section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001); repealing section 4, chapter 18, Oregon Laws 2021; and declaring an emergency.

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

RESIDENTIAL USE OF COMMERCIAL LANDS

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 197.286 to 197.314.

SECTION 2. (1) Notwithstanding an acknowledged comprehensive plan or land use regulations, within an urban growth boundary a local government shall allow, on lands zoned to allow only commercial uses and not industrial uses, the siting and development of:

(a) Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income as defined in ORS 456.270; or

(b) Mixed use structures with ground floor commercial units and residential units subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making the properties affordable to moderate income households, as defined in ORS 456.270.

(2) The local government may only apply those approval standards, conditions and procedures under ORS 197.307, that would be applicable to the residential zone of the local government that is most comparable in density to the allowed commercial uses.

(3) Development under this section does not:

(a) Trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

(b) Apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces.

(c) Apply on lands that are vacant or that were added to the urban growth boundary within the last 15 years.

RESIDENTIAL APPROVAL PROCEDURES

SECTION 3. ORS 215.427 is amended to read:

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

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section and ORS 197.311 upon receipt by the governing body or its designee of:

(a) All of the missing information;

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

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

(3)(a) If the application was complete when first submitted or the applicant submits additional information, as described in subsection (2) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

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

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

(a) All of the missing information;

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

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

(5) The period set in subsection (1) of this section or the 100-day period set in ORS 197.311 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

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

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

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

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section and the 100-day period set in ORS 197.311 do not apply to:

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

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

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

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197.311 or 215.429 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in subsections (1) and (5) of this section and ORS 197.311 may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

SECTION 4. ORS 227.178 is amended to read:

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

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section or ORS 197.311 upon receipt by the governing body or its designee of:

(a) All of the missing information;

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

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

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

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

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

(a) All of the missing information;

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

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

(5) The 120-day period set in subsection (1) of this section or the 100-day period set in ORS 197.311 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

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

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

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

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section and the 100-day period set in ORS 197.311 do not apply to:

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

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

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

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

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

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

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

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

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197.311 or 227.179 as a

condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The periods set forth in subsections (1) and (5) of this section and ORS 197.311 may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

SECTION 5. ORS 197.830 is amended to read:

197.830. (1) Review of land use decisions or limited land use decisions under ORS 197.830 to 197.845 shall be commenced by filing a notice of intent to appeal with the Land Use Board of Appeals.

(2) Except as provided in ORS 197.620, a person may petition the board for review of a land use decision or limited land use decision if the person:

(a) Filed a notice of intent to appeal the decision as provided in subsection (1) of this section; and

(b) Appeared before the local government, special district or state agency orally or in writing.

(3) If a local government makes a land use decision without providing a hearing, except as provided under ORS 215.416 (11) or 227.175 (10), or the local government makes a land use decision that is different from the proposal described in the notice of hearing to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(4) If a local government makes a land use decision without a hearing pursuant to ORS 215.416 (11) or 227.175 (10):

(a) A person who was not provided notice of the decision as required under ORS 215.416 (11)(c) or 227.175 (10)(c) may appeal the decision to the board under this section within 21 days of receiving actual notice of the decision.

(b) A person who is not entitled to notice under ORS 215.416 (11)(c) or 227.175 (10)(c) but who is adversely affected or aggrieved by the decision may appeal the decision to the board under this section within 21 days after the expiration of the period for filing a local appeal of the decision established by the local government under ORS 215.416 (11)(a) or 227.175 (10)(a).

(c) A person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may appeal the decision to the board under this section within 21 days of receiving actual notice of the nature of the decision, if the notice of the decision did not reasonably describe the nature of the decision.

(d) Except as provided in paragraph (c) of this subsection, a person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may not appeal the decision to the board under this section.

(5) If a local government makes a limited land use decision which is different from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(6) The appeal periods described in subsections (3), (4) and (5) of this section:

(a) May not exceed three years after the date of the decision, except as provided in paragraph (b) of this subsection.

(b) May not exceed 10 years after the date of the decision if notice of a hearing or an administrative decision made pursuant to ORS 197.195 or 197.797 is required but has not been provided.

(7)(a) Within 21 days after a notice of intent to appeal has been filed with the board under subsection (1) of this section, any person described in paragraph (b) of this subsection may intervene in and be made a party to the review proceeding by filing a motion to intervene and by paying a filing fee of \$100.

(b) Persons who may intervene in and be made a party to the review proceedings, as set forth in subsection (1) of this section, are:

(A) The applicant who initiated the action before the local government, special district or state agency; or

(B) Persons who appeared before the local government, special district or state agency, orally or in writing.

(c) Failure to comply with the deadline or to pay the filing fee set forth in paragraph (a) of this subsection shall result in denial of a motion to intervene.

(8) If a state agency whose order, rule, ruling, policy or other action is at issue is not a party to the proceeding, it may file a brief with the board as if it were a party. The brief shall be due on the same date the respondent's brief is due and shall be accompanied by a filing fee of \$100.

(9) A notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final. A notice of intent to appeal plan and land use regulation amendments processed pursuant to ORS 197.610 to 197.625 shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Failure to include a statement identifying when, how and to whom notice was provided under ORS 197.615 does not render the notice defective. Copies of the notice of intent to appeal shall be served upon the local government, special district or state agency and the applicant of record, if any, in the local government, special district or state agency proceeding. The notice shall be served and filed in the form and manner prescribed by rule of the board and shall be accompanied by a filing fee of \$300. If a petition for review is not filed with the board as required in subsections (10) and (11) of this section, the board shall award the filing fee to the local government, special district or state agency.

(10)(a) Within 21 days after service of the notice of intent to appeal, the local government, special district or state agency shall transmit to the board the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceeding the record may be shortened. The board may require or permit subsequent corrections to the record; however, the board shall issue an order on a motion objecting to the record within 60 days of receiving the motion. If the board denies a petitioner's objection to the record, the board may establish a new deadline for the petition for review to be filed that may not be less than 14 days from the later of the original deadline for the brief or the date of denial of the petitioner's record objection.

(b) Within 10 days after service of a notice of intent to appeal, the board shall provide notice to the petitioner and the respondent of their option to enter into mediation pursuant to ORS 197.860. Any person moving to intervene shall be provided such notice within seven days after a motion to intervene is filed. The notice required by this paragraph shall be accompanied by a statement that mediation information or assistance may be obtained from the Department of Land Conservation and Development.

(11) A petition for review of the land use decision or limited land use decision and supporting brief shall be filed with the board as required by the board under subsection (13) of this section.

(12) The petition shall include a copy of the decision sought to be reviewed and shall state:

(a) The facts that establish that the petitioner has standing.

(b) The date of the decision.

(c) The issues the petitioner seeks to have reviewed.

(13)(a) The board shall adopt rules establishing deadlines for filing petitions and briefs and for oral argument.

(b) **The local government or state agency may withdraw its decision for purposes of reconsideration** at any time:

(A) Subsequent to the filing of a notice of intent; and

(B) Prior to:

(i) The date set for filing the record[,]; or[,]

(ii) On appeal of a decision under ORS 197.610 to 197.625 **or relating to the development of a residential structure**, [prior to] the filing of the respondent's brief[, *the local government or state agency may withdraw its decision for purposes of reconsideration*].

(c) If a local government or state agency withdraws an order for purposes of reconsideration, it shall, within such time as the board may allow, affirm, modify or reverse its decision. If the petitioner is dissatisfied with the local government or agency action after withdrawal for purposes of reconsideration, the petitioner may refile the notice of intent and the review shall proceed upon the revised order. An amended notice of intent is not required if the local government or state agency, on reconsideration, affirms the order or modifies the order with only minor changes.

(14) The board shall issue a final order within 77 days after the date of transmittal of the record. If the order is not issued within 77 days the applicant may apply in Marion County or the circuit court of the county where the application was filed for a writ of mandamus to compel the board to issue a final order.

(15) Upon entry of its final order, the board:

(a) May, in its discretion, award costs to the prevailing party including the cost of preparation of the record if the prevailing party is the local government, special district or state agency whose decision is under review.

(b) Shall award reasonable attorney fees and expenses to the prevailing party against any other party who the board finds presented a position or filed any motion without probable cause to believe the position or motion was well-founded in law or on factually supported information.

(c) Shall award costs and attorney fees to a party as provided in ORS 197.843.

(16) Orders issued under this section may be enforced in appropriate judicial proceedings.

(17)(a) The board shall provide for the publication of its orders that are of general public interest in the form it deems best adapted for public convenience. The publications shall constitute the official reports of the board.

(b) Any moneys collected or received from sales by the board shall be paid into the Board Publications Account established by ORS 197.832.

(18) Except for any sums collected for publication of board opinions, all fees collected by the board under this section that are not awarded as costs shall be paid over to the State Treasurer to be credited to the General Fund.

(19) The board shall track and report on its website:

(a) The number of reviews commenced, as described in subsection (1) of this section, the number of reviews commenced for which a petition is filed under subsection (2) of this section and, in relation to each of those numbers, the rate at which the reviews result in a decision of the board to uphold, reverse or remand the land use decision or limited land use decision. The board shall track and report reviews under this paragraph in categories established by the board.

(b) A list of petitioners, the number of reviews commenced and the rate at which the petitioner's reviews have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision.

(c) A list of respondents, the number of reviews involving each respondent and the rate at which reviews involving the respondent have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision. Additionally, when a respondent is the local government that made the land use decision or limited land use decision, the board shall track whether the local government appears before the board.

(d) A list of reviews, and a brief summary of the circumstances in each review, under which the board exercises its discretion to require a losing party to pay the attorney fees of the prevailing party.

EMERGENCY SHELTER SITING

SECTION 6. Section 4, chapter 18, Oregon Laws 2021, as amended by section 3, chapter 47, Oregon Laws 2022, is repealed.

SECTION 7. Section 3, chapter 18, Oregon Laws 2021, is amended to read:

Sec. 3. (1) A local government shall approve an application for the development or use of land for an emergency shelter, as defined in [section 2 of this 2021 Act] **ORS 197.782**, on any property, notwithstanding **this chapter or** ORS chapter 195, [197,] 197A, 215 or 227 or any statewide [plan] **land use planning goal**, rule of the Land Conservation and Development Commission or local land use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive plan, if the emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;

(d) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;

(e) Has adequate transportation access to commercial and medical services; and

(f) Will not pose any unreasonable risk to public health or safety.

(2) An emergency shelter allowed under this section must be operated by:

(a) A local government as defined in ORS 174.116;

(b) An organization with at least two years' experience operating an emergency shelter using best practices that is:

(A) A local housing authority as defined in ORS 456.375;

(B) A religious corporation as defined in ORS 65.001; or

(C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code [on or before January 1, 2018] **for at least three years before the date of the application for a shelter**; or

(c) A nonprofit corporation partnering with any other entity described in this subsection.

(3) An emergency shelter approved under this section:

(a) May provide on-site for its clients and at no cost to the clients:

(A) Showering or bathing;

(B) Storage for personal property;

(C) Laundry facilities;

(D) Service of food prepared on-site or off-site;

(E) Recreation areas for children and pets;

(F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or

(G) Any other services incidental to shelter.

(b) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(4) An emergency shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

(5)(a) The approval **or denial** of an emergency shelter under this section **may be made without a hearing. Whether or not a hearing is held, the approval or denial** is not a land use decision and is subject to review only under ORS 34.010 to 34.100.

(b) **A reviewing court shall award attorney fees to:**

(A) A local government, and any intervening applicant, that prevails on the appeal of a local government's approval; and

(B) An applicant that prevails on an appeal of a local government's denial.

(6) An application for an emergency shelter is not subject to approval under this section if, at the time of filing, the most recently completed point-in-time count, as reported to the United States Department of Housing and Urban Development under 24 C.F.R. part 578, indicated that the total sheltered and unsheltered homeless population was less than 0.18 percent of the state population, based on the latest estimate from the Portland State University Population Research Center.

SINGLE EXIT MULTIFAMILY DWELLINGS

SECTION 8. On or before October 1, 2025, the Department of Consumer and Business Services shall review and consider updates to the State of Oregon Structural Specialty Code through the Building Codes Structures Board established under ORS 455.132, to allow a residential occupancy to be served by a single exit, consistent with the following policies of this state:

(1) The reduction, to the extent practicable, of costs and barriers to the construction of midsize multifamily dwellings, including those offering family-size housing with sprinklers on smaller lots, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) Encouraging a variety of less expensive housing types that allow single-exit residential buildings under certain circumstances consistent with other adopted building codes.

(3) In adopting or considering updates to the building code under this section, the department shall consider regional variation in firefighting capacity and equipment and may make amendments to the code contingent upon a certification by a local fire official that the municipality has sufficient firefighting capacity and equipment.

PLANNED COMMUNITY ACT EXEMPTIONS

SECTION 9. ORS 94.550 is amended to read:

94.550. As used in ORS 94.550 to 94.783:

(1) "Assessment" means any charge imposed or levied by a homeowners association on or against an owner or lot pursuant to the provisions of the declaration or the bylaws of the planned community or provisions of ORS 94.550 to 94.783.

(2) "Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanic's lien or otherwise, securing or evidencing the payment of money and affecting more than one lot in a planned community, or an agreement affecting more than one lot by which the developer holds such planned community under an option, contract to sell or trust agreement.

(3) "Class I planned community" means a planned community that:

(a) Contains at least 13 lots or in which the declarant has reserved the right to increase the total number of lots beyond 12; and

(b) Has an estimated annual assessment, including an amount required for reserves under ORS 94.595, exceeding \$10,000 for all lots or \$100 per lot based on:

(A) For a planned community created on or after January 1, 2002, the initial estimated annual assessment, including a constructive assessment based on a subsidy of the association through a contribution of funds, goods or services by the declarant; or

(B) For a planned community created before January 1, 2002, a reasonable estimate of the cost of fulfilling existing obligations imposed by the declaration, bylaws or other governing document as of January 1, 2002.

(4) "Class II planned community" means a planned community that:

(a) Is not a Class I planned community;

- (b) Contains at least five lots; and
- (c) Has an estimated annual assessment exceeding \$1,000 for all lots based on:
 - (A) For a planned community created on or after January 1, 2002, the initial estimated annual assessment, including a constructive assessment based on a subsidy of the association through a contribution of funds, goods or services by the declarant; or
 - (B) For a planned community created before January 1, 2002, a reasonable estimate of the cost of fulfilling existing obligations imposed by the declaration, bylaws or other governing document as of January 1, 2002.
- (5) "Class III planned community" means a planned community that is not a Class I or II planned community.
- (6) "Common expenses" means expenditures made by or financial liabilities incurred by the homeowners association and includes any allocations to the reserve account under ORS 94.595.
- (7) "Common property" means any real property or interest in real property within a planned community which is owned, held or leased by the homeowners association or owned as tenants in common by the lot owners, or designated in the declaration or the plat for transfer to the association.
- (8) "Condominium" means property submitted to the provisions of ORS chapter 100.
- (9) "Declarant" means any person who creates a planned community under ORS 94.550 to 94.783.
- (10) "Declarant control" means any special declarant right relating to administrative control of a homeowners association, including but not limited to:
 - (a) The right of the declarant or person designated by the declarant to appoint or remove an officer or a member of the board of directors;
 - (b) Any weighted vote or special voting right granted to a declarant or to units owned by the declarant so that the declarant will hold a majority of the voting rights in the association by virtue of such weighted vote or special voting right; and
 - (c) The right of the declarant to exercise powers and responsibilities otherwise assigned by the declaration or bylaws or by the provisions of ORS 94.550 to 94.783 to the association, officers of the association or board of directors of the association.
- (11) "Declaration" means the instrument described in ORS 94.580 which establishes a planned community, and any amendments to the instrument.
- (12) "Electric vehicle charging station" or "charging station" means a facility designed to deliver electrical current for the purpose of charging one or more electric motor vehicles.
- (13) "Electronic meeting" means a meeting that is conducted through telephone, teleconference, video conference, web conference or any other live electronic means where at least one participant is not physically present.
- (14) "Governing document" means articles of incorporation, bylaws, a declaration or a rule, regulation or resolution that was properly adopted by the homeowners association or any other instrument or plat relating to common ownership or common maintenance of a portion of a planned community that is binding upon lots within the planned community.
- (15) "Governing entity" means an incorporated or unincorporated association, committee, person or any other entity that has authority under a governing document to maintain commonly maintained property, to impose assessments on lots or to act on matters of common concern on behalf of lot owners within the planned community.
- (16) "Homeowners association" or "association" means the organization of owners of lots in a planned community, created under ORS 94.625, required by a governing document or formed under ORS 94.574.
- (17) "Majority" or "majority of votes" or "majority of owners" means more than 50 percent of the votes in the planned community.
- (18) "Mortgagee" means any person who is:
 - (a) A mortgagee under a mortgage;
 - (b) A beneficiary under a trust deed; or
 - (c) The vendor under a land sale contract.

(19) "Owner" means the owner of any lot in a planned community, unless otherwise specified, but does not include a person holding only a security interest in a lot.

(20) "Percent of owners" or "percentage of owners" means the owners representing the specified voting rights as determined under ORS 94.658.

(21)(a) "Planned community" means any subdivision under ORS 92.010 to 92.192 that results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which the owners collectively are responsible for the maintenance, operation, insurance or other expenses relating to any property within the planned community, including common property, if any, or for the exterior maintenance of any property that is individually owned.

(b) "Planned community" does not mean:

(A) A condominium under ORS chapter 100;

(B) A subdivision that is exclusively commercial or industrial; [or]

(C) A timeshare plan under ORS 94.803 to 94.945[.]; or

(D) A development established on or after January 1, 2024, in which each residential unit is either:

(i) Subject to an affordability restriction, including an affordable housing covenant, as defined in ORS 456.270; or

(ii) Owned by a public benefit or religious nonprofit corporation.

(22) "Purchaser" means any person other than a declarant who, by means of a voluntary transfer, acquires a legal or equitable interest in a lot, other than as security for an obligation.

(23) "Purchaser for resale" means any person who purchases from the declarant more than two lots for the purpose of resale whether or not the purchaser for resale makes improvements to the lots before reselling them.

(24) "Recorded declaration" means an instrument recorded with the recording officer of the county in which the planned community is located that contains covenants, conditions and restrictions that are binding upon lots in the planned community or that impose servitudes on the real property.

(25) "Special declarant rights" means any rights, in addition to the rights of the declarant as a lot owner, reserved for the benefit of the declarant under the declaration or ORS 94.550 to 94.783, including but not limited to:

(a) Constructing or completing construction of improvements in the planned community which are described in the declaration;

(b) Expanding the planned community or withdrawing property from the planned community under ORS 94.580 (3) and (4);

(c) Converting lots into common property;

(d) Making the planned community subject to a master association under ORS 94.695; or

(e) Exercising any right of declarant control reserved under ORS 94.600.

(26) "Successor declarant" means the transferee of any special declarant right.

(27) "Turn over" means the act of turning over administrative responsibility pursuant to ORS 94.609 and 94.616.

(28) "Unit" means a building or portion of a building located upon a lot in a planned community and designated for separate occupancy or ownership, but does not include any building or portion of a building located on common property.

(29) "Votes" means the votes allocated to lots in the declaration under ORS 94.580 (2).

REGULATION OF CONDOMINIUMS

SECTION 10. ORS 100.015 is amended to read:

100.015. The Real Estate Commissioner **has the exclusive right to regulate the submission of property to the provisions of this chapter and** may adopt such rules as are necessary for the administration of this chapter.

SECTION 11. ORS 100.022 is amended to read:

100.022. [(1)] **Except as provided under ORS 100.015 or explicitly required or allowed under this chapter,** a zoning, subdivision, building code or other [*real property law,*] **regulation by a public body, agency rule or local ordinance or regulation may not [*prohibit*]:**

(1) **Have the effect of prohibiting or restricting** the condominium form of ownership; or

(2) Impose any **restriction or requirement** upon a structure, **property** or development **that is submitted or proposed to be submitted to the condominium form of ownership under this chapter that it would not impose upon a structure or development under a different form of ownership[.], including:**

(a) **Any charge, tax or fee;**

(b) **A review or approval process by any person of a declaration, bylaw, plat, articles of incorporation, regulation, resolution or any other document relating to the condominium or the submission of the property or development to the condominium form of ownership;**

(c) **Any additional permitting requirements or conditions of approval of the property or development; or**

(d) **Any other requirements.**

[(2) *Except as set forth in this section, no provision of this chapter invalidates or modifies any provision of any zoning, subdivision, building code or other real property use law, ordinance or regulation.*]

[(3) *Subsection (1) of This section does not prohibit any governmental approval required under this chapter.*]

SECTION 12. ORS 100.110 is amended to read:

100.110. (1)(a) Before a declaration, supplemental declaration or an amendment thereto may be recorded, it must be approved as provided in this section by the county assessor of the county in which the property is located and the Real Estate Commissioner.

(b) Before a declaration, supplemental declaration or, if required under subsection (3) of this section, an amendment thereto may be recorded, it must be approved by the tax collector of the county in which the property is located.

(c) A declaration, supplemental declaration or amendment thereto may not be approved unless the requirements of subsections (2) to (7) of this section are met. Approval must be evidenced by execution of the declaration or amendment or by a written approval attached thereto.

(d) If the requirements of subsections (2) to (7) of this section are met, the commissioner, county assessor and tax collector, if applicable,[:]

[(A)] shall approve the declaration, supplemental declaration or amendment[:; and]

[(B) *May not impose additional requirements not specified in subsections (2) to (7) of this section*].

(2) The county assessor of the county in which the property is located shall approve a declaration, supplemental declaration or amendment thereto if:

(a) The name complies with ORS 100.105 (5) and (6); and

(b) The plat complies with the requirements of ORS 100.115 or the plat amendment complies with ORS 100.116.

(3) The tax collector of the county in which the property is located shall approve the declaration or supplemental declaration, or an amendment that adds property to the condominium, changes the boundary of a unit or creates an additional unit from all or parts of other units or from all or parts of other units and common elements for which a plat amendment is required under ORS 100.116, if:

(a) All ad valorem taxes, special assessments, fees, or other charges required by law to be placed upon the tax roll for the affected units that have or will become a lien upon the property during the tax year have been paid;

(b) Advance payment of ad valorem taxes, special assessments, fees or other charges for the affected units that are not on the tax roll and for which payment is required under paragraph (a) of this subsection has been made to the tax collector utilizing the procedures contained in ORS 92.095 and 311.370; and

(c) The additional taxes, penalty, and any interest attributable thereto, required because of disqualification of the affected units from any special assessment have been paid.

(4) Subject to subsection (6) of this section, the commissioner shall approve the declaration or amendment thereto if:

(a) The declaration or the amendment thereto complies with the requirements of ORS 100.105 and 100.135 and other provisions of this chapter;

(b) The bylaws adopted under ORS 100.410 comply with the requirements of ORS 100.410 and 100.415 and other provisions of this chapter;

(c) The plat complies with the requirements of ORS 100.115 or the plat amendment complies with ORS 100.116 and other provisions of this chapter;

(d) The declaration is for a conversion condominium and the declarant has submitted:

(A) An affidavit that the notice of conversion was given in accordance with ORS 100.305 and that the notice period has expired;

(B) An affidavit that the notice of conversion was given in accordance with ORS 100.305 and copies of the written consent of any tenants as provided in ORS 100.305 (6) or a signed statement that no tenants were entitled to notice under ORS 100.305; or

(C) Any applicable combination of the requirements of subparagraphs (A) and (B) of this paragraph;

(e) A copy of the plat executed by the declarant and prepared in conformance with ORS 100.115 or plat amendment prepared in conformance with ORS 100.116 is submitted;

(f) A certification of plat execution, on a form prescribed and furnished by the commissioner, is:

(A) Executed by the declarant, the professional land surveyor who signed the surveyor's certificate on the plat, the attorney for the declarant, a representative of the title insurance company that issued the information required under ORS 100.640 (1)(e) or 100.668 (2)(d) or another person authorized by the declarant in writing to execute the certification; and

(B) Submitted stating that the copy is a true copy of the plat signed by the declarant; and

(g) A copy of a reserve study has been submitted, if a disclosure statement was issued under ORS 100.655 and the reserve study was not included pursuant to ORS 100.640 (1)(g).

(5) The commissioner shall approve a supplemental declaration if:

(a) The supplemental declaration complies with the requirements of ORS 100.120 and other provisions of this chapter;

(b) The supplemental plat complies with the requirements of ORS 100.115;

(c) The supplemental declaration is for a conversion condominium and the declarant has complied with the requirements of subsection (4)(d) of this section; and

(d) A copy of the supplemental plat and a certification of plat execution described in subsection (4)(e) and (f) of this section have been submitted.

(6) Approval by the commissioner is not required for an amendment to a declaration transferring the right of use of a limited common element pursuant to ORS 100.515 (5).

(7) Before the commissioner approves the declaration, supplemental declaration or amendment thereto under this section:

(a) The declarant or other person requesting approval shall pay to the commissioner a fee determined by the commissioner under ORS 100.670; and

(b) For an amendment or supplemental declaration, the Condominium Information Report and the Annual Report described in ORS 100.260 must be designated current by the Real Estate Agency as provided in ORS 100.255 and the fee required under ORS 100.670 must be paid.

(8) If the declaration, supplemental declaration or amendment thereto approved by the commissioner under subsection (4) or (5) of this section is not recorded in accordance with ORS 100.115 within one year from the date of approval by the commissioner, the approval automatically expires and the declaration, supplemental declaration or amendment thereto must be resubmitted for approval in accordance with this section. The commissioner's approval must set forth the date on which the approval expires.

SECTION 13. ORS 100.115 is amended to read:

100.115. (1) A plat of the land described in the declaration or a supplemental plat described in a supplemental declaration, complying with ORS 92.050, 92.060 (1) and (2), 92.080 and 92.120, shall be recorded simultaneously with the declaration or supplemental declaration. The plat or supplemental plat shall be titled in accordance with subsection (3) of this section and shall:

(a) Show the location of:

(A) All buildings and public roads. The location shall be referenced to a point on the boundary of the property; and

(B) For a condominium containing units described in ORS 100.020 (3)(b)(C) or (D), the moorage space or floating structure. The location shall be referenced to a point on the boundary of the up-land property regardless of a change in the location resulting from a fluctuation in the water level or flow.

(b) Show the designation, location, dimensions and area in square feet of each unit including:

(A) For units in a building described in ORS 100.020 (3)(b)(A), the horizontal and vertical boundaries of each unit and the common elements to which each unit has access. The vertical boundaries shall be referenced to a known benchmark elevation or other reference point as approved by the city or county surveyor;

(B) For a space described in ORS 100.020 (3)(b)(B), the horizontal boundaries of each unit and the common elements to which each unit has access. If the space is located within a structure, the vertical boundaries also shall be shown and referenced to a known benchmark elevation or other reference point as approved by the city or county surveyor;

(C) For a moorage space described in ORS 100.020 (3)(b)(C), the horizontal boundaries of each unit and the common elements to which each unit has access; and

(D) For a floating structure described in ORS 100.020 (3)(b)(D), the horizontal and vertical boundaries of each unit and the common elements to which each unit has access. The vertical boundaries shall be referenced to an assumed elevation of an identified point on the floating structure even though the assumed elevation may change with the fluctuation of the water level where the floating structure is moored.

(c) Identify and show, to the extent feasible, the location and dimensions of all limited common elements described in the declaration. The plat may not include any statement indicating to which unit the use of any noncontiguous limited common element is reserved.

(d) Include a statement, including signature and official seal, of a registered architect, registered professional land surveyor or registered professional engineer certifying that the plat fully and accurately depicts the boundaries of the units of the building and that construction of the units and buildings as depicted on the plat has been completed, except that the professional land surveyor who prepared the plat need not affix a seal to the statement.

(e) Include a surveyor's certificate, complying with ORS 92.070, that includes information in the declaration in accordance with ORS 100.105 (1)(a) and a metes and bounds description or other description approved by the city or county surveyor.

(f) Include a statement by the declarant that the property and improvements described and depicted on the plat are subject to the provisions of ORS 100.005 to 100.627.

[(g) Include such signatures of approval as may be required by local ordinance or regulation.]

[(h)] (g) Include any other information or data not inconsistent with the declaration that the declarant desires to include.

[(i)] (h) If the condominium is a flexible condominium, show the location and dimensions of all variable property identified in the declaration and label the variable property as "WITHDRAWABLE VARIABLE PROPERTY" or "NONWITHDRAWABLE VARIABLE PROPERTY," with a letter different from those designating a unit, building or other tract of variable property. If there is more than one tract, each tract shall be labeled in the same manner.

(2) The supplemental plat required under ORS 100.150 (1) shall be recorded simultaneously with the supplemental declaration. The supplemental plat shall be titled in accordance with subsection (3) of this section and shall:

(a) Comply with ORS 92.050, 92.060 (1), (2) and (4), 92.080, 92.120 and subsection (3) of this section.

(b) If any property is withdrawn:

(A) Show the resulting perimeter boundaries of the condominium after the withdrawal; and

(B) Show the information required under subsection [(1)(i)] (1)(h) of this section as it relates to any remaining variable property.

(c) If any property is reclassified, show the information required under subsection (1)(a) to (d) of this section.

(d) Include a “Declarant’s Statement” that the property described on the supplemental plat is reclassified or withdrawn from the condominium and that the condominium exists as described and depicted on the plat.

(e) Include a surveyor’s certificate complying with ORS 92.070.

(3) The title of each supplemental plat described in ORS 100.120 shall include the complete name of the condominium, followed by the additional language specified in this subsection and the appropriate reference to the stage being annexed or tract of variable property being reclassified. Each supplemental plat for a condominium recorded on or after January 1, 2002, shall be numbered sequentially and shall:

(a) If property is annexed under ORS 100.125, include the words “Supplemental Plat No. _____: Annexation of Stage _____”; or

(b) If property is reclassified under ORS 100.150, include the words “Supplemental Plat No. _____: Reclassification of Variable Property, Tract _____.”

(4) Upon request of the county surveyor or assessor, the person offering a plat or supplemental plat for recording shall also file an exact copy, certified by the surveyor who made the plat to be an exact copy of the plat, with the county assessor and the county surveyor. The exact copy shall be made on suitable drafting material having the characteristics of strength, stability and transparency required by the county surveyor.

(5) Before a plat or a supplemental plat may be recorded, it must be approved by the city or county surveyor as provided in ORS 92.100. Before approving the plat as required by this section, the city or county surveyor shall:

(a) Check the boundaries of the plat and units and take measurements and make computations necessary to determine that the plat complies with this section.

(b) Determine that the name complies with ORS 100.105 (5) and (6).

(c) Determine that the following are consistent:

(A) The designation and area in square feet of each unit shown on the plat and the unit designations and areas contained in the declaration in accordance with ORS 100.105 (1)(d);

(B) Limited common elements identified on the plat and the information contained in the declaration in accordance with ORS 100.105 (1)(h);

(C) The description of the property in the surveyor’s certificate included on the plat and the description contained in the declaration in accordance with ORS 100.105 (1)(a); and

(D) For a flexible condominium, the variable property depicted on the plat and the identification of the property contained in the declaration in accordance with ORS 100.105 (7)(c).

(6) The person offering the plat or supplemental plat for approval shall:

(a) Submit a copy of the proposed declaration and bylaws or applicable supplemental declaration at the time the plat is submitted; and

(b) Submit the original or a copy of the executed declaration and bylaws or the applicable supplemental declaration approved by the commissioner if required by law prior to approval.

(7) For performing the services described in subsection (5)(a) to (c) of this section, the city surveyor or county surveyor shall collect from the person offering the plat for approval a fee of \$150 plus \$25 per building. The governing body of a city or county may establish a higher fee by resolution or order.

SECTION 14. ORS 100.105 is amended to read:

100.105. (1) A declaration must contain:

(a) A description of the property, including property on which a unit or a limited common element is located, whether held in fee simple, leasehold, easement or other interest or combination thereof, that is being submitted to the condominium form of ownership and that conforms to the description in the surveyor's certificate provided under ORS 100.115 (1).

(b) Subject to subsection (11) of this section, a statement of the interest in the property being submitted to the condominium form of ownership, whether fee simple, leasehold, easement or other interest or combination thereof.

(c) Subject to subsections (5) and (6) of this section, the name by which the property is known and a general description of each unit and the building or buildings, including the number of stories and basements of each building, the total number of units and the principal materials of which they are constructed.

(d) The unit designation, a statement that the location of each unit is shown on the plat, a description of the boundaries and area in square feet of each unit and any other data necessary for proper identification. The area of a unit must be the same as shown for that unit on the plat described in ORS 100.115 (1).

(e) A notice in substantially the following form in at least 12-point type in all capitals or bold-face:

NOTICE

THE SQUARE FOOTAGE AREAS STATED IN THIS DECLARATION AND THE PLAT ARE BASED ON THE BOUNDARIES OF THE UNITS AS DESCRIBED IN THIS DECLARATION AND MAY VARY FROM THE AREA OF UNITS CALCULATED FOR OTHER PURPOSES.

(f) A description of the general common elements.

(g) An allocation to each unit of an undivided interest in the common elements in accordance with ORS 100.515 and the method used to establish the allocation.

(h) The designation of any limited common elements including:

(A) A general statement of the nature of the limited common element;

(B) A statement of the unit to which the use of each limited common element is reserved, provided the statement is not a reference to an assignment of use specified on the plat; and

(C) The allocation of use of any limited common element appertaining to more than one unit.

(i) The method of determining liability for common expenses and right to common profits in accordance with ORS 100.530.

(j) The voting rights allocated to each unit in accordance with ORS 100.525 or, in the case of condominium units committed as property in a timeshare plan defined in ORS 94.803, the voting rights allocated in the timeshare instrument.

(k) A statement of the general nature of use, residential or otherwise, for which the building or buildings and each of the units is intended.

(L) A statement that the designated agent to receive service of process in cases provided in ORS 100.550 (1) is named in the Condominium Information Report which will be filed with the Real Estate Agency in accordance with ORS 100.250 (1)(a).

(m) The method of amending the declaration and the percentage of voting rights required to approve an amendment of the declaration in accordance with ORS 100.135.

(n) A statement as to whether or not the association of unit owners pursuant to ORS 100.405 (5) and (8) has authority to grant leases, easements, rights of way, licenses and other similar interests affecting the general and limited common elements of the condominium and consent to vacation of roadways within and adjacent to the condominium.

(o) If the condominium contains a floating structure described in ORS 100.020 (3), a statement regarding the authority of the board of directors of the association, subject to ORS 100.410, to temporarily relocate the floating structure without a majority vote of affected unit owners.

(p) Any restrictions on alienation of units. Any such restrictions created by documents other than the declaration may be incorporated by reference in the declaration to the official records of the county in which the property is located.

(q) Any other details regarding the property that the person executing the declaration considers desirable. However, if a provision required to be in the bylaws under ORS 100.415 is included in the declaration, the voting requirements for amending the bylaws also govern the amendment of the provision in the declaration.

(2) In the event the declarant proposes to annex additional property to the condominium under ORS 100.125, the declaration also must contain a general description of the plan of development, including:

(a) The maximum number of units to be included in the condominium.

(b) The date after which any right to annex additional property will terminate.

(c) A general description of the nature and proposed use of any additional common elements which declarant proposes to annex to the condominium, if such common elements might substantially increase the proportionate amount of the common expenses payable by existing unit owners.

(d) A statement that the method used to establish the allocation of undivided interest in the common elements, the method used to determine liability for common expenses and right to common profits and the method used to allocate voting rights for each unit annexed is as stated in the declaration in accordance with subsection (1)(g), (i) and (j) of this section.

(e) Such other information as the Real Estate Commissioner requires in order to carry out the purposes of this chapter.

(3) Unless expressly prohibited by the declaration and subject to the requirements of ORS 100.135 (2) and subsections (9) and (10) of this section:

(a) Not later than two years following the termination date specified in subsection (2)(b) of this section, the termination date may be extended for a period not exceeding five years.

(b) Before the termination date specified in the declaration or supplemental declaration under subsection (7)(d) of this section, the termination date may be extended for a period not exceeding five years.

(c) The general description under subsection (2)(c) of this section and the information included in the declaration or supplemental declaration in accordance with subsection (7)(c), (g) and (h) of this section may be changed by an amendment to the declaration or supplemental declaration and plat or supplemental plat.

(4) The information included in the declaration or supplemental declaration in accordance with subsection (2)(a) and (d) of this section and subsection (7)(a), (b), (e), (f) and (k) of this section may not be changed unless all owners agree to the change and an amendment to the declaration or supplemental declaration and, if applicable, the plat or supplemental plat are recorded in accordance with this chapter.

(5) The name of the property shall include the word “condominium” or “condominiums” or the words “a condominium.”

(6) A condominium may not bear a name which is the same as or deceptively similar to the name of any other, **different** condominium located in the same county.

(7) If the condominium is a flexible condominium containing variable property, the declaration shall also contain a general description of the plan of development, including:

(a) A statement that the rights provided for under ORS 100.150 (1) are being reserved.

(b) A statement:

(A) Of any limitations on rights reserved under ORS 100.150 (1), including whether the consent of any unit owner is required, and if so, a statement of the method by which the consent is ascertained; or

(B) That there are no limitations on rights reserved under ORS 100.150 (1).

(c) A statement of the total number of tracts of variable property within the condominium, including:

(A) A designation of each tract as withdrawable variable property or nonwithdrawable variable property;

(B) Identification of each variable tract by a label in accordance with ORS 100.115 [(1)(i)] **(1)(h)**;

(C) A statement of the method of labeling each tract depicted on the plat in accordance with ORS 100.115 [(1)(i)] **(1)(h)**; and

(D) A statement of the total number of tracts of each type of variable property.

(d) The termination date, which is the date after which any right reserved under ORS 100.150 (1) will terminate, and a statement of the circumstances, if any, that will terminate any right on or before the date specified. Subject to ORS 100.120, the termination date from the date of recording of the conveyance of the first unit in the condominium to a person other than the declarant may not exceed:

(A) Twenty years, only if a condominium consists, or may consist if the condominium is a flexible condominium, exclusively of units to be used for nonresidential purposes; or

(B) Seven years.

(e) The maximum number of units that may be created.

(f) A statement that the method used to establish the allocations of undivided interest in the common elements, the method used to determine liability for common expenses and right to common profits and the method used to allocate voting rights as additional units are created is the same as stated in the declaration in accordance with subsection (1)(g), (i) and (j) of this section.

(g) A general description of all existing improvements and the nature and proposed use of any improvements that may be made on variable property if the improvements might substantially increase the proportionate amount of the common expenses payable by existing unit owners.

(h) A statement of whether or not the declarant reserves the right to create limited common elements within any variable property, and if so, a general description of the types that may be created.

(i) A statement that the plat shows the location and dimensions of all withdrawable variable property that is labeled "WITHDRAWABLE VARIABLE PROPERTY."

(j) A statement that if by the termination date all or a portion of the withdrawable variable property has not been withdrawn or reclassified, the withdrawable variable property is automatically withdrawn from the condominium as of the termination date.

(k) A statement of the rights of the association under ORS 100.155 (2).

(L) A statement of whether or not all or any portion of the variable property may not be withdrawn from the condominium and, if so, with respect to the nonwithdrawable variable property:

(A) A statement that the plat shows the location and dimensions of all nonwithdrawable variable property that is labeled "NONWITHDRAWABLE VARIABLE PROPERTY."

(B) A description of all improvements that may be made and a statement of the intended use of each improvement.

(C) A statement that, if by the termination date all or a portion of the variable property designated as "nonwithdrawable variable property" has not been reclassified, the property is automatically reclassified as of the termination date as a general common element of the condominium and any interest in the property held for security purposes is automatically extinguished by the classification.

(D) A statement of the rights of the association under ORS 100.155 (3).

(m) A statement by the local governing body or appropriate department thereof that the withdrawal of any variable property designated as "withdrawable variable property" in the declaration in accordance with paragraph (L) of this subsection, will not violate any applicable planning or zoning regulation or ordinance. The statement may be attached as an exhibit to the declaration.

(8) The plan of development for any variable property included in the declaration or any supplemental declaration of any stage in accordance with subsection (7) of this section is subject to any

plan of development included in the declaration in accordance with subsection (2) of this section, except that the time limitation specified in subsection (7)(d) of this section governs any right reserved under ORS 100.150 (1) with respect to any variable property.

(9) The information included in the declaration in accordance with subsection (7)(j), (k) and (m) of this section may not be deleted by amendment.

(10)(a) Approval by the unit owners is not required for a declarant to redesignate withdrawable variable property as “nonwithdrawable variable property” under ORS 100.150 (1) by supplemental declaration and supplemental plat, for any reason, including if the redesignation is required by the local governing body to comply with any planning or zoning regulation or ordinance.

(b) If as a result of a redesignation under paragraph (a) of this subsection, the information required to be included in the supplemental declaration under subsection (7)(L)(B) of this section is inconsistent with the information included in the declaration or supplemental declaration in accordance with subsection (7)(g) of this section, an amendment to the declaration or supplemental declaration and plat or supplemental plat approved by at least 75 percent of owners is required.

(11) The statement of an interest in property other than fee simple submitted to the condominium form of ownership and any easements, rights or appurtenances belonging to property submitted to the condominium form of ownership, whether leasehold or fee simple, must include:

(a) A reference to the recording index numbers and date of recording of the instrument creating the interest; or

(b) A reference to the law, administrative rule, ordinance or regulation that creates the interest if the interest is created under law, administrative rule, ordinance or regulation and not recorded in the office of the recording officer of the county in which the property is located.

SUBDIVIDING FOR DEVELOPMENT OF AFFORDABLE HOUSING

SECTION 15. ORS 92.090 is amended to read:

92.090. (1) Subdivision plat names shall be subject to the approval of the county surveyor or, in the case where there is no county surveyor, the county assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

(2) No tentative plan for a proposed subdivision and no tentative plan for a proposed partition shall be approved unless:

(a) The streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern.

(b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

(c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated.

(3) No plat of a proposed subdivision or partition shall be approved unless:

(a) Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public or private utilities.

(b) Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city or county.

(c) The subdivision or partition plat complies with any applicable zoning ordinances and regulations and any ordinance or regulation adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the subdivision or partition plat is situated.

(d) The subdivision or partition plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.

(e) The subdivision or partition plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or partition.

(f) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or partition have been recorded and referenced on the subdivision or partition plat.

(4) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; *and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be* **in an amount** determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county; or

(c) *[In lieu of paragraphs (a) and (b) of this subsection,]* A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and indorsed by the city or county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

(5) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; *and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be* **in an amount** determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary; or

(c) *[In lieu of paragraphs (a) and (b) of this subsection,]* A statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where

the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed by the subdivider and indorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

(6) A city or county shall accept as other assurance, as used in subsections (4)(b) and (5)(b) of this section, one or more award letters from public funding sources made to a subdivider who is subdividing the property to develop affordable housing, that is or will be subject to an affordability restriction as defined in ORS 456.250 or an affordable housing covenant as defined in ORS 456.270, if the awards total an amount greater than the project cost.

[6] (7) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by a city or county unless the city or county has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

SINGLE ROOM OCCUPANCIES

SECTION 16. Section 17 of this 2023 Act and ORS 197.758 are added to and made a part of ORS 197.286 to 197.314.

SECTION 17. (1) As used in this section “single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

(2) Within an urban growth boundary, each local government shall allow the development of a single room occupancy:

(a) With up to six units on each lot or parcel zoned to allow for the development of a detached single-family dwelling; and

(b) With the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.

SECTION 18. ORS 197.303, as amended by section 27, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

197.303. (1) As used in ORS 197.296 and this section, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

(a) Attached and detached single-family housing, middle housing types as described in ORS 197.758 and multiple family housing for both owner and renter occupancy;

- (b) Government assisted housing;
 - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
 - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions;
 - (e) Agriculture workforce housing;
 - (f) Housing for individuals with a variety of disabilities related to mobility or communications that require accessibility features;
 - (g) Housing for older persons, as defined in ORS 659A.421; *[and]*
 - (h) Housing for college or university students, if relevant to the region[.]; **and**
 - (i) Single room occupancies as defined in section 17 of this 2023 Act.**
- (2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), Metro shall adopt findings and perform an analysis that estimates each of the following factors:
- (a) Projected needed housing units over the next 20 years;
 - (b) Current housing underproduction;
 - (c) Housing units needed for people experiencing homelessness; and
 - (d) Housing units projected to be converted into vacation homes or second homes during the next 20 years.
- (3) At the time Metro performs the analysis under subsection (2) of this section, Metro shall allocate a housing need for each city within Metro.
- (4) In making an allocation under subsection (3) of this section, Metro shall consider:
- (a) The forecasted population growth under ORS 195.033 or 195.036;
 - (b) The forecasted regional job growth;
 - (c) An equitable statewide distribution of housing for income levels described in section 2 (4), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** *[of this 2023 Act]*.
 - (d) The estimates made under subsection (2) of this section; and
 - (e) The purpose of the Oregon Housing Needs Analysis under section 1 (1), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** *[of this 2023 Act]*.
- (5) Metro shall make the estimate described in subsection (2) of this section using a shorter time period than since the last review under ORS 197.296 (2)(a)(B) if Metro finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.
- (6) Metro shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. Metro must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.
- (7) Subsection (1)(a) and (d) of this section does not apply to a city with a population of less than 2,500.
- (8) Metro may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 18a. If House Bill 2889 becomes law, section 18 of this 2023 Act (amending ORS 197.303) is repealed and ORS 197.303, as amended by section 27, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), and section 14, chapter __, Oregon Laws 2023 (Enrolled House Bill 2889), is amended to read:

197.303. (1) As used in ORS 197.296 and this section, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

(a) Attached and detached single-family housing, middle housing types as described in ORS 197.758 and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; [and]

(e) Agriculture workforce housing[.]; **and**

(f) Single room occupancies as defined in section 17 of this 2023 Act.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), Metro shall adopt findings and perform an analysis that estimates each of the following factors:

(a) Projected needed housing units over the next 20 years;

(b) Current housing underproduction;

(c) Housing units needed for people experiencing homelessness; and

(d) Housing units projected to be converted into vacation homes or second homes during the next 20 years.

(3) Metro shall make the estimate described in subsection (2) of this section using a shorter time period than since the last review under ORS 197.296 (2)(a)(B) if Metro finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) Metro shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. Metro must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

(5) Subsection (1)(a) and (d) of this section does not apply to a city with a population of less than 2,500.

(6) Metro may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 19. Section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 23. (1) As used in ORS 197.286 to 197.314, and except as provided in subsection (2) of this section:

(a) “Needed housing” means housing by affordability level, as described in section 2 (4), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]**, type, characteristics and location that is necessary to accommodate the city’s allocated housing need over the 20-year planning period in effect when the city’s housing capacity is determined.

(b) “Needed housing” includes the following housing types:

(A) Detached single-family housing, middle housing types as described in ORS 197.758 and multifamily housing that is owned or rented;

(B) Government assisted housing;

(C) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(D) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions;

(E) Housing for agricultural workers;

(F) Housing for individuals with a variety of disabilities, related to mobility or communications that require accessibility features;

(G) Housing for older persons, as defined in ORS 659A.421; [and]

(H) Housing for college or university students, if relevant to the region[.]; **and**

(I) Single room occupancies as defined in section 17 of this 2023 Act.

(2) Subsection (1)(b)(A) and (D) of this section does not apply to:

(a) A city with a population of less than 2,500.

- (b) A county with a population of less than 15,000.
- (3) At the time that a city is required to inventory its buildable lands under ORS 197.297 (1) or section 21 or 22, **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [of this 2023 Act], the city shall determine its needed housing under this section.
- (4) In determining needed housing the city must demonstrate that the projected housing types, characteristics and locations are:
 - (a) Attainable for the allocated housing need by income, including consideration of publicly supported housing;
 - (b) Appropriately responsive to current and projected market trends; and
 - (c) Responsive to the factors in ORS 197.290 (2)(b) to (d).

SITING DUPLEXES

SECTION 20. ORS 197.758 is amended to read:

197.758. (1) As used in this section:

- (a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.
- (b) “Middle housing” means:
 - (A) Duplexes;
 - (B) Triplexes;
 - (C) Quadplexes;
 - (D) Cottage clusters; and
 - (E) Townhouses.
- (c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.
- (2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:
 - (a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and
 - (b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.
- (3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of [more than 10,000] **2,500 or greater** and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.
- (4) This section does not apply to:
 - (a) Cities with a population of 1,000 or fewer;
 - (b) Lands not within an urban growth boundary;
 - (c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;
 - (d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or
 - (e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land’s potential for planned urban development.
- (5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.
- (6) This section does not prohibit local governments from permitting:

- (a) Single-family dwellings in areas zoned to allow for single-family dwellings; or
- (b) Middle housing in areas not required under this section.

(7) A local government that amends its comprehensive plan or land use regulations relating to allowing additional middle housing is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 21. Section 3, chapter 639, Oregon Laws 2019, is amended to read:

Sec. 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement [section 2 of this 2019 Act] **ORS 197.758** no later than:

(a) June 30, 2021, for each city subject to [section 2 (3) of this 2019 Act; or] **ORS 197.758 (3) (2021 Edition);**

(b) June 30, 2022, for each local government subject to [section 2 (2) of this 2019 Act.] **ORS 197.758 (2); or**

(c) June 30, 2025, for each city subject to ORS 197.758 (3), as amended by section 20 of this 2023 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

[*(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.*]

SECTION 22. Section 4, chapter 639, Oregon Laws 2019, is amended to read:

Sec. 4. (1) [Notwithstanding section 3 (1) or (3) of this 2019 Act,] The Department of Land Conservation and Development may grant to a local government that is subject to [section 2 of this 2019 Act] **ORS 197.758** an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3, **chapter 639, Oregon Laws 2019** [of this 2019 Act].

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are [either] significantly deficient [or are expected to be significantly deficient before December 31, 2023,] and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1), **chapter 639, Oregon Laws 2019**, [of this 2019 Act] or the model ordinance developed under section 3 (2), **chapter 639, Oregon Laws 2019** [of this 2019 Act].

(4) A request for an extension by a local government must be filed with the department no later than:

(a) December 31, 2020, for a city subject to [section 2 (3) of this 2019 Act.] **ORS 197.758 (3) (2021 Edition).**

(b) June 30, 2021, for a local government subject to [section 2 (2) of this 2019 Act.] **ORS 197.758 (2)**.

(c) **June 30, 2024, for each city subject to ORS 197.758 (3), as amended by section 20 of this 2023 Act.**

(5) The department shall grant or deny a request for an extension under this section:

(a) Within 90 days of receipt of a complete request from a city subject to [section 2 (3) of this 2019 Act.] **ORS 197.758 (3)**.

(b) Within 120 days of receipt of a complete request from a local government subject to [section 2 (2) of this 2019 Act.] **ORS 197.758 (2)**.

(6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:

(a) Defining the affected areas;

(b) Calculating deficiencies of water, sewer, storm drainage or transportation services;

(c) Service deficiency levels required to qualify for the extension;

(d) The components and timing of a remediation plan necessary to qualify for an extension;

(e) Standards for evaluating applications; and

(f) Establishing deadlines and components for the approval of a plan of action.

SECTION 23. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$1,250,000, to provide grants to local governments to assist them in amending their comprehensive plans as required under section 3 (1)(c), chapter 639, Oregon Laws 2019.

REMOVING RECORDED DISCRIMINATORY PROVISIONS

SECTION 24. Section 25 of this 2023 Act is added to and made a part of ORS chapter 93.

SECTION 25. (1) Notwithstanding ORS 94.590, 94.625, 100.110, 100.135, 100.411 or 100.413 or any requirement of the declaration or bylaws, an amendment to the declaration or bylaws of a planned community or condominium is effective and may be made and recorded in the county clerk's office of a county in which any portion of the property is situated without the vote of the owners or the board members and without the prior approval of the Real Estate Commissioner, county assessor or any other person if:

(a) The amendment is made to conform the declarations or bylaws to the requirements of ORS 93.270 (2); and

(b) The amendment is signed by the president and secretary of the homeowners association.

(2) The first page or cover sheet of an instrument amending the declaration or bylaws must comply with the recording requirements of ORS chapter 205 and must be in substantially the following form:

AMENDMENT OF [DECLARATION/BYLAWS] TO COMPLY WITH ORS 93.270 (2).

Pursuant to this section, the undersigned states:

1. The undersigned are the president and secretary for the [homeowners/condominium owners] association _____ (name) in _____ County.

2. This document amends the [declaration/bylaws] of the association.

3. The [declaration was/bylaws were] first recorded under instrument number (or book and page number) _____ recorded on _____.

4. The [declaration was/bylaws were] most recently amended or restated, if ever, under instrument number (or book and page number) _____ recorded on _____.

5. The undersigned have determined that the current [declarations/bylaws] of the [planned community/condominium], as last amended or revised, may fail to comply with ORS 93.270. The following amendments to the [declaration/bylaws] remove provisions that are not allowed and are unenforceable under ORS 93.270 (2). No other changes to the document are being made except as may be necessary to correct scriveners' errors or to conform format and style.

6. Under this section, a vote of the association is not required.

7. The description of the real property in _____ County affected by this document is:

Dated this _____ day of _____ 20____.

Name: _____
President, _____ (association name)
Address: _____

Phone No.: _____

Dated this _____ day of _____ 20____.

Name: _____
Secretary, _____ (association name)
Address: _____

Phone No.: _____

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 20____ by _____ and _____.

Notary Public for Oregon
My commission expires: _____

(3) If an instrument recorded under this section affects a condominium, the condominium association shall file a copy of the recorded instrument with the Real Estate Commissioner.

SECTION 26. Section 4, chapter 67, Oregon Laws 2021, as amended by section 5b, chapter 367, Oregon Laws 2021, is amended to read:

Sec. 4. (1) On or before December 31, [2022] **2024**, each homeowners association **of a planned community first established before September 1, 2021**, shall review [each governing document currently binding on the planned community, or the lots or the lot owners within] **the declaration and bylaws of the planned community** and shall:

(a) Amend [*or restate*] each document as necessary to remove all restrictions against the use of the community or the lots not allowed under ORS 93.270 (2) **as provided under section 25 of this 2023 Act**; or

(b) Execute and record a [*declaration*] **certification** that the homeowners association has reviewed the [*governing documents binding on*] **declaration and bylaws** of the planned community and that the documents do not contain any restriction, rule or regulation against the use of the community or the lots by a person or group of persons because of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits.

(2) [*Notwithstanding ORS 94.590 or 94.625 or any requirement of the declaration or bylaws, an amendment to or a restatement of the declaration or bylaws under subsection (1)(a) of this section is effective and*] **A certification under subsection (1)(b) of this section:**

(a) May be recorded without the vote of the owners or the board members [*if the amendment or restatement includes a certification signed by the president and secretary of the homeowners association that the amended or restated declaration or bylaws does not change that document except as required under this section and as may be necessary to correct scrivener's errors or to conform format and style.*]; **and**

(b) **Must be in substantially the following form:**

CERTIFICATION OF COMPLIANCE WITH ORS 93.270 (2).

Pursuant to section 4, chapter 67, Oregon Laws 2021, the undersigned states:

1. The undersigned are the president and secretary for the homeowners association _____ (name) in _____ County.

2. The declaration was first recorded under instrument number (or book and page number) _____ recorded on _____. The declaration was most recently amended or restated, if ever, under instrument number _____ recorded on _____.

3. The bylaws were first recorded, if ever, under instrument number (or book and page number) _____ recorded on _____. The bylaws were most recently amended or restated, if ever, under instrument number _____ recorded on _____.

4. The undersigned have determined that the current declarations and bylaws of the planned community, as last amended or revised, conform with ORS 93.270 (2) and that there are no provisions that would restrict the use of the community or the lots or units of the community because of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits. Any such provision that may inadvertently remain is void and unenforceable.

5. Under this section, a vote of the association is not required.

6. The description of the real property in _____ County affected by this document is:

Dated this _____ day of _____ 20_____.

Name: _____

President, _____ (association name)

Dated this _____ day of _____ 20_____.

Name: _____
Secretary, _____ (association name)

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____
20____ by _____ and _____.

Notary Public for Oregon
My commission expires: _____

SECTION 27. Section 6, chapter 67, Oregon Laws 2021, as amended by section 5c, chapter 367, Oregon Laws 2021, is amended to read:

Sec. 6. (1) On or before December 31, [2022] **2024**, each association of a condominium **first established before September 1, 2021**, that includes units used for residential purposes shall review [each governing document currently binding on the condominium or the units or unit owners within] **the declaration and bylaws of the condominium and shall:**

(a) Amend [or restate] each document as necessary to remove all restrictions against the use of the condominium or the units not allowed under ORS 93.270 (2) **as provided under section 25 of this 2023 Act;** or

(b) Execute and record a [declaration] **certification** that the association has reviewed the [governing documents binding on] **declaration and bylaws of the condominium** and that the documents do not contain any restriction, rule or regulation against the use of the condominium or the units by a person or group of persons because of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits.

(2) [Notwithstanding ORS 100.110, 100.135, 100.413 or any requirement of the declaration or bylaws, an amendment to or a restatement of the declaration or bylaws under this section, upon submission and approval of the Real Estate Commissioner under ORS 100.123, 100.125, 100.668 and 100.675, is effective and] **A certification under subsection (1)(b) of this section:**

(a) May be recorded without the vote of the owners or the board members [if the amended or restated declaration or bylaws includes a certification signed by the president and secretary of the association that the amended or restated declaration or bylaws does not change that document except as required under this section and as may be necessary to correct scrivener's errors or to conform format and style.]; **and**

(b) **Must be in substantially the following form:**

CERTIFICATION OF COMPLIANCE WITH ORS 93.270 (2).

Pursuant to section 6, chapter 67, Oregon Laws 2021, the undersigned states:

1. The undersigned are the president and secretary for the condominium owners association _____ (name) in _____ County.

2. The declaration was first recorded under instrument number (or book and page number) _____ recorded on _____. The declaration was most recently amended or restated, if ever, under instrument number _____ recorded on _____.

3. The bylaws were first recorded, if ever, under instrument number (or book and page number) _____ recorded on _____. The bylaws were most recently amended or restated, if ever, under instrument number _____ recorded on _____.

4. The undersigned have determined that the current declarations and bylaws of the condominium, as last amended or revised, conform with ORS 93.270 (2) and that there are no provisions that would restrict the use of the community or the lots or units of the community because of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits. Any such provision that may inadvertently remain is void and unenforceable.

5. Under this section, a vote of the association is not required.

6. The description of the real property in _____ County affected by this document is:

Dated this _____ day of _____ 20_____.

Name: _____
President, _____ (association name)
Dated this _____ day of _____ 20_____.

Name: _____
Secretary, _____ (association name)

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 20____ by _____ and _____.

Notary Public for Oregon
My commission expires: _____

SECTION 28. (1) The amendments to sections 4 and 6, chapter 67, Oregon Laws 2021, by sections 26 and 27 of this 2023 Act are intended to extend the deadline for compliance with those sections and to clarify the process by which associations may comply with those sections.

(2) Sections 4 and 6, chapter 67, Oregon Laws 2021, as amended by sections 26 and 27 of this 2023 Act, do not apply to a planned community or condominium that:

(a) Was established on or after September 1, 2021; or

(b) Complied with the requirements of section 4 or 6, chapter 67, Oregon Laws 2021, that were in effect before the effective date of this 2023 Act, notwithstanding the former deadline for compliance of December 31, 2022.

AFFORDABLE HOUSING ON PUBLIC UTILITY LANDS

SECTION 29. (1) As used in this section, “affordable housing” means affordable housing as defined in ORS 197.308 or publicly supported housing as defined in ORS 456.250.

(2)(a) To facilitate the development of affordable housing in this state, the Public Utility Commission may allow a public utility to sell, or to convey at below market price or as a gift, the public utility's interest in real property for the purpose of the real property being used for the development of affordable housing.

(b) The instrument that conveys, or contracts to convey, the public utility's interest in the real property must include an affordable housing covenant as provided in ORS 456.270 to 456.295.

(3) A public utility may not recover costs from customers for selling, or conveying at below market price or as a gift, the public utility's interest in real property under this section.

HOUSING SUPPORT FOR LOW-INCOME COLLEGE STUDENTS

SECTION 30. The Department of Human Services shall provide financial support to nonprofit organizations providing affordable housing support to low-income college students across this state in accordance with the department's self-sufficiency programs.

SECTION 31. Section 30 of this 2023 Act is repealed on January 2, 2026.

SECTION 32. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Human Services, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$4,000,000 to provide financial support to nonprofit organizations under section 30 of this 2023 Act.

SECTION 32a. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (3), chapter __, Oregon Laws 2023 (Enrolled House Bill 5026), for the biennium beginning July 1, 2023, for self-sufficiency programs, is increased by \$244,963 to administer financial support to nonprofit organizations pursuant to the provisions of section 30 of this 2023 Act.

COMMUNITY HOUSING SUPPORTING AGRICULTURAL EMPLOYEES

SECTION 33. Section 34 of this 2023 Act is added to and made a part of ORS 456.548 to 456.725.

SECTION 34. (1) As used in this section, "community housing supporting agricultural employees" means a housing development that:

- (a) Is within an urban growth boundary;
- (b) Is within 20 miles of significant agricultural employment as identified by the Housing and Community Services Department;
- (c) Is promoted for residential use by agricultural employees and developed with amenities suitable for agricultural employees and their families;
- (d) Consists of a multifamily dwelling or a cluster of buildings, including manufactured, prefabricated or modular housing, housing produced through a three-dimensional printing process or other housing developed using innovative construction types; and
- (e)(A) Is subject to an affordable housing covenant requiring that the units are maintained for a period of no less than 60 years as affordable to rent for low income households, as described in ORS 456.270 to 456.295;

(B) Is operated as a consumer housing cooperative; or

(C) Is operated under a model approved by the department designed to preserve affordability or control of the property by its residents.

(2) The Housing and Community Services Department shall provide one or more grants to qualified housing sponsors for the purposes of developing community housing supporting agricultural employees.

(3) In awarding grants under this section, the department shall prioritize applications:

(a) From a developer that is a nonprofit housing corporation that serves agricultural workers;

(b) From a developer that is a nonprofit that promotes housing for agricultural employees or other needs of agricultural employees, or from a developer that has entered into a partnership with a nonprofit housing corporation that serves agricultural workers for the purposes of developing the community housing;

(c) Where other funding for the housing development has been dedicated or can be leveraged by the grant;

(d) Where the housing development will be located close to significant agricultural employment; or

(e) Where the housing development will include or will be near specific characteristics or amenities designed to support or attract agricultural employees and their families.

(4) Grants awarded under this section may be used for any project costs for the development or predevelopment of the community housing supporting agricultural employees.

(5) A qualified housing sponsor receiving grants under this section shall agree to provide information to the department to report to an appropriate interim committee of the Legislative Assembly, in the manner provided in ORS 192.245, on the use of the grant on or before September 15, 2027.

SECTION 35. Section 34 of this 2023 Act is repealed on January 2, 2028.

SECTION 36. In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$10,000,000, to award and administer grants under section 34 of this 2023 Act.

LOCAL GOVERNMENT HOUSING SUPPORT

SECTION 37. (1) The Oregon Department of Administrative Services, in consultation with the Department of Land Conservation and Development and the Housing and Community Services Department, shall provide grants to councils of governments, as defined in ORS 294.900, and economic development districts to support housing and community development capacity within cities and counties in this state and within the nine federally recognized Indian tribes in this state.

(2) Councils of governments and economic development districts receiving grants under this section shall partner and consult with local governments, developers, financiers, the Department of Land Conservation and Development, the Housing and Community Services Department, other relevant state agencies and other interested public and private partners to enable local governments throughout the region to encourage community development and the development of infrastructure and needed housing, as defined in section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), by:

(a) Bridging any information gaps;

(b) Identifying and securing needed resources, including infrastructure and community facilities;

(c) Connecting producers of needed housing with consumers of needed housing; and

(d) Working with representatives of historically underrepresented groups to overcome community-specific barriers to obtaining housing.

SECTION 38. Section 37 of this 2023 Act is repealed on January 2, 2034.

SECTION 39. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Administrative Services, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$5,000,000, to provide grants under section 37 of this 2023 Act.

AFFORDABLE HOMEOWNERSHIP REVOLVING LOAN FUND

SECTION 40. (1) The Housing and Community Services Department shall make a grant to the Network for Oregon Affordable Housing (NOAH) to establish a revolving loan fund that will allow a first-time home buyer who is purchasing a home, including a share of a cooperative or a condominium unit, in which the purchaser's equity will be limited, to establish equity at a faster rate while making monthly payments similar to those described in subsection (3)(a)(A) of this subsection. The department may not make a grant under this section until NOAH has demonstrated that it has dedicated to a loan fund described in this section no less than \$7,500,000 of additional private moneys.

(2) Loans made from the loan fund must be used for the purchase of a dwelling that is subject to an affordability restriction, such as a restriction as described in ORS 456.270 to 456.295, that:

(a) Has the effect of limiting the purchaser's ability to gain equity from the appreciation of the dwelling's value; and

(b) Requires that the purchaser be a low income household as defined in ORS 456.270.

(3) Loans made from the loan fund must:

(a) Be made only to applicants that have met with an approved or certified housing counseling agency, as described in 24 C.F.R. 214 subpart B, and have a first-time home buyer program offered by the agency;

(b) Have a term of 20 years or less; and

(c) Have a fixed interest rate that is not more than the greater of:

(A) The rate that would allow monthly amortized principal and interest payments under the term of the loan to be the amount that would result from a 30-year fixed-rate amortized mortgage at the national current average rate as published by a reputable financial source; or

(B) 0.5 percent.

SECTION 41. Section 40 of this 2023 Act is repealed on January 2, 2026.

SECTION 42. In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$7,500,000, to make a grant under section 40 of this 2023 Act.

SECTION 43. On or before September 15, 2025, and on or before September 15, 2027, the Housing and Community Services Department shall provide a report to an appropriate interim committee of the Legislative Assembly, in the manner provided in ORS 192.245, on the use of the loan funds described in section 40 of this 2023 Act, as reported to the department by the Network for Oregon Affordable Housing (NOAH).

AFFORDABLE HOUSING LOAN GUARANTEE FUND

SECTION 44. Section 45 of this 2023 Act is added to and made a part of ORS chapter 458.

SECTION 45. (1) The Housing and Community Services Department shall provide grants to one or more nonprofit corporations to develop a fund.

(2) The moneys in the fund may be used only to guarantee the repayment of loans to finance the construction of housing subject to an affordable housing covenant for low or moderate income households, as described in ORS 456.270 to 456.295 and as further defined by the Housing and Community Services Department by rule.

(3) The term of a loan guaranteed under this section may not exceed five years.

(4) The department and the state are not guarantors of any loan guaranteed by a nonprofit corporation under this section.

(5) To be eligible for a grant under this section, a nonprofit corporation must:

(a) Be exempt from income taxes under section 501(c)(3) or (4) of the Internal Revenue Code; and

(b) Demonstrate to the satisfaction of the department that the corporation is a community development financial institution that operates statewide to support investment in the construction of affordable housing.

SECTION 46. Section 45 of this 2023 Act is repealed on January 2, 2026.

SECTION 47. In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$20,000,000 to provide grants under section 45 of this 2023 Act.

HOUSING AND COMMUNITY SERVICES DEPARTMENT ADMINISTRATION

SECTION 47a. Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 1, chapter ___, Oregon Laws 2023 (Enrolled Senate Bill 5511), for the biennium beginning July 1, 2023, is increased by \$529,802, for purposes of administering sections 34, 37, 40, 43 and 45 of this 2023 Act.

EMERGENCY HOUSING ASSISTANCE FOR COMPANION ANIMALS

SECTION 48. ORS 458.650 is amended to read:

458.650. (1) The Housing and Community Services Department shall administer the Emergency Housing Account to assist homeless individuals and individuals who are at risk of becoming homeless, through means including the emergency housing assistance program and the state homeless assistance program. Notwithstanding subsection (3)(a) of this section, the state homeless assistance program shall serve individuals experiencing homelessness, especially unsheltered homelessness, without respect to income.

(2) The Oregon Housing Stability Council shall develop a policy for the use of program funds with the advice of:

- (a) Persons who have experienced housing instability;
- (b) Tribes;
- (c) The Community Action Partnership of Oregon;
- (d) Continuums of care, as defined in 24 C.F.R. part 578;
- (e) Local governments;
- (f) Nonprofit organizations;
- (g) Homeless services providers;
- (h) Culturally specific organizations;
- (i) Housing providers;
- (j) Veterans' services organizations; and
- (k) Other entities identified by the department by rule.

(3) The policy under subsection (2) of this section shall direct that program funds shall be used:

(a) To provide to low and very low income individuals, including but not limited to individuals more than 65 years of age, persons with disabilities, agricultural workers and Native Americans:

(A) Emergency shelters and attendant services;

(B) Transitional housing services designed to assist individuals to make the transition from homelessness to permanent housing and economic independence;

(C) Supportive housing services to enable individuals to continue living in their own homes or to provide in-home services for such individuals for whom suitable programs do not exist in their geographic area;

(D) Programs that provide emergency payment of home payments, rents or utilities; [or]

(E) Support for individuals with companion animals, as defined in ORS 401.977, that includes:

- (i) Food for both companion animals and their owners;**

- (ii) Crates or kennels on-site or off-site that are easily accessible to the companion animal owners;
 - (iii) Basic veterinary services, including behavioral services; and
 - (iv) Rules of conduct and responsibility regarding companion animals and their owners;
- or

[(E)] (F) Some or all of the needs described in subparagraphs (A) to [(D)] (E) of this paragraph.

(b) To align with federal strategies and resources that are available to prevent and end homelessness, including the requirement of providing culturally responsive services and using evidence-based and emerging practices effective in ending homelessness, including practices unique to rural communities.

(4)(a) The council shall require as a condition of awarding a grant that the organization demonstrate to the satisfaction of the council that the organization:

(A) Has the capacity to deliver any service proposed by the organization;

(B) Is a culturally responsive organization or is engaged in a process to become a culturally responsive organization;

(C) Engages with culturally specific organizations; and

(D) Supports local homelessness system planning efforts.

(b) Any funds granted under this section may not be used to replace existing funds. Funds granted under this section may be used to supplement existing funds. An organization may use funds to support existing programs or to establish new programs.

(5) The department may expend funds from the account for:

(a) The administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department in support of directing a statewide policy on homelessness that ensures use of evidence-based and emerging practices, service equity in funding and local planning processes.

(b) The development of technical assistance and training resources for organizations developing and operating emergency shelters as defined in ORS 197.782 and transitional housing accommodations as described in ORS 197.746.

(6) The department shall utilize outcome-oriented contracting processes and evidence-based and emerging practices for account program funds, including evidence-based and emerging practices for serving rural communities.

(7) Twenty-five percent of moneys deposited in the account pursuant to ORS 294.187 are dedicated to the emergency housing assistance program for assistance to veterans who are homeless or at risk of becoming homeless.

UNIT CAPTIONS

SECTION 49. The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

OPERATIVE AND EFFECTIVE DATES

SECTION 50. Sections 2, 17, 29 and 30 of this 2023 Act and the amendments to ORS 92.090, 94.550, 100.015, 100.022, 100.105, 100.110, 100.115, 197.303, 197.830, 215.427 and 227.178 and section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), by sections 3 to 5, 9 to 15, 18 and 19 of this 2023 Act become operative on January 1, 2024.

SECTION 50a. If House Bill 2889 becomes law, section 50 of this 2023 Act is amended to read:

Sec. 50. Sections 2, 17, 29 and 30 of this 2023 Act and the amendments to ORS 92.090, 94.550, 100.015, 100.022, 100.105, 100.110, 100.115, 197.303, 197.830, 215.427 and 227.178 and section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), by sections 3 to 5, 9 to 15, [18] 18a and 19 of this 2023 Act become operative on January 1, 2024.

SECTION 51. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House June 14, 2023

Received by Governor:

Repassed by House June 25, 2023

.....M,....., 2023

.....
Timothy G. Sekerak, Chief Clerk of House

Approved:

.....M,....., 2023

.....
Dan Rayfield, Speaker of House

.....
Tina Kotek, Governor

Passed by Senate June 24, 2023

Filed in Office of Secretary of State:

.....M,....., 2023

.....
Rob Wagner, President of Senate

.....
Secretary of State

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick Tokos, Community Development Director 
Date: October 19, 2023
Re: Review Draft Affordable Housing CET Code Amendments

For this work session agenda item, I will be bringing draft code amendments to the meeting to get your initial impressions. It will be limited to a framework for how the City can distribute residential Construction Excise Tax (CET) funds it has collected to support market-rate multi-family development. This is the 50% of the CET that must be used in this manner. Enclosed are the action item cut sheets from our recently adopted Housing Production Strategy (HPS) that relate to this agenda item, along with a summary of CET collections through fiscal year 2021/2022, and the HPS Implementation Schedule that calls for the City to take official action no later than the end of calendar year 2024. Please take a moment to review the materials as it will help to inform the discussion on Monday.

Attachments

HPS Implementation Schedule
Summaries of Action Items D and I Related to CET Distributions
Summary of CET Collections through FY 2021/2022

Exhibit 13. Implementation Schedule

Actions	2023	2024	2025	2026	2027	2028	2029	2030	2031	
A. Use Urban Renewal to support housing and infrastructure development	Ongoing implementation of existing URA						Evaluate changes to URA or feasibility study for new district; Potential Official Action by City Council end of 2031			
B. Implement the Homebuyer Opportunity Limited Tax Exemption			Adoption	Implementation						
C. Reduce development code barriers to housing development		Adoption	Implementation							
D. Adjust the allocation of the Construction Excise Tax to support affordable housing development		Official City Council Action	Implementation							
E. Lobby the Legislature for more resources to support housing development and remove regulatory barriers to housing development	Ongoing City Council will discuss and review annually									
F. Establish a low-barrier emergency shelter and warming center in Newport	Development and opening of facility by end of 2026				Implementation					
G. Support development of a regional housing entity focused on low- and moderate-income housing development				Ongoing local and regional discussions		Official City Council Action	Implementation			
H. Participate in the regional homelessness action plan	Plan Development		5-Year Plan Implementation							
I. Pay System Development Charges (SDC) for workforce housing	Develop Distribution Plan		Implementation							
J. Grow partnerships with Community Land Trusts	Ongoing; Will require City Council action for specific projects as needed City Council will discuss and review annually									
K. Support outreach and education to promote equitable housing access	Ongoing, likely to focus on involvement for actions such as B, C, D, F, G, H, I, and M.									
L. Pursue an Urban Growth Management Agreement (UGMA) with the County				Adoption	Implementation					
M. Research rental housing maintenance code feasibility		Adoption								

D. Adjust the Allocation of the Construction Excise Tax (CET) to support affordable housing development

Rationale

CET is one of few options to generate additional, locally controlled funding for affordable housing. It is a flexible funding source, especially for funds derived from commercial/industrial development and offers the ability to link industrial or other employment investments, which generate new jobs and demand for new housing, with funding for housing development.

Description

The City adopted a Construction Excise Tax (CET) in 2017, which is levied on new residential, commercial, and industrial development. The City charges the maximum allowed by State law for new residential development (1% of the permit valuation) as well as 1% of commercial and industrial permit values.¹¹ The CET has created a dedicated source of funding for affordable housing in Newport, which collected a little more than \$540,000 since its inception.

The allowed uses for CET funding are defined by state statute:

- The City may retain up to 4% of funds to cover administrative costs. The funds remaining must be allocated as follows, depending on whether the CET is on residential or commercial and industrial development.
- For a residential CET:
 - 50% must be used for developer incentives for multifamily housing. These incentives could include City payment of permit fees and SDCs for development, tax abatements, or finance-based incentives. The City may use the CET to fund voluntary developer incentives that:
 - Increase the number of affordable housing units in a development
 - Decrease the sale or rental price of affordable housing units in a development
 - Build affordable housing units that are affordable to households with incomes equal to or lower than 80% of MFI.¹²
 - 35% may be used flexibly for affordable housing programs, as defined by the jurisdiction.
 - 15% flows to Oregon Housing and Community Services for homeownership programs that provide down payment assistance in Newport
- The State allows for more flexible use of commercial/industrial CET:
 - 50% of the funds must be used for housing-related programs, as defined by the jurisdiction (note that these funds are not necessarily limited to affordable housing).
 - The remaining 50% is unrestricted.

The City currently allocates all CET funds toward affordable housing according to the percentages required for the residential CET. However, the City has not fully determined how to spend its CET funds, only spending: (1) the 15% of funds that flows to Oregon Housing and Community Services for homeownership programs and (2) matching state funding to Proud Ground for down payment assistance grants. The City had a balance of about \$540,000 beginning Fiscal Year 2022.

¹¹ There is no cap on the rate applied to commercial and industrial construction.

¹² Based on information in ORS 197.309(7).

Currently CET funds are designated for the following uses:

	Current Allocations of Residential CET funds	Current Allocations for Commercial and Industrial CET funds	Total
Affordable Housing – Flexible Use (35%)	\$159,096	\$23,517	\$182,613
OHCS Down Payment Assistance (15%)	\$68,118	\$10,763	\$78,881
Affordable Housing – Restricted to developer incentives (50%)	\$226,047	\$34,641	\$260,688
Total	\$453,261	\$68,921	\$522,182

The City needs to decide:

- **How to spend the existing funds.** These funds could be used to backfill SDC costs or development fees for housing affordable to households with incomes of 80% to 120% of MFI. Some of these funds could be spent on programs to address homelessness, like establishing a low-barrier emergency shelter. There are many other ways that these funds could be spent for affordable housing.
- **Should the City spend commercial/industrial CET differently than residential CET.** The City should consider changing how to spend the funds from the commercial/industrial CET, which constituted about 13% of collections between 2017 and 2022, to dedicate more funds for flexible use. This would allow the City to spend on specific housing priorities, like establishing a low-barrier emergency shelter, supporting affordable homeownership as part of a community land trust, or other priorities. Based on collections between 2017 and 2022, this would have generated about \$69,000 for flexible use.

In the “Potential Allocation” example below, the change from the City’s current allocation is allocating all the commercial and industrial CET to the Affordable Housing Flexible Use category.

CET Collections Scenario (using CET collections between 2017 and 2022)

	Current CET Allocations (residential and commercial/ industrial)	Potential Allocation (with all commercial/ industrial CET to flexible use fund)	Change
Affordable Housing – Flexible Use (35%)	\$182,613	\$228,017	\$45,404
OHCS Down Payment Assistance (15%)	\$78,881	\$68,118	(\$10,763)
Affordable Housing – Restricted to developer incentives (50%)	\$260,688	\$226,047	(\$34,641)

City Role

The City would implement the plans for using CET funds for affordable housing development. Given the pace of collections, it may be advisable to allow them to accrue for a few years between periods when they are used.

Anticipated Impacts

Populations Served	Income	Housing Tenure	Magnitude of New Units Produced
Extremely low-, very low-, low- and moderate-income households	0-120% MFI	Renter and Owner	Moderate

Potential Risks

Since the revenue is generated from building permits, when new development activity slows, less revenue is collected.

Implementation Steps

- Adjust the allocation of the commercial/industrial CET funds to be used in the affordable housing flexible use fund. This would give the City flexibility to spend the funds on specific housing priorities, like establishing a low-barrier emergency shelter, supporting affordable homeownership as part of a community land trust, or other priorities.
- Use CET flexible funds on an as-needed basis to leverage other opportunities, recognizing the pace of accrual of funds over time.
- Begin to distribute funds for affordable housing incentives in a programmatic manner to support market-rate multifamily development based on policy direction from the City Council.
- Continue to partner with land trusts or organizations that offer similar services for affordable homeownership to fully leverage the CET funds that go to OHCS for down payment assistance.

Implementation Timeline

Timeline for Adoption	Implementation to Commence	Timeframe of Impact
Official City Council Action by December 2024	2025	Ongoing

Funding or Revenue Implications

CET funding relies on an active construction cycle and, as such, fluctuates from year to year. Can only be used for capital projects. Funds can be used for preservation or for new construction.

I. Pay System Development Charges (SDC) for workforce housing

Rationale

The City of Newport collects System Development Charges (SDCs) for wastewater, water, stormwater, transportation and parks. These fees add to the barriers of producing workforce housing in Newport. Programs that backfill (i.e., City pays for) Systems Development Charge fees directly reduce development costs and can incentivize development of qualifying housing types or building features.

Description

The City could pay the cost of SDCs for workforce housing but would need to use non-SDC City funds to backfill the costs of SDC, for a range of housing types such as cottage housing, townhouses, plex housing, and multifamily housing. To do this, the City would require a funding source to pay the costs of SDCs, such as Urban Renewal (in urban renewal areas) or CET revenue. SDC subsidies should be scaled to the percent of units in the project that are affordable.

City Role

The City would create a program with specific eligibility criteria

Partners

Area developers

Anticipated Impacts

Populations Served	Income	Housing Tenure	Magnitude of New Units Produced
Extremely low-, very low-, low- and moderate-income households	0-120% MFI	Renter and Owner	Small

Potential Risks

Money used to pay for SDCs would be unavailable for other housing programs. Available funding may vary from year to year especially if CET is used to pay for SDCs.

Implementation Steps

- Engage the development community to better understand how the City's backfilling of SDCs could be effective at encouraging workforce housing development.
- Determine which funding sources would be used to backfill SDC revenues.
- Develop eligibility criteria for when the City would pay SDCs for a project (e.g., project size, depth of affordability, and other criteria).
- Establish an application process for developers to apply for the SDC buy-down program.

Implementation Timeline

Timeline for Adoption	Implementation to Commence	Timeframe of Impact
Develop Distribution Plan by December 2024	2025	Ongoing

Funding or Revenue Implications

The City could consider paying for SDCs from CET or Urban Renewal funds.

Newport Housing Funds - Revenue & Expenditures Summary

(Note: CET Adopted by Ordinance No. 2114, Effective September 6, 2017)

	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
CET Affordable Housing Admin (Acct #101-1900-46429) ¹	\$2,536	\$2,167	\$2,463	\$5,751	\$8,876
<u>Housing Fund 212</u>					
Affordable Housing General (Dept 4710)					
Beginning Fund Balance ²	\$112,742	\$135,433	\$146,615	\$153,697	\$203,378
Revenue					
CET Affordable Housing - Flexible Use ³	\$20,797	\$18,256	\$20,689	\$48,312	\$74,559
Interest on Investments	\$2,122	\$3,951	\$3,675	\$2,109	\$1,987
Total Revenue	\$22,919	\$22,207	\$24,364	\$50,421	\$76,546
Other Financing Sources					
Transfer from General Fund ⁴	\$6,278	\$6,278	\$0	\$0	\$0
Total Other Financing Sources	\$6,278	\$6,278	\$0	\$0	\$0
Amount Available for Appropriation	\$141,939	\$163,918	\$170,979	\$204,118	\$279,924
Expenditures					
Financial Professional Services	\$132	\$203	\$164	\$204	\$191
Other Operating Expenses ⁵	\$0	\$16,600	\$16,600	\$0	\$0
Services Provided by General Fund	\$6,374	\$500	\$518	\$536	\$555
Total Expenditures	\$6,506	\$17,303	\$17,282	\$740	\$746
Ending Fund Balance	\$135,433	\$146,615	\$153,697	\$203,378	\$279,178
Oregon Housing and Community Services (Dept 4720)					
Beginning Fund Balance	\$0	\$7,752	\$15,630	\$0	\$0
Revenue					
CET OHCS Down Payment Assistance	\$7,752	\$7,878	\$10,592	\$20,705	\$31,954
Total Revenue	\$7,752	\$7,878	\$10,592	\$20,705	\$31,954
Amount Available for Appropriation	\$7,752	\$15,630	\$26,222	\$20,705	\$31,954
Expenditures					
CET Expense (OHCS Remittance) ⁶	\$0	\$0	\$26,222	\$20,705	\$31,954
Total Expenditures	\$0	\$0	\$26,222	\$20,705	\$31,954
Ending Fund Balance	\$7,752	\$15,630	\$0	\$0	\$0
Affordable Housing Development Incentives (Dept 4730)					
Beginning Fund Balance	\$0	\$26,561	\$52,568	\$85,177	\$154,194
Revenue					
CET Affordable Housing - Restricted ⁷	\$26,561	\$26,007	\$32,609	\$69,017	\$106,494
Total Revenue	\$26,561	\$26,007	\$32,609	\$69,017	\$106,494
Amount Available for Appropriation	\$26,561	\$52,568	\$85,177	\$154,194	\$260,688
Expenditures					
CET Expense	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Ending Fund Balance	\$26,561	\$52,568	\$85,177	\$154,194	\$260,688

¹ This revenue account is the 4% the City is allowed by law to take out of CET collections to cover its administrative expenses.

² FY 17/18 balance is what was left from the original Housing Fund seed money that were proceeds from the sale of a property.

³ Represents 35% of CET collections, less administrative expenses. May be used for affordable housing programs or projects as defined by the City.

⁴ Transfer was made to offset "Services Provided by General Fund" expenditure to avoid draining down what at that time was a Housing Fund that did not have a dedicated revenue stream.

⁵ FY 18/19 and FY 19/20 were match for Proud Ground's state funding for down-payment assistance grants.

⁶ Represents 15% of CET collections, less administrative expenses. Must be sent to OHCS who then makes it available for down-payment assistance in Newport.

⁷ Represents 50% of CET collections, less administrative expenses. Must be used to reduce development fees, pay down property taxes, or other financial incentives to developers to construct housing at 80% MFI or more.

Newport Housing Funds - Revenue by Type

	<u>2017-2018</u>	<u>2018-2019</u>	<u>2019-2020</u>	<u>2020-2021</u>	<u>2021-2022</u>	<u>Total</u>
CET Affordable Housing Admin (Acct #101-1900-46429)						
Residential Use (Res)	\$2,247	\$1,647	\$1,315	\$5,302	\$8,477	\$18,988
Commercial/Industrial Use (Com)	\$289	\$520	\$1,148	\$449	\$399	\$2,805
Total Revenue	<u>\$2,536</u>	<u>\$2,167</u>	<u>\$2,463</u>	<u>\$5,751</u>	<u>\$8,876</u>	<u>\$21,793</u>

Housing Fund 212**Affordable Housing General (Dept 4710) - 35% of Collections less Administrative Fee)****Revenue**

CET Affordable Housing - Flexible Use (Res)	\$18,426	\$13,875	\$11,048	\$44,544	\$71,204	\$159,096
CET Affordable Housing - Flexible Use (Com)	\$2,371	\$4,381	\$9,641	\$3,768	\$3,355	\$23,517
Total Revenue	<u>\$20,797</u>	<u>\$18,256</u>	<u>\$20,689</u>	<u>\$48,312</u>	<u>\$74,559</u>	<u>\$182,613</u>

Oregon Housing and Community Services (Dept 4720) - 15% of Collections less Administrative Fee)**Revenue**

CET OHCS Down Payment Assistance (Res)	\$6,868	\$5,987	\$5,656	\$19,090	\$30,516	\$68,118
CET OHCS Down Payment Assistance (Com)	\$884	\$1,891	\$4,936	\$1,615	\$1,438	\$10,763
Total Revenue	<u>\$7,752</u>	<u>\$7,878</u>	<u>\$10,592</u>	<u>\$20,705</u>	<u>\$31,954</u>	<u>\$78,881</u>

Affordable Housing Development Incentives (Dept 4730) - 50% of Collections less Administrative Fee)**Revenue**

CET Affordable Housing - Restricted (Res)	\$23,533	\$19,765	\$17,413	\$63,634	\$101,702	\$226,047
CET Affordable Housing - Restricted (Com)	\$3,028	\$6,242	\$15,196	\$5,383	\$4,792	\$34,641
Total Revenue	<u>\$26,561</u>	<u>\$26,007</u>	<u>\$32,609</u>	<u>\$69,017</u>	<u>\$106,494</u>	<u>\$260,688</u>

Residential/Commercial Split (%)	88.6/11.4	76.0/24.0	53.4/46.6	92.2/7.8	95.5/4.5
----------------------------------	-----------	-----------	-----------	----------	----------

Total Residential CET Collections for (35/50/15 Split):	\$453,261 (86.8% of total)
---	----------------------------

Total Commercial Collections for (50/50 Split):	\$68,921 (13.2% of total)
---	---------------------------

Total Collections Less Administrative Fee:	\$522,182
--	-----------

Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick Tokos, Community Development Director 

Date: October 19, 2023

Re: Upcoming Changes to Format and Content of Planning Commission Minutes

At its October 16, 2023 meeting, the Newport City Council elected to move forward with a simplified approach to preparing committee meeting minutes, which should allow city staff to catch up on a backlog of overdue minutes across multiple city committees. The change will be effective November 1, 2023 and a final format is being developed by the City Manager's office. Examples of the simplified "action minutes" were included in the Council packet materials and are enclosed below. All City committees will follow the new format; however, for land use matters, we have the flexibility to prepare more detailed minutes in circumstances where the Planning Commission is working through a controversial legislative or quasi-judicial agenda item and the additional detail is needed to help inform the decision making process. I would like to take a few minutes at the work session to discuss the upcoming changes and steps the Commission can take to ensure certain information is captured in what will be a more abbreviated format.

Attachments

Materials from October 16, 2023 City Council Meeting Regarding Use of Action Minutes

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: October 16, 2023

Agenda Item:

Report and Possible Action on Utilization of Action Minutes for the City Council, Boards and Commissions.

Background:

At the October 2, 2023 City Council meeting, discussion was held on the current format of minutes for the City Council and various boards and commissions. The City has traditionally used very detailed minutes outlining managers reports, highlights of discussion, other actions, and include actions taken by the City Council and by the various Boards and Committees. Action-based minutes indicate items such as attendance, time the meeting begins and ends, and outlines agenda items and any actions taken on those items. They also include a brief description of any items that are brought up that are off the agenda. Since all City Council, Boards and Committee meetings are recorded. When time stamping is used through Granicus you can go to each agenda item to hear that part of the meeting quickly and efficiently, and detailed packets are on the website. The need to restate that all in the form of minutes is redundant. Originally, we had thought about excluding the Planning and Development Commission from this format for minutes. Upon discussion with Derrick Tokos, it is his opinion that the Planning Commission could use action minutes as well, since transcripts are ordered from a third party contractor when needed for Planning Commission meetings.

Overall, this would be a significant time savings for the City staff and specifically for the Recorder's office that could be spent on other issues. It should also be noted that Newport has a substantially higher number of Boards and Committees than other comparable Cities our size. This further makes the case for simplifying the minute system for the City of Newport. The model that we would utilize for the minutes would be based on the Stayton model. There is a significant advantage of utilizing one format for all minutes being generated for Boards and Committees of the City of Newport. We would work to get this model out and have staff trained to utilize the new format effective November 1, if Council is comfortable moving in this direction.

Recommendation:

I recommend that the City Council consider the following motion:

I move to authorize the implementation of action minutes for the City Council and for Boards and Committees effective November 1, 2023.

Fiscal Effects:

Utilization of action minutes will be a significant time saver for all staff supporting Boards and Commissions of the City of Newport

Alternatives:

Utilize a different model, do not proceed with action minutes at this time, or as suggested by the City Council.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel".

Spencer Nebel
City Manager



**STAFF REPORT
CITY COUNCIL AGENDA ITEM**

Meeting Date: October 16, 2023

Title: Report on Action Minutes

Prepared by: Erik Glover, Assistant City Manager/City Recorder

Recommended Motion: None, informational only.

Background Information:

At the October 02, 2023 City Council meeting, Staff detailed the possibility of converting Newport to action minutes, and away from transcript type minutes. While Newport, uses a hybrid type of minutes, it leans towards a transcript. This is due to staff time required to process the minutes, the fact that all meetings are audio/video recorded with the recordings maintained from the record. Secondly, many cities are moving to action minutes for various reasons.

At the October 02, 2023 meeting it was the general consensus of most of the Council members present that they desired to move towards a more action-based minutes style, with a specific interest in producing minutes like the Stayton model due to ease of readability. Councilor Hall expressed some concerns with the transition, in some instances. Council requested additional time to discuss this item in greater detail at the next meeting.

Councilor Hall sent an email to the Council group email providing a list of cities and their populations in relation to Newport's size, and expressing some concern with the cities chosen during the first discussion on this item. Some of the cities in staff's initial selection were much larger, some were much smaller than Newport, some were in the ballpark of Newport. Staff performed a review of various cities from the list Councilor Hall provided, and downloaded sets of their minutes for further Council review and discussion.

In the first meeting on the subject, staff indicated that following a review of other communities across the state, it seems that Newport in addition, may potentially have more committees than many other communities even of equivalent size and scope, which increases the amount of time required for minutes preparation and production.

For the preparation of this staff report, staff performed a review of the committees, commissions, agencies and work groups maintained/staffed by the organization, to arrive at an approximate number for Council consideration:

- Independence- 10 Committees including Council
- Astoria- 10 Committees including Council
- Sweet Home- 11 Committees including Council
- Cottage Grove- 7 Committees including Council
- Baker City- 10 Committees including Council
- Monmouth- 9 Committees including Council
- Lincoln City- 8 Committees including Council
- Newport- 20 Committees including Council

(Not on the City by population list but Council liked the readability/format of their minutes).

Stayton- 6 Committees including Council

(Not on the City by population list, but is similar in scope to Newport.)

Florence- 9 Committees including Council

In the previous staff report on this matter Staff indicated that these changes would not impact Planning Commission, due to their minutes styles being more complex than other groups (the exception being when Council is holding a land use action). Staff held a discussion with CDD Tokos who indicated that in many cases, the Planning Commission has to go out for the preparation of a transcript of their hearings by a third party contractor, anyway. CDD Tokos reported that it would be better to have organizational uniformity, and secondarily to not have his staff have to maintain two distinct types of minutes productions, and have to switch back and forth depending upon the group they are being prepared for, as this would complicate the process.

Staff is requesting Council hold a discussion on their interest in converting to action minutes in Newport, for the Council, URA and all committees, including the Planning Commission which for a trial period and to be reconsidered in 6 months. Note: This would also not include City Council involvement in land use processes or decisions, it is expected hybrid minutes would continue to be produced.

Fiscal Notes: None

Alternatives: None recommended

Attachments:

Astoria Minutes

Baker City Minutes

Cottage Grove Minutes

Lincoln City Minutes

Monmouth Minutes

Independence Minutes

Stayton WS Minutes

Stayton Council Minutes

Sweet Home Minutes

Florence Minutes

From: CM Hall <CM.Hall@NewportOregon.gov>
Sent: Wednesday, October 4, 2023 5:00 PM
To: City Council <CityCouncil@NewportOregon.gov>
Subject: Oregon Cities by Population.

In our discussion about action minutes during Monday's work session, I suggested we could adopt it as a pilot with committees but to reserve the Council meetings, work sessions, and Budget meetings as full minutes. I also asked that we do comps for similarly sized cities - what they do. We have a lot of different committees and activities because of our unique demands serving local residents, tourists and industry.

I did a search for the Oregon cities that are similarly sized to Newport.

Newport is the 62nd largest city in Oregon. (Out of 418 cities, towns, hamlets, etc.) 🤔

Our population being ~ 10,400.

We looked at comps from Powers (pop. 713), Florence (pop. 9,376), Sodaville (pop. 361), and Stayton (pop. 8,188).

[Oregon Cities by Population](#)

oregon-demographics.com

Here are cities that are similarly sized.

57	<u>Monmouth</u>	11,274
58	<u>Damascus</u>	10,878
59	<u>Fairview city</u>	10,768
60	<u>Cottage Grove</u>	10,713
61	<u>Silverton</u>	10,443
62	<u>Newport</u>	10,412
63	<u>Independence</u>	10,255
64	<u>Baker City</u>	10,247
65	<u>North Bend</u>	10,218
66	<u>Astoria</u>	10,182
67	<u>Molalla</u>	10,171
68	<u>White City</u>	10,151
69	<u>Sweet Home</u>	10,090
70	<u>Lincoln City</u>	9,966
71	<u>Eagle Point</u>	9,870
72	<u>Rockcreek</u>	9,659

This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.

**City of Florence
City Council Regular Session
Held at the Siuslaw Valley Fire & Rescue
2625 Hwy 101, Florence, Oregon
Final Action Minutes
December 10, 2018**

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 p.m.

Councilors Present: Mayor Joe Henry, Councilors Joshua Greene, Ron Preisler, Susy Lacer and Woody Woodbury.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, Public Works Director Mike Miller, Chief of Police Tom Turner, Planning Director Wendy FarleyCampbell, City Recorder / Economic Development Coordinator Kelli Weese, Project Manager Megan Messmer, Human Resources Analyst Alex Ferguson, Associate Planner Glen Southerland and Florence Events Center Director Kevin Rhodes.

PRESENTATIONS & ANNOUNCEMENTS

- Employee Introduction
 - Police Officer – Wade Martin

Start Time: 5:30 p.m.

Action: Mr. Martin was introduced to the City Council.

1. PUBLIC COMMENTS – *Items Not on the Agenda*

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speakers Cards are due at least (5) minutes before the meeting. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Start Time: 5:32 p.m.

Comments: None

CONSENT AGENDA

2. APPROVAL OF MINUTES

Consider approval of the October 22, 2018 City Council meeting minutes and the October 24, 2018 City Council work session minutes.

3. CERTIFICATION OF ELECTION

Consider approval of **Resolution No. 23, Series 2018**, a resolution certifying the results of the 2018 General Election.

4. TSUNAMI EVACUATION WAYFINDING SIGNAGE GRANT

Consider authorizing staff to submit an application to the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Office of Emergency Management to assist with the purchasing of additional tsunami evacuation wayfinding signage.

Start Time: 5:33 p.m.
Action: Approval of the consent agenda items as presented.
Motion: Councilor Lacer
Second: Councilor Woodbury
Vote: Unanimous

PUBLIC HEARING & ACTION ITEMS

The public will have an opportunity to offer comments on public hearing items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speaker's cards are due at least five (5) minutes before the meeting. Comments will be limited to five (5) minutes per person. Speakers may not yield their time to others.

3. PETERSON ANNEXATION & ZONE CHANGE

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the annexation and zone assignment of the 0.20 acre property located at 87717 Rhododendron Drive, east of North Jetty Drive as applied for by Mr. Gordon Peterson.

Start Time: 5:35 p.m.
Hearing Reading: CR Weese read the Land Use Hearing Script and officiated the public hearing procedures.
Public Hearing: Opened at 5:37 p.m.

Handout: PowerPoint Presentation
Discussion: The City Council discussed...

- Potential stormwater needs for the area

Comments: Councilor Preisler

Comments: None

Public Hearing: Closed at 5:41 p.m.

B. APPROVAL OF ANNEXATION REQUEST

Consider approval of **Ordinance No. 18, Series 2018**, an ordinance approving the annexation of Assessors Map No. 18-12-10-33, Tax Lot 00200.

Action: First Reading of Ordinance No. 18, Series 2018
Vote: Unanimous

Action: Second reading of Ordinance No. 18, Series 2018
Motion: Mayor Henry
Second: Councilor Lacer
Roll Call Vote: Councilor Woodbury – Aye
Councilor Preisler – Aye
Councilor Greene – Aye
Councilor Lacer – Aye
Mayor Henry – Aye
Ordinances passes 5-0

C. APPROVAL OF ZONE ASSIGNMENT

Consider approval of **Ordinance No. 19, Series 2018**, an ordinance establishing Restricted Residential zoning district for the Peterson property, as part of the proposed annexation.

Action: First Reading of Ordinance No. 19, Series 2018
Vote: Unanimous

Action: Second reading of Ordinance No. 19, Series 2018
Motion: Councilor Preisler
Second: Councilor Lacer
Roll Call Vote: Councilor Woodbury – Aye
Councilor Preisler – Aye
Councilor Greene – Aye
Councilor Lacer – Aye
Mayor Henry – Aye
Ordinances passes 5-0

ACTION ITEMS

The public will have an opportunity to offer comments on action items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speaker's cards are due at least five (5) minutes before the meeting. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others.

6. VOLUNTEER POLICY MANUAL

Consider approval of **Resolution No. 24, Series 2018**, a resolution establishing a Volunteer Policy Manual.

Start Time: 5:45 p.m.
Handouts: PowerPoint Presentation
Discussion: The City Council discussed...

- Appreciation for the time tracking elements for volunteers

Comments: Councilor Greene

Action: Approval of Resolution No. 24, Series 2018
Motion: Councilor Woodbury
Second: Councilor Greene
Vote: Unanimous

7. CITY MANAGER EVALUATION

Consider approval of the annual evaluation for City Manager Erin Reynolds and consider salary adjustments beginning January 1, 2019.

Start Time: 5:57 p.m.
Discussion: The City Council discussed...

- Process for the City Manager evaluation
- Appreciation for Ms. Reynolds work and the energy within the staff led by Ms. Reynolds
- Items reviewed during the City Manager evaluation process

Comments: Mayor Henry

Action: Approve the City Manager Employee Evaluation of 3.82 / 4.00 and approve a contract amendment to amend Ms. Reynolds annual base salary by a 2% increase to \$132,451.
Motion: Councilor Lacer
Second: Councilor Greene
Vote: Unanimous

8. 2019 CITY COUNCIL MEETING CALENDAR

Review and consider approval of the 2019 City Council meeting calendar.

Start Time: 6:03 p.m.
Discussion: The City Council discussed...
• City Council work session start times
Comments: Mayor Henry

Action: Approve the 2019 City Council Meeting Calendar dates and consider evaluating City Council work session start times at the January 7th City Council meeting

Motion: Councilor Preisler
Second: Councilor Woodbury
Vote: Unanimous

REPORT & DISCUSSION ITEMS

9. OCTOBER / NOVEMBER BOARD & COMMITTEE REPORTS

Report on the Boards & Committees for the Month of October / November 2018.

Start Time: 6:06 p.m.
Discussion: The City Council discussed...
• Public Art selection of artist design for Central Lincoln PUD Mural
Comments: Councilor Greene

10. CITY MANAGER REPORT & DISCUSSION ITEMS

Start Time: 6:08 p.m.
Discussion: The City Council discussed...
• City Council and other city upcoming meetings
• Upcoming city events

11. CITY COUNCIL REPORTS & DISCUSSION ITEMS

Start Time: 6:12 p.m.
Discussion: The City Council discussed...
• Council activities in the community and community announcements

Meeting adjourned at 6:16 p.m.

ATTEST:

Joe Henry, Mayor

Kelli Weese, City Recorder

DRAFT

A regular meeting of the Astoria Common Council was held at the above place at the hour of 6:00 pm.

1. CALL TO ORDER

Mayor Fitzpatrick called to order the August 7, 2023, meeting of the Astoria City Council.

2. PLEDGE OF ALLEGIANCE

Chief Crutchfield led the Pledge of Allegiance.

3. ROLL CALL

Councilors Present: Davis, Brownson, Adams, Hilton, and Mayor Fitzpatrick.

Councilors Excused: None

Staff Present: City Manager Spence, Chief Crutchfield, Director of Public Works Harrington. The meeting was live streamed and recorded, and will be transcribed verbatim by ABC Transcription Services, LLC.

4. PRESENTATIONS

Item 4(a): Presentation about the Astoria Regatta Parade.

Mayor Fitzpatrick: Okay, we have a full agenda this evening with two very important presentations. We got six regular agenda items and then we have a meeting of the Astoria Development Commission afterwards. So, we're going to dive right in. I asked Mr. Leahy to join us this evening for a few reasons. Regatta is Astoria's biggest celebration each year; it's a lot of fun, it takes a lot of work. And Mr. Leahy is on his way up along with—oh, I'm sorry. I asked Mr. Leahy and Mr. Gimre to join us this evening. They are on their way.

Kevin Leahy: Thank you, Mayor.

Mayor Fitzpatrick: So, Mr. Leahy is going to give us a short history of Regatta, a rundown of what we have coming up this week, and I presume a plea for volunteers to help out at the parade.

Mr. Leahy: Yes, Mayor, thank you very much. So, Kevin Leahy, 1759 5th, and thank you for the opportunity to talk about our festival, the Astoria Regatta Festival. Clatsop County's Festival, founded in 1894. This is our 129th year. We are the oldest festival west of the Rockies. We're an Oregon cultural tradition. Many of us, we always say about—like, I grew up here, as did Pete, he'll speak for himself here—but I'm 4th generation Astorian. I grew up going to the Regatta parade with my mother and the Anchor Club, and just has been a part of the life—of my entire life from when I was very young to today. We used to come up from California to visit my dad, who lived in Astoria, when I was in California during my corporate life, and my kids would come to the parades, etcetera. So, just a great, great, great tradition and Pete and I are so honored to be the co-presidents this year, and with the theme being A New Wave. And it really is a new wave; it's honoring the traditions of the past, which of course, they're so important, but looking for the future. And I just want to mention to Council and for the minutes, etcetera, we have a brand-new website: astoriaregatta.com. Please check it out.

And, again, Pete's going to talk about the volunteer side and some other things, but quickly on the events: we kick it off Wednesday with the farewell for the queen, Leah Boles, who's been our queen for this past year at the McTavish Room at the Liberty Theater. That's at 5:30 pm. And then—that's free—and then at 7 pm is the coronation of the new 2023 Regatta Queen. On Thursday, August the 10th, we

have the sailboat races—we, the Yacht Club—but we're partnered with the Yacht Club. There's the Warrenton Family Fun Night and Movie Night at Warrenton City Park and a Kiddie's Parade in Warrenton. Spruce Up Warrenton is sponsoring that. Friday, we have our Scholarship Luncheon. It used to be called the Gathering of the Past Admirals and Presidents. This is a scholarship fundraiser. We have a 501 (c)(3) arm of the Regatta now, so that's a big opportunity to raise funds for our court for their college scholarships at 12 noon, at Patriot Hall, at our beautiful campus up at Clatsop Community College here in Astoria. The Seamen's Memorial at 3 pm at Maritime Memorial Park; that's honoring those who have given their life and those who've also worked on the waterfront, at Maritime Memorial Park. The Mayor is going to say a few words there. Admiral's Reception honoring Craig Hoppes who is our Admiral this year, and Jennifer Holen, the Admiral's Aide, Barbey Maritime Center. You're all welcome at 6 pm.

Saturday Rose Planting, a tradition with the Royal Rosarians. We've been working with them since the 1920s—our festival is a little older, by the way, than the Rose Festival; want to just mention that—9 am at the Flavel House. We have the Regatta Square that is put on by CMH; a lot of hard work and effort and dollars behind that. Please come. Our fun run, the Grand Land Parade at 12 noon downtown, kicking off at 16th and Exchange. We have the U.S. Coast Guard Search and Rescue demonstration at 3 pm off the 17th Street Pier. And so, a new thing this year: we have the mini sailboat races and we thank Will and Pete and, well, Tom and of course, I think Pete's going to make a comment about that. And finally, then I'll turn it over to Mr. Gimre here, the Highwater Boat Parade at 5 pm on the Astoria Riverwalk and all along the waterfront there. So, very, very exciting and I'll turn it over to Pete.

Mayor Fitzpatrick: Great, and before Mr. Gimre speaks, I would just clarify the transcription came up with, 'kitties' as in, 'kittens' when you were talking about the kiddie parade.

Mr. Leahy: Well, my daughters love cats, but this is a kiddie's—children's parade.

Mayor Fitzpatrick: Yeah, yes—

Mr. Leahy: Thank you, Mayor,

Mayor Fitzpatrick: To make it clear, it will be children and not little kitty cats out there on parade in Warrenton.

Mr. Leahy: Okay, yes, Children's Parade, thank you. Kitties are welcome. But, anyway . . .

Mayor Fitzpatrick: Thank you, and Mr. Gimre, was your grandfather at the first Regatta in Astoria?

Pete Gimre: First I gotta introduce myself. Pete Gimre, 89322 Highway 202, and leave it to Kevin to take up all my five minutes. But—it takes so many people to put on a festival of this size, and it's kind of funny 'cause Kevin and I both learned about each other both as little kids. We used to watch the parade across the street from each other where Chris' News was. He watched on one side, and I watched on the other side on 14th and Commercial just up from Gimre Shoes. But anyway, I just want to thank everybody. I want to thank Commissioner Hilton who steered me in the right direction to find someone for our Seamen's Memorial at 3 o'clock on Friday?

Councilor Hilton: Yes.

Mr. Gimre: Yes, and I know Kevin has been working close with the City Manager. I want to thank Mayor Sean Fitzpatrick, who helped me put out lawn signs advertising Regatta. Commissioner Brownson, I know you're instrumental in the sailboat races and actually the new event this year, which are the mini sailboat races at the Maritime Pond. And, even Commissioner Adams, I know you were at the last meeting, so you get credit, too.

But, anyway, I just want to talk just a second about the pins we've got this year. They're for sale for \$10. The \$10 goes to the Regatta Festival Association, also gets you a \$10 discount into the Admiral's

Reception, which is normally \$20—you get it for \$10. But the way it's designed this year, speaking of sailboats, it incorporates all the colors of the area schools—Knappa, Warrenton, Seaside, and Astoria—because even though it's called the Astoria Regatta Festival, we want to incorporate the entire community.

And, yes, we do need volunteers. Mayor Fitzpatrick, he is actually volunteering before the parade and he's in the parade. I'm not sure how that's gonna work. But, if anyone wants to give a couple hours of their time Saturday morning approximately from 10 to 1, you can go on astoriaregatta.com and see the needs that we have, but we have slots for about 13 people to fill up for volunteer help. But I just want to thank the City for all their support, financial support, and all of you are making a great festival happen once again, after 129 years after the first Regatta Festival. So, thank you very much.

Mayor Fitzpatrick: Great. Thank you, Mr. Gimre and Mr. Leahy.

Mr. Leahy: I have some flyers, please pass it down, you guys can take one and thank you for the opportunity, appreciate it.

Mayor Fitzpatrick: Great, and I will point out that I have not been in the parade since 1972, so I'm looking forward to this.

Item 4(b): Presentation from Clatsop Community College Board Members.

Mayor Fitzpatrick: I also invited a couple other community members to be with us this evening. I see Kevin LaCoste is here. Was Trudy able to make it?

Kevin LaCoste: Not yet

Mayor Fitzpatrick: Okay. So, Mr. LaCoste is the Interim President of Clatsop Community College, our community college, and he's here tonight. I've asked him to give us an update on what is going on at the College. I don't know that we've had previous College presidents come and speak with us. The Council has been somewhat in the dark. We would like to know what is going on at Clatsop Community College. Mr. LaCoste.

Mr. LaCoste: Thank you. Hi, I'm Kevin LaCoste. So, I'm in the new president; I've been on the job for a month so I've got a better picture today than I did, you know, several weeks ago. I would say that the College—what I've kind of come to appreciate more so than I—you know, been here for a long time—but how important the College really is to the County and to the City. And there's been some—well there's—we were in the newspaper last week. So, we've got some things going on at the College that I think would be worth sharing.

We do have our set of financial challenges, but we're not unique in that. Most colleges do, most community colleges are seeing enrollment declines and state funding is always a challenge. But we're—let's see how I'm going to say this—we're going to need to make adjustments to the College to kind of get ourselves right sized. We lost a huge chunk of students over Covid, and we were kind of trending downward before then. So, to summarize we—as a banker for most of my career—we're making less than we spend and we've been doing that for a while, and so it comes to a point where you have to really look at it straight in the face and say, 'We gotta do something about it.'

So, that's why I'm the Interim President. We're working on this as we speak. We're taking a deep dive into what's going at the College, where we have room for improvement. And one of the things happened just today, which I'm proud to say—got together with all the superintendents in the County. The College serves as the higher education for the County, very important. And it's unfortunate that Trudy's not here 'cause she had some great slides to share about the multiplying effect of what a college does to our County. We play a big piece in the health and wellness of the whole County. Strictly from a financial perspective, we impact one in I think it was 16 jobs in the County. So, the County's extremely important for the City for every part of this county.

So, the Superintendents that came together, just as an example, and the support and kind of coming together as a County, this is what I'm here to talk about. It's our College; it's here in Astoria, but it's the County College and I just really look to get more support from all corners. We're in a competitive business. There's lots of online options; there's lots of—I'm learning the business of higher education, and it's interesting and I'm learning a lot, but what I do see is that we've kind of lost focus in outreach from the College out to the schools and to the rest of the County.

So, unfortunately, I don't think—these slides I wasn't planning to cover myself—so, I think I won't be needing those. But as far as the College is going, the future will be bright; we have to get through a challenging period of time here. And so, we'll be working on that and happy to take any questions if you have any.

Mayor Fitzpatrick: Do any of the Councilors have questions for Mr. LaCoste at this point? Councilor Brownson?

Councilor Brownson: Thank you, Mayor. Well, I appreciate you stepping up, and I know the College is important. It really serves the community well, I think, when it's working with a lot of the programs that are community based and kind of tailored to what happens in Astoria. The Historical Program is an example; the Maritime Program is another example. The only real question I have, and I know you've as you said just been on the job for a month, but of particular interest to me has been the Maritime Program, and there had been a real push for an expansion there at—what was it five, six, seven, years ago?

Mr. LaCoste: Mm-hmm.

Councilor Brownson: And again, Covid, a lot of things have impacted that. So, do you know if the College is going to continue to pursue the expansion of that program?

Mr. LaCoste: Yeah, you know, that's one of the bright spots. We have something unique. You know, when you look at colleges—I was at a meeting last week with all the college presidents in the state—there's 17 colleges in the state. I think that gives us one of our great advantages—the Maritime and where we're located to such an important river. And so, yeah, that area is doing quite well, probably room for growth. We've got an \$8 million grant from the State that requires us to match it, but we've got—if we're able to—again, we'll probably be looking for more support to that program here later this year. But it will allow to us to expand more programs. But the maritime portion of the College is very significant and unique to us, so it kind of gives us our little niche that I think is quite nice. Yup, thank you.

Mayor Fitzpatrick: Any other questions? Councilor Hilton? Councilor Adams? Councilor Davis? Looks like—thank you, Mr. LaCoste. I appreciate you coming and joining us this evening.

Mr. LaCoste: Thank you, sir.

Mayor Fitzpatrick: If Ms. Van Dusen Čitović shows up, we are happy to have her go through the slides.

Mr. LaCoste: Oh, there we go.

Mayor Fitzpatrick: She's a—she works full time as a business owner of two businesses.

Mr. LaCoste: Yeah.

Mayor Fitzpatrick: She's the College Board President.

Mr. LaCoste: Yes.

Mayor Fitzpatrick: And a mother of two.

Mr. LaCoste: She's a hard worker, yes, for sure. Yeah, so, thank you for the time, appreciate it.

City Manager Spence: She's coming up the steps.

Mayor Fitzpatrick: There she is.

Mr. LaCoste: There she is, yes. We were just talking about you.

Mayor Fitzpatrick: Well, I have just given you an introduction. Ms. Van Dusen Čitović we are ready for you to proceed with the slides, if you are ready.

Trudy Van Dusen Čitović: Wonderful, I am ready. Thank you. I am so sorry; I the wrong time on my calendar. I did bring print outs of the slides just for Councilors, so they can see it.

Mayor Fitzpatrick: Thank you.

Mr. LaCoste: Hi Trudy, good to see you. I'll stand up there with you.

Ms. Van Dusen Čitović: Okay, great. Well, first of all, thank you so much to all of the Council and to Mayor Fitzpatrick for allowing us to come and give an update to the City Council. And before we jump into the couple slides, and it's not many, that we prepared, I wanted to just give you guys a little bit of a background on myself, why I'm involved in the College, and sort of how we got to this spot.

So, quick update on myself: obviously the name Van Dusen, a lot of people know my father was the mayor of Astoria. My family's been here for a long time. But I did not wake up one day thinking, 'Gee, I want to be on the College Board,' at all. I have a lot of other obligations. I have two young kids. I have three businesses and a couple properties that I manage. And Betsy Johnson called me because I owed her a favor, and that favor was she helped to get my daughter's genetic disease on newborn screening list for Oregon. Thirty-eight other states had that on their screening list for newborns and there is a treatment for my daughter's condition, but if you're not diagnosed before symptoms show up it is the number one killer of infants that is genetically caused. So, there is absolutely no reason a baby in Oregon should die when there's a treatment just because it's not on the screening list. Betsy Johnson, after the bill that we presented died in committee in Salem, as the co-chair of the Joint Ways and Means Committee, allocated the funding to make that happen. So, I owed her big time.

So, when she called me and said, 'We need you to run for the Board. We need some good leadership on the Clatsop Community College Board,' I thought about it, and I called her back and I said, 'No, I'm too busy.' And I said, 'That is unless of course you're calling in the favor for the newborn screening.' And she said, 'Well, don't make me say it but, yeah.' So, here I am a member of the College Board, and I'll admit to myself and to you that the College really wasn't on my radar. It wasn't. I just kind of thought, you know, growing up here, every town has elementary schools, and middle schools, and high schools, and a community college. Well, that's not the case. There's only 17 community colleges in Oregon, and Clatsop Community College is the oldest one, the first one. There were community members who got together and put in a huge amount of heart and soul to bring Clatsop Community College to our county. And then we kind of, at some point in the last 65 years—this is the 65th anniversary—I think we all kind

of set it and forget it. And I think we all know that with these special districts that can be very dangerous. There is very little oversight of these special districts as we have seen with the Sunset Empire Transit District. And it was actually seeing the quotes from Liz Adams in the paper, trying to find out what happened with the Transit District that sparked me to want to come here and talk to you because I would much rather get this dialogue going early if there are issues than have you guys wake up one day and be, like, 'Oh, hey, the College shut down.'

That's not where we are right now, but I want to talk to you guys way, way before we get there because if that were to happen, your constituents would be calling you—I'll tell you that right now. Even though you're not calling me to find out what's going on yet, you would be. So, that's why we're here tonight, is I think this is something that is a Clatsop County problem because we all kind of set it and forget it. And it's going to require a Clatsop County solution, not only from Astoria City Council but I've reached out Seaside City Council, Warrenton City Council. We want to talk to Gerhart, Cannon Beach—anyone who will listen—the Clatsop County Commissioners, just to say, 'Guys, we need the whole county thinking about this. And sending people to the College and just, when you hear of opportunity that might work for the College, we need your help.'

So, with that we can jump into the slides. So, if you want to pull up the first one. We've got our update and the first item here: transparency, it's not always pretty. So, I don't have great news to share with you. And I'll tell you what, a lot of people that I told that I was coming here tonight said, 'Oh, keep it positive. We don't want any negative information out there.' And I was, like, you know, if anyone's heard the story of Kevin's favorite, eat the frog: if you know you've got to eat a frog, do it first thing in the morning. Another one is get ugly early. That's what I would rather do is get ugly early and let you guys know that there are some not very pretty things going on at the College right now, and we're going up. We will do better from here. But I'd rather let you know sooner than later.

Go ahead, the next one. So, the financials. Clatsop Community College is in the most precarious position it's been in its 65-year history, and that's just a fact. Kevin can explain it more having been a banker for 32 years, president of US Bank for 22 years in our region, and we are so fortunate to have him take this on. But we are not in good shape, and in fact had the budget just run its course for this year, Kevin's estimation was that we would probably have run out of money in May. Like, it's not like it's a couple years down the road, it was, like, this year.

Go ahead, next one. And the fact that we are here is a disservice. And I'll take it on myself as a member of the Board: the Board has done a disservice to the Clatsop Community College students, to the Clatsop Community College employees who have dedicated their lives, their hearts and souls, to keep that place the vibrant place that it is, and to Clatsop County as a whole. And it's the Board that didn't dig in and find out what was really going on, and I won't—I will respect your time and not give you the laundry list of examples but one that is a microcosm of this whole thing is when I joined the Board, I was really counseled to not talk to employees, to not interact with staff or faculty, to only get information directly from, you know, the required channels. And I thought, you know, 'Betsy told me there was something going on, so I'm gonna start talking to people.' So, I did, and I learned within six months that the College had not billed the students for more than a year and the Board did not know. That is a travesty, and it's not just that, 'Oh, the College didn't collect money.' No, it's so much deeper than that because when the College doesn't bill students, students can't get their financial aid. When students can't get their financial aid, it's not that they can't pay for their tuition and books; that includes stipends for housing and food. Those students literally had to drop out because they couldn't pay their rent and they couldn't buy any food, and the Board literally didn't know about it. I'll just let that sink in for a second. Did any of you know about it? Did Clatsop County know about it? Very few people knew. And it's our responsibility as a team here, as a community, to make sure that we are looking out for these special districts, including the College and the Transportation District.

Here we are. It takes a village. This is what I said at first. It's a Clatsop County Problem that requires a Clatsop County solution. I'm not asking for anything. I'm not here to ask you guys for anything other than to have this in your mind that we are in a tough place at the College. Send students our way. Send grants our way. Send qualified local people who are dedicated and excited about education our way. We

need a team from this community who can bring this College back to the glory of what it was, and something even better than it's ever been.

Next, please. And the future. I don't want to be the Debbie Downer. I really do believe we have a positive future. I'm happy to come in here, hopefully at the lowest moment, so that every time we talk from now on, it's gonna be better news. We have an amazing leader in Kevin LaCoste, and I'm excited about that, and he's already just today met with each and every one of the superintendents in Clatsop County. They're excited to get students into Clatsop Community College. Twenty percent of community college attendees nationwide are high school students, so that is a huge opportunity for us. So, there are low-hanging fruit, there are things that we can do.

I do have a little bit of data, and we don't have to go through it, but I just wanted to mention—go ahead, one more there. So, this is—the chart on the left here shows our full-time equivalent students. And you can see from 2008 to 2022—I believe that's what that said—2006 to 2022, you know, we're at the lowest point that we've been. And that includes a big recession, a big drop off, there in the early teens: 2011, 2012. That was what Pat Keefe likes to call, 'The Night of the Long Knives,' at the College, when there were big layoffs. And even still we're lower and have continued to be way lower. Next one.

And this shows, we have—this is from 1991 to 2021, so it's a 30-year look. We have almost the identical number of employees. It's, like, 100 versus 123. But when you look at that green bar there, that's faculty, which is half, and the yellow bar is administrators, which is double. And that, to me, tells us a lot of the story.

Next. So, and this is just our revenue for the general fund, just to give you an idea. The green bar there at the bottom, that's tuition and fees. So, that really has maintained stable. The blue bar is property tax revenue. Also, those two combined pretty stable. Our reliance has really gone up on state funding and that green bar is timber, so we're going to see that go away.

And then the general fund expenses, you can see that the green bar, that's direct instruction; it's surprisingly flat over time. The cost of instruction really hasn't gone up, but it's all those outside services, administration, etcetera, that are going up. And what you can't see on any of these is the fact that sadly there has been no facilities planning done at any time that I'm aware of, and there is \$10 to \$15 million in deferred maintenance in our facilities right now. So, that facilities line on there should have been much bigger than what you're seeing.

So, I will leave it with that; that was all that I wanted to share with you guys. I'm gonna let Kevin add a few notes but thank you and I'm happy to answer questions when Kevin's done.

Mayor Fitzpatrick: Great. Thank you, Ms. Van Dusen Čitović.

Mr. LaCoste: Yeah. Thank you, Trudy.

Mayor Fitzpatrick: Do you—?

Mr. LaCoste: Well, I've already spoken my piece, so I would just say that I wasn't as specific as Trudy but—the expenditure piece, too, is understated. So, we're missing that deferred maintenance piece, which you certainly need in understanding your costs. So, yeah, we've got work to do; that's for sure. So, any questions or any other—happy to stick around or not.

Councilor Hilton: I don't have any questions, I would just like to say something and that is that I would ask anybody, 'Did any of you go to Clatsop Community College?' I see Tina, you guys. And what did we call it back then? We called it, 'UCLA,' or 'Harvard on the Hill.'

Mr. LaCoste: Harvard on the Hill. Yeah.

Councilor Hilton: University Clatsop Located Astoria. And when I graduated from Astoria High School, I went to Clatsop Community College and there was a lot of students of my generation that went there.

Mr. LaCoste: Mm-hmm.

Councilor Hilton: And I think that we need this. It's very important. Thank you for this information, it's very valuable.

Mr. LaCoste: Yeah.

Councilor Hilton: And I'm sorry so see it.

Mr. LaCoste: Yeah.

Councilor Hilton: Because it is a beautiful school up there with a beautiful library and lots of resources. And I—

Mr. LaCoste: Yeah, we intend to turn it around. We certainly do.

Councilor Hilton: I trust that you can.

Mr. LaCoste: Yeah, yeah.

Councilor Hilton: And with our community help, and I think it's up to all of us to do it.

Mr. LaCoste: That's right.

Councilor Hilton: Students came from all over to came to—

Mr. LaCoste: Yeah.

Councilor Hilton: When I was there.

Mr. LaCoste: Yeah.

Councilor Hilton: They came from everywhere to go to Clatsop, not just Knappa or Long Beach, but they came from eastern Washington.

Mr. LaCoste: Yeah.

Councilor Hilton: And they came to Clatsop. And we didn't have anything but classes. We didn't have a sports team, we didn't have anything like that. So, what we have is Astoria, so—

Mr. LaCoste: Yeah, we need to come together as a County to put this back together. And, you know, the drop off with high school students was dramatic, to the tune of 80/90 percent drop, so it wasn't a little bit. We kind of had some missteps along the way, and I think, like Trudy said, I hope to be here for better reports in the future. So, thank you very much.

Mayor Fitzpatrick: Great. Thank you, Mr. LaCoste. All right, any questions for—

Councilor Brownson: Just one comment.

Mayor Fitzpatrick: Councilor Brownson?

Councilor Brownson: You've raised a lot of questions, so I'm not going to get into all that. It seems like this all needs to play out for a while. So, I hope your new president sticks around for a while to see—

Ms. Van Dusen Čitović: Me, too.

Councilor Brownson: Okay, and I think the one question, and you probably may not have the answer. But it really strikes me, and I've heard this with high schools and grade schools the same way, where the number of instruction versus administration has really shifted a lot, that they're really heavy at that end. So, obviously that's particularly true here. And the corollary to that was that, you know, you've made this note that the number of instructors have halved versus what they were, but also in that half that timeframe, you also pointed out that the cost of instruction stayed the same. So, you have fewer instructions and we're still paying the same. So, I mean, it gets complicated, right? So, anyway, no real question, just unless you want to address the administrative part and is that something that you can actually do something about, or is there State requirements that sort of compel you to have the administration you have versus instruction?

Ms. Van Dusen Čitović: So, as a board member, I do my best to stay in my lane, which is policy and direction to the President. So, that is going to be something that is in the purview of the President to determine how much administration versus faculty, etcetera, we need. So, I really am doing my best to hold the line on that and create direction without micromanaging. I didn't know if you wanted to—

Mr. LaCoste: Oh, we're looking at everything, yeah.

Councilor Brownson: Yeah, thank you.

Mayor Fitzpatrick: Great, thank you. Other Councilors? Councilor Davis? Looks like we're good.

5. REPORTS OF COUNCILORS

Mayor Fitzpatrick: All right, we'll go to Reports of Councilors, and we will go online to Councilor Davis. You are up.

Item 5(a) Councilor Davis: Thank you, Mayor, hope everyone can hear me okay. I apologize for not being in town today. I am in Decorah, Iowa. I will keep my Councilor Report relatively short. I do want to thank Staff and the rest of Council and the Mayor for a productive work session on the 27th. We met and talked about system development charges, and I hope that moving forward we can create a constructive system to implement those for Astoria. I think we got a lot of good information about them, and it seems like a necessity to have them at some level to prop up our infrastructure and be able to expand it where needed.

We had a Columbia Pacific Economic Development District bit of news at least over this last couple of weeks. We needed an executive director; we made an offer. As far as I can tell, they haven't made it public yet, but we had an offer accepted for a new executive director at COL-PAC. And I would say that the Executive Board for COL-PAC was happy with the selection we had and pleased that our offer was accepted. So, hopefully we'll have a good transition to our new executive director, who I think will start in September.

We did have CREST meeting. I think the biggest news out of CREST was—and the Council will be familiar with this—but was the controlled burn that they participated in on West Sand Island across the river. I certainly got questions about it when the burn was going on. That was seemingly a successful project. I think that the exciting things about it for me was there was some cooperation between CREST and ODF and the Chinook Indian Nation to do the burn, and I think they're doing some things with looking at planting indigenous grasses there. You know, a lot of the dune grass that we have in the County is nonindigenous—planted there on purpose, but nonindigenous—and they're able to maybe do some experiments to try and bring back the native grasses on that island because it's relatively isolated. So, an exciting project with lots of cooperation and happy to be learning about CREST and getting sort of my feet wet with their meetings.

But that's all I'll report on today. I am out of town for a couple of weeks, planning to return on the 22nd. So, look forward to seeing you all then. Thank you, Mayor.

Mayor Fitzpatrick: Great. Thank you, Councilor Davis. Next up, we would have Councilor Brownson.

Item 5(b) Councilor Brownson: Thank you, Mayor. Councilor Davis, say, 'hi,' to the family farm. It's just about 20 miles south of you right there. So, that's kind of fun. Just real quickly, met with Clatsop Regional Housing group, which we talked about during our work session last week, so we don't really need to go over anything that went there.

Attended the League of Oregon Cities Small Cities meeting, which was hosted by Warrenton, and heard additional reporting and detail on the last legislative session and the legislation that's most likely to impact our cities. One of the fun things is to hear reports from surrounding cities that were in attendance, and what's going on in their towns and kind of their issues, good and bad.

Just wanted to note that I know Regatta is the weekend, but hidden in there, at 9:30 in the morning, the South Slope Neighborhood Association is meeting at 9:30 am at the Columbia Coffee Roasters. And they're going to have master garden Robin Rogers and veterinary Dannel Davis, who's a South Slope neighbor, to discuss a variety of deer-focused topics from fencing to protecting your garden. So, that's always interesting stuff to see if you can actually do it.

And, other than that, I just wanted to note that I paid my library fine. That's it, thank you.

Mayor Fitzpatrick: Thank you, Councilor Brownson. Councilor Adams?

Item 5(c) Councilor Adams: Good evening. All right, good evening, everyone. I just have a few items as well. I won't cover the LOC meeting, but it was very interesting to be able to hear a lot of the legislation that's going to impact our area, the different legislators that are working on that, and the specifics that will come to us later on.

Also, still working with the Citizens for Astoria, who are working on moving forward with the vision for our public space at Heritage Square. I had a opportunity to sit down with Councilor Brownson and Councilor Hilton and have some meetups, which was nice. I finally have got to have individual time with everyone on the dais. I met with Brett Estes, who is the regional representative for the Department of Land Conversation and Development for our area since I sit on the local advisories committee for the Land and Conversation Development Commission. We had a good talk, sat down and got a good understanding of his support that he can give us as a Council and me directly in that role.

And I also attended the Upper Town Business Association meeting, which I found incredibly helpful even though I'm not an upper town—I'm an Astorian, and I love upper town. So, I was welcomed with open arms and got to review a lot of their conceptual ideas about moving their business association forward in becoming legitimate and recognized and supported the same way that we've supported our other ADHDA and other business associations and other chamber associations. So, I really hope that we are able to really give them the support that they deserve as they move forward in becoming an organized organization. And that's all I have.

Mayor Fitzpatrick: Great. Thank you, Councilor Adams. Councilor Hilton?

Item 5(d) Councilor Hilton: Good evening, Mayor, Citizens of Astoria, Council. I was fortunate enough to have coffee with some neighbors from all parts of Astoria, even Lewis and Clark and Youngs River. And they have a lot of concerns about the next few weeks in our community: traffic, fire—everybody's mind is fire right now, being so dry. So, they were very concerned and we're grateful that Chief Crutchfield is back. You went on a trip, right? Didn't you guys go? Yeah, so, we're glad that you're back and you can fight fires for our community. And thank you for your service down there, appreciate it. So, they're concerned about—especially what has happened up on the pipeline and stuff like that; that would be devastating.

I got a few emails about what happened down—the clearing of Bond and Hume Street. Hopefully I informed those people enough to understand what was going on there—that again, the potential for fire there and the crime that was going on there and just getting it cleaned up was what we really needed to do as a community. It doesn't look pretty right now, but we needed to do that to prevent any potential hazards or dangers to the community.

I had the privilege of walking around Sunday Market yesterday and ran into a lot of local people and a lot of people from outside of Astoria. It wasn't as crowded as I thought it would be. I enjoyed it because it was cloudy. I do not go when it's sunny. I ate some very delicious peaches, and I did frequent some establishments there. It was great.

I want to thank Mr. Pete Gimre, Mr. Kevin Leahy, and I wanted to thank Kevin and Trudy for what they did and those presentations tonight. The Regatta—it's a big thing in our community, and I will be honest: I very rarely go to the Astoria Regatta Parade because I like to watch beach volleyball. So, I'm sorry; I'm Astorian but I like beach volleyball. So, with that being said—I'm thinking. Let's get to work.

Item 5 (e) Mayor Fitzpatrick: Great. Thank you, Councilor Hilton. So, I've had a busy few weeks here. I attended Cliff LaMear's memorial service at the Senior Center on July 24th. And Cliff was married to former Mayor Arline Lemere, and he was a fixture at front-row City Council meetings during her term. And it was great to learn more about him and see his family and the public pay their respects. Cliff, along with Arline, was very generous to our community. He donated his time and invested in purchasing the playground equipment at the park at 6th and Commercial Streets, just a block west of the Post Office. And I would say that Cliff was a quintessential Astorian. He was quirky and generous.

I attended the Clatsop Economic Development Resources meeting on the 25th. And we, the City Council, had our work session on the 27th. Liberty Theater has a program where once a month on Friday nights they show a movie that was filmed in Astoria, and they charge \$1 admission. Last time, on the 28th there, it was Kindergarten Cop, which is one of my favorite Astoria movies. So, I was there, and it was great to see the community turnout there as well.

KMUN had their block party on Saturday the 29th on Exchange Street, between 14th and 15th. And the same weekend was the Open Studios Tour in Astoria, and I'll get back to that in a moment. Last week I had lunch with Councilor Brownson. We had our Downtown Association meeting on Friday, followed by the League of Oregon Cities in Warrenton, which I attended along with Councilors Adam and Brownson. And then we had our County Fair and Livestock Auction, which was held this past week; always fun to go. Good to see a lot of people from the county out there; interesting to see how much work the kids have done in 4-H. Between flowers and vegetables, and artwork, to raising rabbits, turkeys, chickens, goats, swine, and beef. So, a lot of fun there.

Getting back to—oh, and then we had three Sunday Markets since our last meeting, and we've had great weather and a great turnout. People from all the country are there, which is always interesting, meeting the people there and hearing where they're from.

So, getting back to Open Studios; this is a tour that's done on the last weekend in July. I visited 26 artists. I had already seen the work of and/or purchased from 10 of the others who were on the tour, so next near I have to make sure to visit the other 19. And with the Open Studios Tour, there is never enough time to see all of the artists or studios that I would like to see, but I was glad that I had that opportunity. And I see one of the artists in the audience this evening, Blaine Verley. It's good to see you here.

What I found interesting, aside from the art and the artists, were the comments that people both holding the Open Studios open, and those attending, which included locals and tourists, candid comments about Astoria. Of further interest was that many of the artists shared that they came to Astoria in the past 20 to 40 years because Astoria was not Portland, it was not Seattle, and it was not San Francisco. Tourists love Astoria, and while it has become a tourist destination it is not a tourist town. I love hearing that.

Upcoming: We have Regatta coming up as we heard from the co-chairs. We have Second Saturday Art Walk. We have Brew Cup on the 18th and 19th. And then I plan to hold a Meet the Mayor tentatively on August 24th at 3 pm at Carruthers, and I will confirm the time, date, and location at our next meeting, which is on August 21st. And I would just remind people that Astoria is a town run on volunteers, and I see a lot of volunteers here, so I don't need to tell you that, but hopefully it gets out there. When and if you have the opportunity to volunteer, such as at the County Fair or Regatta or the Pacific Northwest Brew Cup, please sign up. These events are a lot of fun, as I said they take a lot of work and if you enjoy being a part of these events, consider the work that the others have put into to make this happen. Please sign up.

6. CHANGES TO AGENDA

Mayor Fitzpatrick: So, are there any members of the Council that would prefer not to make a certain motion or a second this evening? Looks like we're good. With that, Mr. Spence, have we had any changes to the agenda?

City Manager Spence: No.

Mayor Fitzpatrick: Great.

7. CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 7(a) Astoria City Council Draft Wok Session Minutes – June 6, 2023.
- 7(b) Astoria City Council Draft Meeting Minutes – July 3, 2023.
- 7(c) Parks Advisory Board Draft Meeting Minutes – June 6, 2023.
- 7(d) Consideration of Professional Services Contract with Tetra Tech for Design of the Pipeline Road Waterline Resilience Project.
- 7(e) Authorization to Purchase a 2023/2024 Ford F550 and F350 for the Public Works Department.
- 7(e) Consideration of a Liquor License Application from Justin Rush and Courtney Pownall, dba Masquerade, Located at 1004 Marine Drive, Astoria for a Limited On-Premises Sales License.
- 7(g) Consider Authorization of Updated Industrial Discharge Permits for Fort George Brewery, 70 W. Marine Dr., and Buoy Beer Co. Campus.

Mayor Fitzpatrick: So, on the Consent Calendar, the items on the Consent Calendar are considered routine and will be adopted by one motion, unless a member of the City Council requests to have any item considered separately. Members of the community may have an item removed if they contact the City Manager by 5 pm on the day of the meeting. Mr. Spence, has anyone asked to have an item removed?

City Manager Spence: No.

Mayor Fitzpatrick: Would any of the Councilors like to have anything removed? Looks like Councilor Brownson.

Councilor Brownson: Yeah, I'd like to remove 7(g).

Mayor Fitzpatrick: Okay, and that was 7(g)? The last one?

Councilor Brownson: Correct.

Mayor Fitzpatrick: Okay, great. Councilor Davis, if you would like to make a motion, I would have Councilor Brownson second.

Councilor Davis: Sure, Mayor. I will move to accept the Consent Calendar, with the exception of 7(g), as presented.

Councilor Brownson: Second.

Mayor Fitzpatrick: We have a motion and a second. All those in favor say, 'aye.'

Council: Aye.

Mayor Fitzpatrick: Opposed? Abstentions? Motion carries. Mr. Brownson?

Councilor Brownson: Yeah, hi. I just want to take this opportunity to check in with Public Works concerning—having to do with the Brewery Discharge Permits. How has compliance been? And I've been curious about what the BOD levels at the wastewater treatment ponds have been now that we've been in the summer and we don't have the same flows and stuff. Just kind of a quick check in. And I did contact Mr. Harrington earlier so he's prepared to answer this question.

Mayor Fitzpatrick: Great.

Director of Public Works Jeff Harrington: Okay, can everybody hear me?

Councilor Brownson: Yes.

Mayor Fitzpatrick: Yes, thank you, Mr. Harrington.

Mr. Harrington: Okay, so to answer the question the breweries and the rest of the fermentation beverage cluster participants are doing very good with their removal, especially BOD. And the treatment plant itself is seeing relatively low BOD influent numbers coming into the plant for this time of year, which is really good news. And then our treatment at the plant is very good. Our, just as an example, for our effluent our daily limit is 2,100 pounds, and we are hitting 73 pounds max and 47 pounds average. So, we're way below our limits, which is really good news. This is all a result of standing up the industrial pretreatment program. Everybody, including Staff and the breweries, put in a lot of work and the breweries put in a lot of expense into their processes, and it's been a very successful program and I think we're just going to see continued success.

Mayor Fitzpatrick: Great. Thank you, Mr. Harrington.

Councilor Brownson: Yeah. Thank you, Mr. Harrington. And I know that we just didn't know going into the summer just how it would impact, you know, it is a concern. I'm really, really glad to hear that it's going as well as it is, so thank you.

Mayor Fitzpatrick: Great.

Mr. Harrington: Those results were from July, our July daily monitoring report. So, we still have, you know, August, September, but that's a good indicator of this time of the year, especially with the warmer temperatures, we're doing really good.

Mayor Fitzpatrick: Great, thank you. I'm going to ask Councilor Davis—I'm sorry, yes—Councilor Davis to make a motion and Brownson to second again on the Consent Agenda Item 7(g).

Councilor Davis: Sure, I would move that the Council authorize Public Works Director Jeff Harrington to execute Industrial Discharge Permit numbers 001-2023 and 002-2023 for Fort George Brewery and Buoy Beer Company, respectively.

Councilor Brownson: Second.

Mayor Fitzpatrick: We have a motion and a second. All those in favor say, 'aye.'

Council: Aye.

Mayor Fitzpatrick: Opposed? Abstentions? Motion carries.

8. REGULAR AGENDA ITEMS

Item 8(a): Astoria Public Library Renovation – Authorization to Award Professional Contract for Architectural and Engineering Services.

Mayor Fitzpatrick: The Agenda Items are open for public comment following deliberation by the City Council. The Zoom audience may use the raise hand feature on your screen if you want to speak to the item. You will be asked to unmute to speak. In order to respect everyone's time, comments will be limited to three minutes. Please clearly state your name and address. If you are inside the chambers, please raise your hand and when called upon please approach the lectern and state your name and address. Again, you will have three minutes to make your comments.

Item 8(a) is the Astoria Public Library Renovation authorization to award professional contract for architectural and engineering services. Mr. Spence, if you could introduce the item, please?

City Manager Spence: Thank you, Mayor and City Council. We are recommending City Council approve the attached contract to Hennebery Eddy Architects for architectural and engineering services in the amount of \$968,785 for the renovation of the Public Library. You may recall we used the same architecture firm in 2017 to come up with conceptual designs. We exercised our authority under ORS to extend a contract for offer for the actual construction documents. HEE is the acronym for Hennebery Eddy Architects. They're going to spearhead a public engagement process. We think it's important since we've not had a public engagement process since 2018, roughly, to ensure that we are understanding what the programs and actually the interior changes that are going to happen in Astoria's Public Library. We roughly have about a \$7.5 million construction budget for the interior remodel, any exterior items that need to be done. Overall, the budget is looking about approximately \$10.7 million. We are still trying to secure our NEH grant that would also be added to this mix. We're excited for this project to start off. I think this has been a long time coming. This is a major milestone in this process. We're excited to kick off the public engagement process, which we hope to kick off in early September of this year. So, with that, we are recommending the architectural contract with Hennebery Eddy Architects for \$968,785. And I'd be happy to answer any questions as well as our library director.

Mayor Fitzpatrick: Great, thank you. Do Councilors have questions or comments? Down at this end? Andy?

Councilor Davis: Maybe one quick one, Mayor. Manager Spence—so I wasn't involved with the Council so much in 2018. I noticed one of the RFP proposals said that LEED designation was not a requirement of the contract, maybe explicitly, and I wondered if there's room for us to encourage the contractor to go for some level of LEED designation, some certification on the project.

City Manager Spence: So, I may call on David, the architect that's representing Hennebery Eddy. There's also a requirement in Oregon for green works, if I think I have that category correctly, that I think that would meet the intent of LEED and actually may provide more meaningful impact in regards to making that environmental standard. Is David online?

David Wark: I am, Scott, hi. Can you hear me?

City Manager Spence: Yes.

Mr. Wark: Hello, Council. My name is David Wark, principal with Hennebery Eddy Architects, and I think the question was about LEED certification. And we will certainly design a building that meets Oregon Energy Code, which is much more robust than a lot of jurisdictions in the rest of the country, and there is always an option to pursue LEED certification in whatever level of LEED certification you'd like. There are

additional services that—mainly through energy modeling that’s required and mechanical system design, and then the actual administration of the process and managing that process. So, we can actually present that as an additional service as we get farther into the project if that’s an option you’d like to pursue.

Councilor Davis: Thank you.

City Manager Spence: David, can you mention the green works requirement for the State of Oregon?

Mr. Wark: Oh, sure. It’s a State requirement that all publicly funded projects over \$5 million dedicate 1.5 percent to green energy technology and the most common kind of design element and building element is a solar-panel rooftop array. Your building could do that. There are some drawbacks to it, mainly the building to the east is a fairly tall building, so the efficiency—we’d want to evaluate that, and if in fact it falls under or below a 75 percent solar efficiency fraction, I think is the term, then there’s an option to defer that 1.5 percent to the next City’s project, and not this one. So, I guess the—to summarize, if in fact, even if you wanted to do a solar array and it proved not to be efficient, that’d be a deciding point right there. And then we could go forward with an appeal that would basically say, ‘Hey, the next project that we do as a City, we’ll apply the 1.5 percent to that.’ Was that fairly clear, I hope?

Councilor Davis: Yeah.

Mayor Fitzpatrick: Great, thank you. Other questions? Councilor Brownson?

Councilor Brownson: Well, I just want to add real quick, at the League of Oregon Cities meeting I was at the other day, Karen Chase, who’s the senior outreach manager for Energy Trust of Oregon, reached out and said to make sure that we bring her into the loop and that there’s a lot that they have to offer on a project like this. So—

Mayor Fitzpatrick: Great, thank you. I appreciate the architect’s comments; hadn’t really thought about it but the roof of the library does not get a lot of sun between us and the Elk’s Lodge and US Bank and all the trees across the street. So, all right any other comments online from Councilors? Okay, anyone in the audience that would like to speak about this? Anyone online that would like to speak about this? All right. I would ask Councilor Brownson to make a motion and Councilor Admas to second.

Councilor Brownson: Thank you, Mayor. I’d like to move that we approve the Professional Services Contract with Hennebery Eddy Architects in the amount of \$968,785 for architectural and engineering services for the Astoria Public Library renovation.

Mayor Fitzpatrick: Great.

Councilor Adams: Second.

Mayor Fitzpatrick: We have a motion and a second. All those in favor say, ‘aye.’

Council: Aye.

Mayor Fitzpatrick: Opposed? Abstentions? Motion carries.

Item 8(b): Consideration of Agreement for Professional Services with Astoria Warrenton Chamber of Commerce: Promote Astoria Funds.

Mayor Fitzpatrick: Eight(b) is a consideration of agreement for professional services with Astoria Warrenton Chamber of Commerce through the Promote Astoria funds. Mr. Spence?

City Manager Spence: Thank you, Mayor and City Council. So, you may recall included in this year’s budget we have two items for the Astoria Warrenton Chamber of Commerce, and one is to maintain a visitors

center, visitor center services, and also we have a budget amount for the Lower Columbia Tourism Committee in the amount of \$382,950 to promote the area in general. The Visitor Center services budget amount is \$264,820. This is fairly straightforward; this basically memorializes the decision that Council made during the budget process and attached to this report is a contract that would actually provide the necessary funds to Astoria Warrenton Chamber to operate the visitors center as well as to oversee the Lower Columbia Tourism Committee and distribute the dollars as necessary.

Mayor Fitzpatrick: Great. Thank you, Mr. Spence. Council discussion? Looks like we're comfortable. Councilor Davis?

Councilor Hilton: Excuse me. Hello, I'd like the opportunity to speak. This is Councilor Hilton.

Mayor Fitzpatrick: Oh, sorry, Councilor Hilton.

Councilor Hilton: I just want to make sure that the community is aware that this money comes through Travel Oregon funds. Is that correct?

City Manager Spence: Yes, Promote Astoria, correct; tourism dollars.

Councilor Hilton: Yeah, yes.

Mayor Fitzpatrick: That's it?

Councilor Hilton: That's it.

Mayor Fitzpatrick: Great. All right, with that, public comment? Online? Oh, I see a hand in the air. Mr. Verley?

Blaine Verley: Yes.

Mayor Fitzpatrick: Would you like to address the Council on Item 8(b).

Mr. Verley: Does it need to be about items, or can it be about anything at all?

Mayor Fitzpatrick: I'm sorry. I didn't hear what he said.

City Manager Spence: He wants to know if he can do it on general or does it have to be on this item.

Councilor Browns: General is at the end of the meeting.

Mr. Verley: Oh, oh, it is, okay.

City Manager Spence: He wants to do a general comment later.

Mayor Fitzpatrick: Okay, great. Thank you. Okay, so with that, public comment besides that? All right, Councilor Adams, if you could make the motion and Councilor Hilton if you could second.

Councilor Adams: I'd like to make a motion to approve the agreement between the City of Astoria and the Astoria Warrenton Chamber of Commerce for the Visitors Center services for \$264,820, and the Lower Columbia Tourism Committee professional services for \$382,950.

Councilor Hilton: I'll second.

Mayor Fitzpatrick: We have a motion and a second. All those in favor say, 'aye.'

Council: Aye.

Mayor Fitzpatrick: Opposed? Abstentions? Motion carries.

Councilor Hilton: I abstain.

Mayor Fitzpatrick: I missed that.

Councilor Hilton: I abstain.

Mayor Fitzpatrick: Okay, thank you, and hopefully the record shows that.

Item 8(c): Consideration of Agreement for Professional Services with Astoria Warrenton Chamber of Commerce: Promote Astoria Funds.

Mayor Fitzpatrick: Okay, 8(c) is a consideration of agreement for professional services with Clatsop Economic Development Resources, aka CEDR. Mr. Spence?

City Manager Spence: So, Mayor and City Council, you have another agreement for CEDR. This is split out in three equal parts. The total amount is \$13,500. A third of that is from the general fund; a third is from the Astoria East Urban Renewal District fund; and then the remaining third is from the Astoria West Urban Renewal District fund. CEDR provides economic development services in support for Astoria, specifically, as well as to the rest of the region. The contract attached to the Staff report basically memorialized the decision that was included within this year's fiscal year budget. So, I'd be happy to answer any questions you may have.

Mayor Fitzpatrick: Council Discussion? Councilor Brownson?

Councilor Brownson: Thanks, Kevin.

Mayor Fitzpatrick: And we do have Mr. Leahy here this evening if any Councilors have questions for him. Councilor Davis? Looks like we're good. Okay, public comment? Online? All right, if I could have Councilor Hilton make a motion and Councilor Davis second.

Councilor Hilton: I move City Council make a motion to approve the agreement for professional services with Clatsop Economic Development Resources.

Councilor Davis: Second.

Mayor Fitzpatrick: We have a motion and a second. All those in favor say, 'aye.'

Council: Aye.

Mayor Fitzpatrick: Opposed? Abstentions? Motion carries.

It is 6:59 pm. If we could have the timer set for five minutes, we will recess and we will be back at 7:04.

Recording: Recording stopped.

Recording: Recording in progress.

Mayor Fitzpatrick: And we are back. Thank you, Councilor Brownson.

Item 8(d): Consideration of Agreement for Professional Services with Astoria Downtown Historic District Association (ADHDA): Promote Astoria Funds.

Mayor Fitzpatrick: So, Item 8(d) is a consideration of agreement for professional services with the Astoria Downtown Historic District Association, also known as the ADHDA or the Downtown Association, through the Promote Astoria fund. Mr. Spence?

City Manager Spence: Thank you, Mayor and City Council. We have another contract before you; this was also included in the 2023-2024 budget. This is for the Astoria Downtown Historic District in the amount of \$65,370 for tourism, marketing, and promotional efforts. Also included is another amount for \$35,950 for parking enforcement related to tourist impact. We're recommending that you pass the attached agreement for the total amount of \$65,370 for tourism promotion, and \$35,950 for parking enforcement. This is also funded out of Promote Astoria funds.

Mayor Fitzpatrick: Great. Thank you, Mr. Spence. I would note that we have Jessamyn Grace West with us here this evening. She gave us a full report a few months back, but I appreciate her attending tonight. If the Council has any questions for her, she has made herself available. It looks like she has done such a good time informing us over the time that we just don't have any questions for her. Public comment, is there anybody in the audience that would like to comment this evening? Anybody online? Seeing no hands. I would ask in this case for Councilor Davis to make a motion and Councilor Brownson to second.

Councilor Davis: Mr. Mayor, I would move that we approve the agreement with the Astoria Downtown Historic District Association in the budgeted amount of \$65,370 for tourism, marketing, and promotional efforts, and \$35,950 for parking enforcement and tourist information services.

Councilor Brownson: Second.

Mayor Fitzpatrick: We have a motion and a second. All those in favor say, 'aye.'

Council: Aye.

Mayor Fitzpatrick: Opposed? Abstentions? Motion carries.

Item 8(e): Resolution to Increase Appropriations for Specific Use Donations and Transfer Appropriations within the Parks Project Fund #146.

Mayor Fitzpatrick: Eight(e) is a resolution to increase appropriations for specific use donations and transfer appropriations within the Parks Project Fund #146. Mr. Spence?

City Manager Spence: Thank you, Mayor and City Council. So, this is—when we first adopted Parks Project Fund #146, we did not at that time anticipate the donations that we received related to Lindstrom Park. So, this is really a good news amendment where we received \$43,669.19 in the previous fiscal year and an additional \$17,000 this fiscal year, and as a result we need to amend our budget to include those funds that we received in support of that park improvement project. It's really a testament to the community supporting an effort and actually donating to this very worthy project. So, I also want to point out one thing within the resolution: instead of, 'resources,' we should have put, 'beginning fund balance.' So, just want to make sure Council is aware of that. Other than that, the accounting is correct. So, with that we're recommending you make a motion to pass the attached resolution.

Mayor Fitzpatrick: Great. Thank you, Mr. Spence. And again, this item has been discussed at length. I will again say this was a group that came to us with a solution to the problem before they let us know that there was a problem. So, if we have Council discussion—Councilor Brownson, it appears that you would like to speak.

Councilor Brownson: Yeah, thank you, Mayor. I just wanted to note the additional \$17,000. That just came along. I would just ask if Manager Spence could kind of talk a little bit about where that came from and how that came about and, again, really grateful for all the funding that came our way.

Mayor Fitzpatrick: Mr. Spence?

City Manager Spence: So, the—essentially \$60,650 has come from the pickleball folks donating the money for that project. There is another family that has indicated they'd like to also provide some assistance funds, but that's not yet included in this budget.

Councilor Brownson: Oh, okay. I thought that \$17,000 might have been that number, and it was kind of strange.

City Manager Spence: Okay, yeah, right.

Councilor Brownson: Okay, well that's great.

City Manager Spence: Okay.

Councilor Brownson: Okay, thank you.

City Manager Spence: So, they'll be maybe another amendment in our future.

Councilor Brownson: Yeah, maybe later. Okay, thanks.

City Manager Spence: Okay.

Mayor Fitzpatrick: Great, further discussion by Council? Public Comment? Online? Okay, in this case, I would ask Councilor Brownson to make a motion and Councilor Adams to second.

Councilor Brownson: Thank you, Mayor. I move that we adopt the attached resolution to recognize a donation for Lindstrom Park Project received in the prior and current fiscal years, transfer existing appropriation from materials and professional service to capital improvements, and increase capital improvements by the donations received, and the donations total is \$60,650.

Councilor Adams: I second that.

Mayor Fitzpatrick: We have a motion and a second. Mr. Spence, if we could have a roll call vote, please.

City Manager Spence: Councilor Davis?

Councilor Davis: Aye.

City Manager Spence: Councilor Brownson?

Councilor Brownson: Aye.

City Manager Spence: Councilor Adams?

Councilor Adams: Aye.

City Manager Spence: Councilor Hilton?

Councilor Hilton: Aye.

City Manager Spence: Mayor Fitzpatrick:

Mayor Fitzpatrick: Aye.

Item 8(f): Consideration of Term Extension of the Pacific Power Franchise Agreement.

Mayor Fitzpatrick: Eight(f) is a consideration of term extension of the Pacific Power Franchise Agreement. Mr. Spence?

City Manager Spence: Thank you. As City Council knows, we do have a franchise agreement with Pacific Power, and in March we extended that since that franchise was due to expire. We have met several times to go over the finer points of the franchise agreement. We still have some work to do. We're asking for an additional extension to the end of the year of December 31st, 2023. We're at the stage now where I need the assistance of our City Attorney and the lawyers will get involved and start to review the language to make sure both parties are—find that acceptable to finalize this franchise. So, we expect to hopefully get this to you before the end of the year.

Mayor Fitzpatrick: Great. Thank you, Mr. Spence. Council discussion? Looks like Mr. Davis doesn't have anything. Public comment? Anyone in the public want to address us? Do we have anyone online? Seeing none. I would ask Councilor Adams to make a motion and Councilor Hilton to second.

Councilor Adams: I'd like to make a motion that the City Council approve the extension agreement for the purpose of granting additional time to the current Pacific Power Franchise with the City of Astoria.

Councilor Hilton: I'll second.

Mayor Fitzpatrick: We have a motion and a second. All those in favor say, 'aye.'

Council: Aye.

Mayor Fitzpatrick: Opposed? Abstentions? Motion carries.

9. NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

Mayor Fitzpatrick: Nine is New Business and Miscellaneous, Public Comments that are Non-Agenda. Non-agenda items are open for public comment. The Zoom audience may use the raise hand feature on your screen if you want to speak. You will be asked to unmute to speak. In order to respect everyone's time, comments will be limited to three minutes. Please clearly state your name and address. If you are joining us in person this evening in the chambers, please raise your hand and when called upon, please approach the lectern and state your name and address. You will have three minutes to make your comments. Okay, first off, any new items of business from the Council? I will call on you very shortly here.

Mr. Verley: Oh, I see, okay.]

Councilor Hilton: I have one. I would—I want Council to take this under consideration. I would like it that we could make our own motions. I would like to see us be able to make our own motions and our own seconds. And the reason I bring this up is because we operate in wards and each of us has a ward and some of the items that come before us they're specifically in our wards, and I find freedom and liberty in the ability for each of us to make a motion towards our ward or something that impacts our neighborhood because this is a long-term public record. I think that it would be valuable information for those that we represent currently and those that see the future of our community that we had the ability to make those choices ourselves; that we have the freedom to say, 'I make a motion.' I personally feel that I've lost the freedom to make a motion about my neighborhood or if I wanted to make one for Tom or for either one of the Councilors. So, I bring that before Council and before Mayor and—just for consideration.

Mayor Fitzpatrick: Sure, I appreciate that, Councilor Hilton. We had at a previous meeting discussed the reasons that I am asking specific people to make a motion and a second is to streamline the process and also so that I know who is making the motion and the second, because if we have to wait until

someone is ready to do it that takes time that we shouldn't be doing, and also then I'm looking to try and figure out who's speaking because I have no directionality; I can't tell where the sound is coming from. So, we have stated that I will ask certain Councilors to make a motion and a second, and it's pretty clear in advance. One week we start at this end and then at the third week we start at this end. I do ask before the meeting if there's anybody that would prefer—any of the Councilors that would prefer not to make a motion or a second, and I have stated in the past that if there's a specific motion that you would like to make, let me know in advance and I will call on you for that. So, if you feel that it's specific to your ward and want to make a motion on that item, let me know in advance and we'll make sure that you are making that motion.

Councilor Hilton: Again it—I would like to have the freedom to make a motion for any topic in which we have come before Council. I think that's my concern. And I don't know if this falls under Robert's Rules of Order, or how it comes about, but that we operate as a Council and that we should, I believe, have the freedom and the ability to make a motion based on what we feel and what we have going on as opposed to being appointed to or having to ask to be given a motion. I mean, that's the point I'm trying to make here is that—

Mayor Fitzpatrick: And I understand that. I hope you understand what I'm saying.

Councilor Hilton: And if it's in the expedience of time, then we're not here to rush through City business; we're here to take care of business and we're not here to rush through it. If it's expedience of time then we need to take more consideration about what our community expects from us, I think. So, I understand your—I understand and I hear exactly what you're saying. I just—I would like it to be taken under consideration.

Mayor Fitzpatrick: I appreciate that, and again I am trying to consider it and figure how it could work for me as the Mayor and us as the Council. So, you're saying that you would like to have it spontaneous; you don't want to tell me before the meeting or when I ask if there's anybody that would prefer not to make a motion. I guess I could add, 'Is there anybody that would like to make a specific motion?'

Councilor Hilton: I believe we should be able to have the spontaneity of us deciding when or we want to make a motion, or we want to second. And that to me is what defines the freedom of us sitting here is that if I wanted—I shouldn't have to ask for permission or say, 'Oh, I want to make this motion.' If I'm sitting here and Tom creates a powerful argument for something, I want to be able to say, 'I would like to make a motion,' and make that motion. That to me is the power of what we do here. And that's—does that make sense? I mean, I understand—

Mayor Fitzpatrick: It does, I understand it completely, and if I had directionality and could tell who was making the motion or knew that someone was prepared to make a motion, because we've had a lot of—previously had awkward silences while we're waiting for somebody to make a motion, and nobody seems to be prepared. So, the way that I have set it up, and I didn't just throw this on anyone—this was no surprise, I made it clear in advance what we're going to do. And again it's—there's—I think it's very transparent. You know which one is going to be assigned to you in advance when we get this.

Councilor Hilton: No, I don't. I don't know what motion I'm going to make. I have no idea. So—

Mayor Fitzpatrick: And—

Councilor Hilton: Because you work from right to left and I would just say this: tonight, there was a motion for whatever it is, and I think—I just think we should have the freedom of choice to make that decision and we can work within the parameters, what we need to do to accommodate your needs. I mean, that's just—that's what makes us a free decision making here that—

Mayor Fitzpatrick: So, I—

Councilor Hilton: —whatever my gut is I—

Mayor Fitzpatrick: I feel that I understand what you're saying, and I hope that you understand what I am saying. I think that at this point for this evening, we will acknowledge that we will take that under consideration and then move on this evening. I'm happy to have a personal conversation with you about that, if you would like. I understand exactly what you're saying, and this was something that I was concerned about in advance before I suggested that we do this, again, so that I can understand better what's going on in the meeting, who's making the motions and, again, so that we can move forward and have people aware of when they're going to make a motion. So, again, I hear what you've said. I hope you hear what I've said and I'm ready to move forward.

Councilor Hilton: Thank you.

Mayor Fitzpatrick: Great. Is there anything else that the Council would like to bring forward? Okay, at this point we will open for public comment, and I saw Mr. Verley's hand up. Mr. Verley, if you could join us up at the lectern here. I would point out that I was a Planning Commissioner last time I saw you in chambers and it's a number of years, so it's good to see you here this evening.

Mr. Verley: Hello, I'm Blaine Verley, 4798 Cedar Street, Astoria. Actually, I just have a couple of questions 'cause I haven't obviously been here for a while, apparently. I sort of gave up coming at some point. Well, actually I wanted to come in, I think it was Councilor Davis for what he said about bringing back native grasses to that Smoking Island off the coast there that happened the other day. But anyway, talking to natives, I don't know for sure. Has the City every publicly and formally acknowledged the Chinook and classic tribal rights to this land? Has that been—is that a done deal already? Has that been formally put out there? Does anyone know?

Councilor Hilton: I'm willing to field that because the Chinook are not a federally recognized tribe.

Mr. Verley: Uh-huh, yes.

Councilor Hilton: But the City of Astoria has recognized them. We did that—that was last year we did that, and Tony was here and he—

Mr. Verley: Oh, okay.

Councilor Hilton: —and we did that.

Mr. Verley: That's good news.

Councilor Hilton: But because, I mean, this would be—it's a legal question, but they are not a formally legally recognized tribe.

Mr. Verley: I know.

Councilor Hilton: Even though you and I might—

Mr. Verley: Right, well, I happen to know they were here for tens of thousands if not a hundred thousand or more years before anybody else showed up, you know, so, it seems like it would make sense that they would be completely formally recognized. Maybe that would help them get federally recognized. That's my question.

Second question, has the Council or the City done anything to sort of formally address the impending climate changes that are affecting everyone on Earth? Because listen, I see that you're deciding to put another wing to a hotel right on the waterfront. I'm telling you, in 10 years that waterfront might well be under water. I don't think it's a really wise choice, but here we go. Arctic ices are melting at unprecedented rates. They happen to know there are over 100 volcanoes right under Antarctica. That could decide to melt that ice anytime Earth decides to do that. It could absolutely flood the Earth; we'd

have Water World. Anyway, why are we still addressing—or why are you still building on the waterfront? It seems like a dangerous thing to do these days. That's my question. Thanks.

Mayor Fitzpatrick: Great. Thank you, Mr. Verley.

Mr. Verley: All right.

Mayor Fitzpatrick: I see another hand raised in the audience here.

Cheryl Matson: My name's Cheryl Matson, I reside at 5450 Old Highway 30. I'm out by Tongue Point and I've heard the City's rattling around a little bit with Tongue Point development. And I want to thank officers and Fire Department for helping us out there, because Tongue Point has become very convoluted. Nobody really seems to know who owns it or who had it. And I took on a big mudslide and Department of Labor settled with me. So, my understanding now is it's Department of Labor Land out there. But the City is wanting to be out there; they're cleaning my ditches, they're mowing the yard, and they're doing—mowing the grasses and taking care of it, which they've been doing since 1997.

And I gave them an easement in 2000 and that easement for a water right to come across the road to take the water off the hill—so when we were talking about water coming at me. When we took on—we gave them an easement to change the drainage. The drainage used to drain on the right of us, and the City came in and put in a new drainage ditch to the left of us, and that was in 2000 and it never got recorded. Nathan Crater found out about it when we took on the mudslide because when the mudslide came, then the City was saying, 'We have nothing to do out here.' And I go, 'But why for the 20 years that I've lived out here, you've been maintaining the property out here?' But yet they said, 'It's not us.' Then when I called the Police Department to save me from the homeless people out there, I have to call Tongue Point because Tongue Point, it's a Job Corps, and Job Corps has to deal with it. Then they moved them to my end of town, which is towards Alderbrook. And then when they moved them towards me, which even moves them closer to me, now they're in City and now it's my responsibility to work with the City Police Department, not federal.

My question is right now is there was a big fire up there in 2019 that I believe started all of this. That fire burnt all night long. The Fire Department which is new now burnt Mossberg's house and let it control burn, is my understanding. And then the City never went in and mopped it up, cleaned it up. And within three months that slide started to happen, the mountain started to give way, and I really believe it's because that foundation burnt so bad and so deep that it ruined the land, and it was on a hillside. And that hillside, it's now—there's—it sluffed off to the right of me in 1950 and it sluffed off in 2020—2021—February of 2021 is when I took on the slide. But there's one mound in front of me, and what is in front of me is still blue ridge and above me. And there's old, dilapidated houses up above me that people haven't been paying property taxes on. I don't know who owns them, who runs them. Mossberg was—had done a reverse mortgage to his house, and so his reverse mortgage wound up being now the state land. So—

Mayor Fitzpatrick: Thank you, Ms. Matson.

Ms. Matson: who owns it, or who's going to take care of us? That's all.

Mayor Fitzpatrick: I trust that our City Manager will follow up with you. Is there anyone else in chambers tonight? Mr. Overbay?

Ed Overbay: Ed Overbay, 221 South Street, Astoria. I'm here tonight as president of the Citizens for Astoria, Oregon; we are the committee to build the Square. And a short while back we made a rough outline presentation to this body with our vision to build the Square and I believe we were fairly warmly received and how we're approaching this vital project that's in everybody's interest. And in the interest of initiating our own public outreach, we have scheduled an open house conversation about the Square at the Lovell Room this August 31st at 6 o'clock. This is an open house discussion. We're going to have a presentation of what we envision for the square. I'm here to invite you, Mr. Mayor, City Manager, and


Council to participate with us in this public outreach. We want to inform the public of what we're doing, we're seeking public input, we're seeking input from our service organizations, the kinds of infrastructure that we really need specifically at the Square to accommodate our needs as a community. So, we're excited to initiate this public outreach and we would hope to see all of you there. If you have any questions I—give it a shot.

Mayor Fitzpatrick: Thank you, Mr. Overbay. Again, August 31st, 6 pm, the Lovell Showroom.

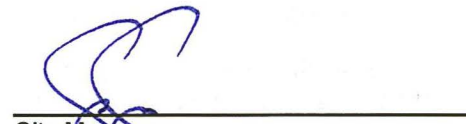
Mr. Overbay: That's it.

Mayor Fitzpatrick: Great, I'll be there. Anybody else in the audience that would like to address us this evening? Any hands raised online? All right, with that, I will close the City Council meeting and we will reopen as the Astoria Development Commission. For the record, the time is 7:28 pm.

ATTEST:


Finance Director

APPROVED:


City Manager



BAKER CITY, OREGON CITY COUNCIL MEETING MINUTES

MAYOR
Kerry McQuisten
COUNCILORS
Shane Alderson
Johnny Waggoner Sr.
Joanna Dixon
Jason Spriet
Kenyon Damschen
Dean Guyer
CITY MANAGER
Jonathan Cannon

REGULAR MEETING
MAY 10, 2022 - 7:00 PM
CITY HALL COUNCIL CHAMBERS

Meeting Info

-
- | | |
|--|--|
| 1. Call to Order | The meeting was called to order at 7:00pm by Mayor McQuisten in the Baker City Hall Council Chambers. |
| 2. Pledge of Allegiance and Invocation | Mayor McQuisten led the pledge of allegiance and invocation. |
| 3. Roll Call | Roll call was answered by Mayor Kerry McQuisten and Councilors Kenyon Damschen, Dean Guyer, Joanna Dixon, Johnny Waggoner Sr., Jason Spriet, and Shane Alderson. Also present were City Manager Jonathan Cannon, Police Chief Ty Duby, Administrative Services Manager Jennifer Spencer, Kent Bailey, and City Recorder Dallas Brockett. |
| 4. Agenda Additions, Deletions, Modifications | Mayor McQuisten discussed Agenda Additions, Deletions, Modifications. Councilor Damschen suggested allowing the Fire Union speak for 15 minutes during the meeting. During some shouting during the meeting, Chief Ty Duby explained the rules of a public meeting and advised everyone to be respectful. |
-

MOTION MADE BY: Councilor Dixon
MOTION: moved to amend the agenda to have the new officer presentation after item #6, and to remove items #9 and #10.
SECONDED: Councilor Waggoner Sr.
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed.

5. Consent Agenda

MOTION MADE BY: Councilor Dixon
MOTION: Approve the Consent Agenda
SECONDED: Councilor Spriet
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed.

6. Citizen's Participation

No one signed up besides the ambulance topic, which was an agenda item

7. New Officer Presentation	Chief Ty Duby presented the new officer that was hired, Emily Oller.
8. Ordinance 3383; Camping Ordinance	City Recorder Dallas Brockett read Ordinance 3383 by title only.

MOTION MADE BY: Councilor Waggoner Sr.
MOTION: Motion to pass Ordinance 3383.
SECONDED: Councilor Dixon
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed

9. Ambulance Update and Discussion 27 people signed up to speak regarding this agenda item.

Katie LaFavor discussed having the vote for the people to extend ambulance services. Ms. LaFavor stated that home insurance rates will increase. This is a rash decision.

Robbie Langrell discussed the two-man structure, and they liked it. If we cut the fire dept. now, we are never going to get those people back. We have an amazing department that cares about the community's department. She compared BCFD to the City of Saluda, NC.

Julie Gentry stated she urged to keep an ambulance service. Silence is consent - she stated she must not remain silent. We currently have some amazing folks within our department. What does the city manager have as far as investment in this community? She stated that the fire department gives back to the community.

Sean Peterson talked with the fire department today - with the current changes, they will not be able to enter a property due to the staffing projections.

Marissa Eggers stated: hands down urge council to keep what we have - we have skill here with the current staff. With the 2 in 2 out rule - Chief and Division Chiefs are available, and it has to come to her understanding they are unable to wear the PPE's - so they are still unable to enter burning buildings.

Richard Cockren with Baker Rural Fire District stated "I am here to inform you, this could be detrimental to the community. You got professionals here already, training officers - the best of the best at that office right now. I trust them with my life. Dont let this happen, it is in your hands, you all know, people are here and they are concerned and upset and they want it resolved."

Casey Johnson - Public concern and public safety. Mr. Johnson brought a history of a the fire department. 50% person proposed cut in the safety. He stated the fire department is committed to safety. He stated that City carry over is 30% over from last year. Government does a lot of things and he stated to re-think this decision.

Todd Siddway: Mr. Siddway wanted to stress - what you are trying to do is going to cost lives. We have many accidents that the fire department runs to.

Jesse - I've been in the medical profession for 24 years. You have a top notch crew - proud to work beside them.

Tamara Keller stated "I'm going to go after one of your hearts. Kerry - I see your signs all over town. I come in as an advocate of horrible tragedy. The amount of paramedic care that my husband got was amazing". She stated it was great to see our first responders work so hard for her husband's life.

Robert Hall stated "I come to you as a retired veterinarian - I have a son and his wife and a grandson and my family lives in Baker City. Private companies are going to more considered of money and volume. I do not live in the city, I live in the county. Please if you have to work with the county - I am willing to pay more taxes for ambulance service."

Mayor asked the audience how many of them attended the council meeting - about 7-8 raised their hand in the audience which was less than 1/4 of the total in the room.

Camille Hern stated that she has a lot of children, and moved to Baker City for medical service. She stated that the current service we have is great, and it is disheartening the city is willing to cut. I definitely encourage to keep our current ambulance service.

Mike Davis stated that we can't cut these guys and there is a lot of finger-pointing. At the very least, he said to bring a reasoning bid. He stated he is only 37 years old, if you can ask for addendums and changes you can put in a reasonable bid. Either stand behind your firefighters - and show your ems services you support them.

Samantha Slattery: I get to see the action as a neighbor of the fire department and as a stay at a home mom. She stated that the elderly make up 23% of Baker's population - anything with fire you can count them to be there.

Vanessa Tachencko - Married to Ryan who is with the fire department. I have the privilege to be a hospice nurse and be able to work with the ambulance service in both LaGrande and Baker City. This is more of a billing issue. This is serious and this is something that goes beyond politics.

Penny Reinks stated her concerns about cutting the fire department staff but giving money to

Mr. Watt stated that you are about to make the high-risk, high staff. Part of my problem is that this is something that, the can has just been kicked down the road. I have concerns about this. You have not been creative - hopefully, this is a ploy. I hope you have a plan for that.

Casey Husk spoke on behalf of the fire department and provided his opinion of the financials. He stated that he has looked at the budget and that this is not a crisis.

Mr. Cannon spoke regarding this and provided a summary. Mr. Cannon also provided an update on the RFP.

Councilors had a brief discussion on this agenda item.

MOTION MADE BY: Councilor Damschen

MOTION: Make a response for the RFP

SECONDED: Councilor Spriet

IN FAVOR: Mayor McQuisten, Councilor Damschen, Councilor Spriet,
Councilor Dixon, Councilor Waggoner Sr., Councilor Alderson

OPPOSED: Councilor Guyer

Motion Passed.

10. Wildfire Awareness Month Proclamation	Mayor McQuisten read the Wildfire Awareness Month Proclamation.
11. Mental Health Month Proclamation	New Directions representative spoke before the proclamation was read. Mayor McQuisten read the Mental Health Month Proclamation.
12. Taxi Cab Fare Resolution	Mr. Cannon presented the taxi cab resolution fee proposal, resolution 3906. Stephanie Sanders who owns Elkhorn Taxi explained the reason for the fee proposal.

MOTION MADE BY: Councilor Dixon

MOTION: move to adopt resolution 3906

SECONDED: Councilor Alderson

IN FAVOR: Unanimous

OPPOSED: None

Motion Passed.

13. Baker Sanitary Franchise rate discussion	Mr. Cannon brought a history of Baker Sanitary Franchise Agreement. 5% increase is being brought forward.
---	---

MOTION MADE BY: Councilor Spriet

MOTION: to approve resolution 3908.

SECONDED: Councilor Damschen

IN FAVOR: Unanimous

OPPOSED: None

Motion Passed.

14. Financial Quarterly Report	The Administrative Services Manager brought forward her quarterly financial
---------------------------------------	---

report. She provided an update on the quarterly financials.

15. Council Committee Updates There were no council committee updates.

16. City Manager / Director Updates City Manager Jon Cannon provided some updates.

Mr. Cannon requested an executive session. This was scheduled labor/union negotiations: 6:00pm May 24th 2022.

17. City Council Comments Mr. Guyer asked Jennifer about financials for the record. I went through and the figures do not lie, and liars do not figure. Those numbers reflected an actual \$700,000 on an average loss, for the previous three years operating cycles.

There were other brief city council comments.

18. Upcoming Agenda Items Mr. Cannon presented upcoming agenda items.

19. Adjourn

MOTION MADE BY: Councilor Waggoner Sr.

MOTION: To adjourn the meeting

SECONDED: Councilor Damschen

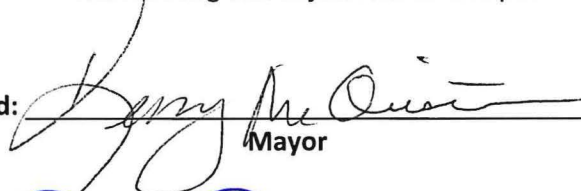
IN FAVOR: Unanimous

OPPOSED: None

Motion .

The meeting was adjourned at 8:56 p.m.

Signed: _____



Mayor

Attest: _____



City Recorder

A link to this City Council meeting can be found www.bakercity.com or upon request to the City Recorder.

**COTTAGE GROVE CITY COUNCIL
MEETING MINUTES
AUGUST 14, 2023**

CALL TO ORDER

Mayor Solesbee called the meeting to order at 7:00 pm in the Council Chambers at City Hall.

ROLL CALL

City Recorder Mindy Roberts called the roll. The following were

PRESENT IN THE COUNCIL CHAMBERS: Mayor Candace Solesbee, Councilors Alex Dreher, Greg Ervin, Mike Fleck, Dana Merryday, Chalice Savage and Jon Stinnett

PRESENT VIA GOTOMEETING:

COUNCIL ABSENT:

YOUTH REPRESENTATIVE: Kassidy Poetzl

STAFF PRESENT IN THE COUNCIL CHAMBERS: City Manager Richard Meyers, Assistant City Manager Jake Boone, City Recorder Mindy Roberts, Public Works & Development Director Faye Stewart, Finance Director Roberta Likens, Interim Police Chief Jeff Groth and Captain Marsh.

STAFF PRESENT VIA GOTOMEETING:

CITY ATTORNEY:

MEDIA PRESENT: KNND

SPECIAL PRESENTATIONS

Interim Police Chief Jeff Groth recognized Officer Colin Walsh with the Life Saving Award for actions he took during an incident that occurred on May 17, 2023.

Interim Police Chief Jeff Groth recognized Officer Derek Carlton and seven responders from South Lane Fire and Rescue Medic No. 201 for actions they took during an incident that

occurred on May 19, 2023. Officer Carlton was joined by responders; Jerry Ogren, Amanda Huckins, Doug Lyda, Aaron Smith and Justin Baird while Chief Groth presented each of them with the Cottage Grove Police Department Life Saving Award. Chief said in addition to their lifesaving efforts; Officer Carlton, Division Chief Smith and Deputy Chief Baird noticed that the patient had been pouring concrete, it was still wet and had not cured. Chief said all three of them stayed at the scene to complete the finish work on the concrete and awarded each of them with the Golden Trowel Award.

Interim Police Chief Jeff Groth introduced Patrol K-9 “Ripp” and handler Officer Derek Carlton. Officer Carlton shared Ripp’s background, how he will be used on the Cottage Grove Police force and gave “Ripp” the Oath of Office.

Police Captain Marsh gave the Oath of Office to Comfort K-9 “Fuji”, shared her background and how she will be used at the City of Cottage Grove.

Fire Chief Wooten recognized Officer Derek Carlton with the Distinguished Service to the Community Award, highlighting Officer Carlton’s outstanding commitment and assistance to the South Lane Fire and Rescue district.

ITEMS ADDED TO THE AGENDA

None

APPEARANCE OF INTERESTED CITIZENS FOR ITEMS NOT ON THE AGENDA

Linda Olson 1305 Girard Avenue, Cottage Grove, Oregon expressed concern that the City has a lack of fiscal frugality with the purchase of 61 acres and operation of the homeless sites.

Mike Borke 310 North Douglas, Cottage Grove, Oregon expressed concern with the increasing costs of water bills.

CONSENT AGENDA

- (a) Approval of May 22, 2023 City Council Meeting Minutes
- (b) Approval of June 12, 2023 City Council Meeting Minutes
- (c) Approval of June 23, 2023 Agenda Session Minutes
- (d) Approval of June 23, 2023 City Council Work Session Minutes
- (e) Approval of June 26, 2023 City Council Meeting Minutes
- (f) Approval of July 7, 2023 Agenda Session Minutes
- (g) Approval of July 10, 2023 City Council Meeting Minutes

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO APPROVE THE CONSENT AGENDA.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

RESOLUTIONS AND ORDINANCES

(a) Resolution Authorizing Full Faith and Credit Borrowings and Related Matters

Public Works and Development Director Faye Stewart indicated that this resolution would authorize the borrowing of no more than \$2.9 million in principal to pay for the purchase and associated borrowing costs of the 61.06 acres of property from Grace West Properties LLC. He said it would also pay for the Cottage Grove Water Reclamation Facility’s Clarifier #1 reconstruction project and 4 sewer mainline reconstruction projects. He said the projects were approved in the adoption of the 2023-2024 budget and the property purchase and sale agreement was authorized at the July 31, 2023 City Council Meeting. He explained that the associated costs would be covered by the sale of bonds and that the Street, Water, Wastewater, Storm, and Park funds would purchase the needed property for the new infrastructure and the sale of the remaining property would repay the debt. He added that the Wastewater Fees would service the debt for the wastewater improvements.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO ADOPT RESOLUTION NO. 2110.

Councilor Merryday encouraged Council to support this project and emphasized that the land purchase will bring industry and much needed housing to the area, including affordable housing.

Councilor Ervin explained his full faith support of the project.

Councilor Fleck said that he supports this project and recounted that the Transportation Plan within the Comprehensive Plan included connecting; Gateway to Cleveland, Cleveland to Hwy 99, and the Industrial Park to Main Street creating a circle to help with traffic with in our community.

Mayor Solesbee said she supports this project primarily for the prospect of high paying jobs and opportunities for additional housing.

Mayor Solesbee called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Resolution 2110 was adopted.

(b) Resolution Amending the Comprehensive Fee Schedule

Finance Director Roberta Likens indicated that this resolution would amend the fees associated with Municipal Court by removing the payment agreement fee, extended payment fee, extended diversion fee, extended probation fee, probation violation fee, and the docket/citation re-open fee. She added that the expungement fee would be removed to comply with Senate Bill 397 and the other fees are removed as they are no longer imposed by the Court.

IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR FLECK TO ADOPT RESOLUTION NO. 2111.

Mayor Solesbee announced the motion with a second and called for discussion.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Resolution 2111 was adopted.

(c) First Reading of Ordinance Amending Section 2.56.030 Appointed Counsel's Fee of Title 2 of the Cottage Grove Municipal Code

City Manager Richard Meyers explained that this ordinance would increase the hourly rate for court appointed attorneys to \$75 per hour with a maximum of \$750.00 for cases resolved without a trial and \$1,500.00 for cases resolved after trial. He added that the Judge and the Court has requested Council to increase the rate as it has become more difficult to recruit and retain court appointed attorneys.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO ADOPT ORDINANCE NO. 3175.

Mayor Solesbee announced the motion with a second and called for discussion.

Seeing none she called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

First Vote on Ordinance No. 3175 carried.

BUSINESS FROM THE CITY COUNCIL

(a) Approval of Change Order for the Secondary Clarifier 1 Rehabilitation Project

Public Works and Development Director Faye Stewart updated Council with the progress of the Secondary Clarifier 1 Rehabilitation Project and said a change order is needed due to variances discovered in the concrete floor and rebar not being properly placed. He said the change order would allow for the existing concrete floor to be removed and replaced with an 8 inch thick concrete floor and increase the materials in the clarifier tank walls to designed specifications. He added that the Wastewater reserve fund will service the debt and fees would not need to be increased.

Councilor Merryday asked for an explanation of the photo depicting the clarifier wall.

Public Works and Development Director explained that the tubes are used to inject a strengthening material into the crack and a layer of material is applied to smooth the surface.

Councilor Fleck asked how this change will affect the timeline.

Public Works and Development Director explained that this could extend the project into the first week of November and the contractor is working to finish ahead of the winter season.

Councilor Ervin asked how this could be prevented in the future and if change orders are put out for bid.

Public Works and Development Director said he does not know what else could have been done to anticipate that the floor was not originally built to specifications. He said the clarifier had to be

operational and it was not possible to bore holes to do floor depth checks or sand blast the walls to look for cracks. He added that there was only one bidder for the project and the contract locked the price of materials and labor in case there increases in those areas.

Mayor Solesbee called for further discussion.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO APPROVE CHANGE ORDER 1 FOR THE SECONDARY CLARIFIER 1 REHABILITATION PROJECT FOR \$406,154.80.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) Ad Hoc Street Improvement and Funding Committee Council Report

Public Works and Development Director Faye Stewart introduced Amber Bahler, Chair of the Committee to give a report and recommendation to Council.

Amber Bahler stated the Vision Statement and Objectives of the Ad Hoc Street Improvement and Funding Committee. She shared that the committee was established in May and has met five times since its creation. She said the committee has become educated on the state of the streets, current potential funding options and the election campaign processes. She outlined the street improvements that have been made this year and the amount of money spent. She said the committee is requesting an extension on the timeline given to the committee so that they can continue meeting and formulate a thorough recommendation.

Councilor Savage thanked Amber for her report and taking the time to chair the committee.

Councilor Merryday thanked the citizens who are members of the committee for taking time to participate.

Public Works and Development Director recognized the participation from Youth Advisory Council member, Cassidy Poetzl.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO EXTEND THE DEADLINE FOR THE AD HOC STREET

IMPROVEMENT AND FUNDING COMMITTEE UNTIL A RECOMMENDATION CAN BE DETERMINED.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

(c) City Manager Recruitment Proposals

City Manager Richard Meyers presented to Council proposals from GMP Consultants, Jensen Strategies, Local Government Personnel Services and Prothman. He said it is Council’s objective to determine how they would like to move forward in selecting a consultant.

Each Council member took turns expressing their top choices for a recruitment consultant. There was open discussion about the need to interview the consultants in a work session and Council agreed to interview all prospective consultants on August 28th at 5:00 pm.

Councilor Ervin expressed concern that council goals are not in order prior to starting the recruitment.

Councilor Merryday asked if they could have a copy of the current job description.

City Manager replied yes, the current job description is 26 years old and he added that would be part of what a consultant would discuss.

(d) Concerns from Council

Councilor Fleck provided an explanation of the H₂O (Help to Others) program.

Councilor Savage updated Council on her recent and upcoming interactions and events.

Council Dreher encouraged community emergency preparedness and recommended that the City apply for the pre hazard mitigation opportunity through the BRIC grant.

Councilor Ervin informed Council about topics discussed at the recent Lane Economic Committee meeting. He inquired about previous requests to have a presentation by South Lane

Mental Health, to restart the City Tours and requested an update on the Taylor Street sidewalk project.

Public Works and Development Director Faye Stewart replied that two properties still need to complete their concrete work. He said they chose to do it on their own and have until the end of September to do so. He added that they are getting assistance from Mr. Cartwright and they should be poured soon.

Councilor Merryday spoke about the profile of the community and the importance of unity as we start the recruitment process for a new City Manager. He said he understands that there is dissatisfaction with the unhoused situation and it might be time to reevaluation the programs.

Youth Representative Cassidy Poetzl announced that this is her last City Council meeting as she will be leaving for college next week. She thanked all of Council and City Staff for the opportunity and said she is grateful for everything the Youth Advisory Council has provided to her.

Council, Staff and audience members recognized Cassidy's service with applause.

Mayor Solesbee recounted her positive experiences at the recent Mayors Association meeting.

BUSINESS FROM THE CITY MANAGER

(a) Cost of Living Allowance for City Manager

City Manager Richard Meyers requested a 5% Cost of Living Allowance (COLA) to be effective July 1, 2023. He explained that all regular full-time staff and bargaining units have been adjusted with the exception of the City Manager position.

Councilor Fleck said the adjustment is typically done during the City Manager's review in October and made retroactive to July 1, 2023. He said he supports the adjustment and noted that the City Manager is retiring before having the evaluation.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO INCREASE THE CITY MANAGER SALARY BY THE COST OF LIVING ALLOWANCE OF 5% EFFECTIVE JULY 1, 2023.

Mayor Solesbee announced the motion with a second and called for discussion.

Councilor Dreher said she supports the increase and it should help in the recruitment process.

Councilor Savage addressed the importance of authorizing the increase so that the City Manager contract is not breached, resulting in a higher cost being paid out.

There was open discussion regarding a potential contract breach if the COLA is not given.

City Manager explained a severance provision in the contract that would activate the termination clause.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion Carried.

(b) Report from City Manager

BUSINESS FROM CITY ATTORNEY

(a) Report from City Attorney

None


ADJOURNMENT

There being no further business, Mayor Solesbee adjourned the regular meeting of the City Council at 8:53 pm.

The next regular City Council Meeting will be held August 28, 2023 at 7:00 pm in the Council Chambers at City Hall.



Mindy Roberts, City Recorder



Candace Solesbee, Mayor



City of Independence

City Council Meeting Tuesday, July 11, 2023 Minutes

1. CALL TO ORDER. The meeting was called to order at 6:30 pm by Mayor John McArdle.

2. ROLL CALL.

Council Present: Shannon Corr
Sarah Jobe
Kathy Martin-Willis
Marilyn Morton
Kate Schwarzler

Council Absent: Dawn Roden (excused)

City Staff Present: Kenna West, City Manager
Karin Johnson, City Recorder
Fred Evander, Planning Manager
Shawn Irvine, Economic Development Director
Lyle Gilbert, Police Sgt.

3. MINUTES. The minutes of the June 27, 2023 Regular Meeting were submitted in the agenda packet.

ACTION:

Councilor Morton moved to approve the minutes as submitted; Councilor Corr seconded. Motion passed 5-0-0:

AYES: Corr, Jobe, Martin-Willis, Morton, Schwarzler

NAYS: None

ABSTENTIONS: None

4. VISITORS / PUBLIC COMMENTS. None.

5. REPORTS / PRESENTATIONS

5.1. Mayor McArdle reported:

- a. A summary sheet from ODOT regarding the Hwy 22 proposed improvements was distributed; tomorrow ODOT will have an information gathering session at Polk County Fairgrounds. Information sheet briefly reviewed.
- b. He, Mayor Koontz and Mayor Dalton met with representatives regarding medical providers for our area.
- c. He was busy during Independence Days: he helped with the Food Bank float; helped set up the Kid's Parade & the starting line; he and Mayor Koontz started the Mini-Marathon; he and Mayor Koontz were in the parade, following the

horses with shovels.

5.2. City Manager West reported:

- a. Shawn Irvine will be presenting information tonight.
- b. Biosolids removal is complete from Lagoon 2; there was more than anticipated. As of July 3rd, they removed approximately 1700 tons of biosolids, equivalent to the weight of 1,043 Honda Accords. Plant to remove biosolids from Lagoon 3. Did not have much in Lagoon 4, will not need to remove any.
- c. We are moving forward on the Sunset Park project, which was grant funded by the Oregon Parks & Recreation Department. Looking at spring to break ground.

5.3. Staff Presentation: Shawn Irvine, Economic Development Director. He presented the following updates.

- Events: July 4th, lots of work went into it and it was well done. Great crowd, great event. It heralded the Summer Series coming up; the first movie will be Jungle Cruise and the first band will be Eagle Eyes.
- Business support: we have some ARPA funds left, looking to identify a few things that will work well. Small business technical assistance program, jointly with Monmouth. 10 local businesses participating; have funding left, we will open a second round. Marketing Mondays program; we bring in experts to visit on business-specific topics and also have workshops to walk businesses through what they just learned. Averaged 30+ people in classes; will bring it back this fall/winter. With this program, we also wanted to build a shared sense of community.
- Working with Willamette Workforce rapid response team to help find employment for those whose jobs will be eliminated with the closure of Marquis Spas.
- Working with IDA on a few things; the Oregon Downtown Main Street program is coming, we will be hosting their conference. 250-300 people will come for three days to our community this fall.
- Also working with IDA on Oregon Main Street grants; we got one for Parallel 45 to help them fully build out their building to make space for more tenants, improving food truck pod. Also just found out that IDA got a grant to help build apartments in the upper floor of the Opera House building.
- Doing a lot with infrastructure – he and Marshall are always looking for money.
- Willamette Workforce Partners will be giving us funding to implement the sidewalk repair program. Hoping to get started a week from Monday; we have reached out to those on the abatement list.

Councilor Corr asked when the Main Street Conference will be, to which he replied the 4th, 5th, and 6th of October.

Councilor Corr asked if there will be more trucks at the pod; Irvine thinks all that are there are what there is room for.

6. UNFINISHED BUSINESS. None

7. NEW BUSINESS.

7.1. Resolution #23-1588, Support for Age-Friendly Community Program Application.
City Manager West introduced Barbara Cronin, Executive Director of the Monmouth Senior Center.

Cronin provided an overview of the Senior Center and its services. She noted that membership is not limited to Monmouth residents; Dallas and Independence residents are also users. She noted they have a senior advisory board. She is here to talk about applying for the AARP Age-Friendly Network. To apply, an adopting resolution is not necessary, but it shows commitment. Membership would require two separate points of contact; Councilor Corr has agreed to be the Independence second point. Looking at 8 domains in the program, which she reviewed. Asking council to support the resolution as presented.

Councilor Corr noted that they have had one of the quorums already, which was well attended.

ACTION:

Councilor Corr moved that the Council adopt Resolution No. 23-1588 Expressing Support of the City's Application for Membership to the AARP Network of Age-Friendly Cities and Communities; Councilor Martin-Willis seconded. Motion passed 5-0-0:

AYES: Corr, Jobe, Martin-Willis, Morton, Schwarzler
NAYS: None
ABSTENTIONS: None

7.2. OLCC License Approval, New Ownership, Sunrise Market.

Sgt Gilbert reviewed information as presented in the council packet.

Mayor John McArdle noted that OLCC provides cities the opportunity to review applications and forward to them with recommendations.

ACTION:

Councilor Morton moved to recommend approval of the liquor license request for Sunrise Market and upon payment of all fees; Councilor Jobe seconded. Motion passed 5-0-0:

AYES: Corr, Jobe, Martin-Willis, Morton, Schwarzler
NAYS: None
ABSTENTIONS: None

7.3. OLCC License Approval, New Owners, The Tap Station.

Councilor Martin-Willis asked if they were already open, Gilbert replied that they are operating under a temporary license and will be open full time in the fall.

Councilor Morton noticed some construction; asked if the business was buying, not just renting; Gilbert said it is under new management and ownership.

ACTION:

Councilor Martin-Willis moved to recommend approval of the liquor license request for The Tap Station; Councilor Corr seconded. Motion passed 5-0-0:

AYES: Corr, Jobe, Martin-Willis, Morton, Roden, Schwarzler
NAYS: None
ABSTENTIONS: None

7.4. Public Hearing: Annexation.

Hearing opened by Mayor McArdle.

Quasi-Judicial Land Use Hearing Script was read aloud by Mayor.

Conflicts of Interest/Ex-Parte Contacts/Bias: None declared. No challenges from audience.

Staff Report: Evander summarized the staff report as provided in the agenda packet. Request pertains to 5.86 acres at 601 Stryker Road. Existing zoning is County Light Industrial; the proposed city zoning is Heavy Industrial. He reviewed the comprehensive plan requirements and IDC zone change criteria. The property has been designated heavy industrial in the comp plan since 1979. He reviewed the county light industrial zone and the uses allowed translate to our heavy industrial, which is slightly more restrictive (setback requirements, for example). The two zones are very similar.

Evander noted this is an annexation and then a zone change. Not an application for development. This is the first step; any future development will require site design review. The question tonight is should this property be annexed, and if so, what should the zoning be. Staff recommends approval of annexation.

Councilor Morton expressed gratitude for the response regarding queries from staff. Councilor Jobe asked if the 20' setback is from Stryker Road, and if there are other setbacks; Evander said there would be a 10' setback from the railroad.

Testimony:

1. Applicant. None
2. In Favor. None
3. Neutral. Bruce Patton, Independence. He noted that 5 residential streets abut the adjacent property and that the staff report ignores the neighborhood. Three-fourths of the site is near residential zones. He believed the staff report to be incomplete as it is missing an analysis of the differences between Polk County Light Industrial and the city's Heavy Industrial allowed uses. He feels a final decision should not be made until the information is available; postpone the vote on this matter until the staff report is amended.
4. Opposed. Mayor John McArdle noted the city received written testimony from Melinda and Michael Short.
 - 4.1. Melinda Short, Independence. She stated she lives across the street from the parcel, and objects to annexation if it is zoned IH. She reaffirms that the property is surrounded by residential property. She spoke to the owner of the property, and was told it would be a storage facility with small manufacturing, very few trucks. She feels there is no need to assume it would need heavy industrial. The neighborhood already gets odors from the spa and cabinet manufacturer. There would be increased traffic and associated noise. There are not enough strong protections for the neighborhood.
 - 4.2. Michael Short, Independence. He noted the city has several zones. The property is primarily bounded by residential properties, HI not appropriate; LI or Commercial should be considered.
5. Applicant Rebuttal. Janet Correa, works for West Coast Metal. They agree with HI, believes the company can be respectful. They will keep a green zone and will keep the property clean and not disturb neighbors. Councilor Jobe asked if it would be a storage unit; Correa said there are warehouses existing and would use them to store materials.

Councilor Corr asked how many jobs would be created; Correa stated none at the moment; perhaps 3-5 on the property. Councilor Schwarzler asked if these were existing employees, to which Correa replied yes.

(Mayor granted additional testimony in opposition):

4.3. Edward Maldonado, Independence. He stated he understands the reason for annexation, but the zoning is not appropriate. If the property is sold down the road, the new owners could put a heavy use in.

City staff summary, response to testimony.

1. Regarding adjacency to residential. There is a transition between the zones; separation with Stryker Road and the railroad, which separates the sites to a certain degree.
2. There will be a setback from the front of the lot. When the site is developed fully, it will require additional right of way to ensure proper road width.
3. We have better standards in our IH zone than Polk County Light Industrial. We have landscaping requirements, the county does not. Our standards include buffering.
4. City Manager West read the list of the current allowed uses in both Polk County IL and city IH zones.

Council questions of staff:

Councilor Jobe asked that if all things are allowed the same, why annex and why change zoning. Evander stated the city cannot provide water and sewer outside the city limits. Brief discussion.

Councilor Martin-Willis asked if the current proposed use fits under light industrial, to which Evander replied yes. Jobe asked if it fits under commercial; Evander stated no, and that it is also not a good site for commercial.

Councilor Martin-Willis asked that under light industrial, would it still be subject to a 20' setback; Evander said 10'.

Councilor Morton reported she sent a question to staff earlier about this; what the city and the county allows. She stated that annexing would improve the property as we would have control with our city standards and it would bring tax income to city.

Councilor Corr asked if there was a benefit to heavy industrial versus light; Evander said it could go either way; he recommended heavy industrial, as there is heavy industrial adjacent to this property.

Councilor Corr asked if a light industry moved in, other than what is proposed in the application, could it have similar things that the residents complained of; Evander said yes, that it comes down to setbacks, height limits.

Councilor Corr asked about meeting the 66' street width standard; how would it be done. Evander noted that when Organic Investments went in, we required a dedication to have the street width to city standard.

Evander noted that after quick research, light industrial height limit is 45'.

City Manager West asked about the comparison of zones; Evander had subchapter 37 displayed and reviewed. Questions regarding uses in city zones were gone over and answered.

Councilor Martin-Willis asked if the city could require access on the north side of property; discussion.

Mayor John McArdle summarized the action needed – do we want this in the city, and if so, what zone should apply.

Councilor Jobe asked that if we go light industrial could we require a 20' setback; Evander said no, it would require a zone change.

No further questions.

Mayor John McArdle stated the applicant has the right to hold the hearing open for 7 days, or they can waive submission. Evander summarized, noting that they can submit any sort of argument and would have 7 days to submit; if they don't want to submit anything further, then the council can make a decision now.

The applicant initially stated they wish to submit, then changed their mind. Stated that they waived submission.

Hearing & Record declared closed.

Council Deliberation:

Councilor Schwarzler noted that moving to LI could have unintentional consequences; Councilor Morton agreed.

Councilor Martin-Willis said that with the impact of reducing setback, should do the IH designation.

Councilor Corr feels staff looked at the best interest of all, took a very exhaustive look. Councilor Jobe stated she doesn't think this should be annexed.

Councilor Schwarzler said she would be more concerned if county keeps control.

Mayor John McArdle noted county rules are pretty open ended and we would have no control.

Evander reported he reviewed Subchapter 38; relooked at setback requirements. There is a 20' setback for front in both heavy and light industrial zones. In the back of the lot, it is 10' heavy industrial, 5' light.

Councilor Morton asked if it was any more stringent regarding ROW in heavy than light; Evander replied no.

ACTION:

Councilor Morton moved to approve File No. AX-2023-01, annexation of 5.86 acres at

601 Stryker Road, adopting findings, conditions and staff recommendations as provided in the Staff Report; Councilor Corr seconded. Motion passed 4-1-0:

AYES: Corr, Jobe, Martin-Willis, Morton, Schwarzler
NAYS: Jobe
ABSTENTIONS: None

7.5. Council Bill #2023-03, Declares Territory Annexed to City.

ACTION:

Councilor Corr moved to read the proposed Ordinance, Council Bill #2023-01 in full as the text is contained in the Council packet, for the first time; Councilor Martin-Willis seconded. Motion passed 4-1-0:

AYES: Corr, Martin-Willis, Morton, Schwarzler
NAYS: Jobe
ABSTENTIONS: None

The Mayor announced the ordinance will be brought to the next meeting for a second reading.

8. GENERAL INFORMATION. Items submitted in the packet are for information only; no action was required by city council.
9. COUNCIL ANNOUNCEMENTS. None.
10. ADJOURNMENT. With no further business to come before the council, moved to adjourn. Motion passed 5-0-0:
AYES: Corr, Jobe, Martin-Willis, Morton, Schwarzler
NAYS: None
ABSTENTIONS: None

Meeting adjourned: 8:06 pm

ATTEST:

Karin Johnson, MMC, City Recorder

MAYOR JOHN McARDLE

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

May 8, 2023, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE: 5/22/23

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	
Sydney Kasner	Councilor Ward 2	Present	
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Present	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Present	

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Chief Broderick, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Seth Lenaerts, Project Manager; Stephanie Reid, Public Works Director; Anne Marie Skinner, Planning and Community Development Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA ITEMS 1,2 & 4

RESULT: PASSED [UNANIMOUS]
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Sydney Kasner, Councilor Ward 2
AYES: Wahlke, Kasner, Casper, Hoagland, Mark, Parsons

1. Reappointment to the Library Board

MOTION:	Motion to Reappoint Brittany Anderson and Robert Pfohman to the Library Board with a Term Ending 6/30/2027.
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed

2. First Amendment to Employment Agreement - Municipal Court Judge

MOTION:	FIRST AMENDMENT TO EMPLOYMENT AGREEMENT - MUNICIPAL COURT JUDGE
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed

3. Agreement for Abandoned RV Abatement

MOTION:	Motion to Approve the Agreement for Abandoned RV Abatement
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed

Councilor Mark pulled item 3. Councilor Mark reviewed items in the agreement that may need to be changed.

4. Regular Meeting – Minutes of Regular Meeting – April 24, 2023, 6:00 PM

MOTION:	City Council - Regular Meeting - Apr 24, 2023, 6:00 PM
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Sydney Kasner, Councilor Ward 2
RESULT:	Passed

E. COUNCIL DELIBERATIONS

None

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Stacy Baird of Lincoln City spoke regarding the following agenda items; Ordinance 2023-08, Ordinance 2023-07, Resolution 2023-07, the City's debt, utility rates, a \$20K grant, and the MOU for the Judge.

Ms. Legarza summarized a public comment received regarding marijuana dispensaries and out-of-area Staff.

G. PRESENTATIONS

None

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

- 1. Public Comment Resolution 2023-08 Proposed Revisions to City Public Works fee schedule

Mr. Appicello explained the resolution. No Citizens were present to comment on the resolution. Council and Staff had a discussion.

J. ORDINANCES

- 2. ORDINANCE NO. 2023-07 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), AMENDING CHAPTER 2.14 (COMMITTEE FOR CITIZEN INVOLVEMENT), AMENDING SECTION 2.14.030 (POWERS AND DUTIES) TO REFER TO THE OREGON ADMINISTRATIVE RULE GOVERNING THE COMMITTEE

MOTION:	Motion to Approve First Reading Ordinance 2023-07 Amending Authority for Citizen Involvement Committee
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

This is to replace Ordinance 2023-04 which was a duplicate number.

- 3.

MOTION:	Motion to Approve Second Reading and Adoption of Ordinance 2023-07 Amending Authority for Citizen Involvement Committee
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

- 4. ORDINANCE NO. 2023-08 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 4, (REAL PROPERTY), AMENDING CHAPTER 4.04 (ACCEPTANCE OF REAL PROPERTY INTERESTS, LEASES, AND IGA RENEWALS), SECTION 4.04.010 (CITY MANAGER-DELEGATION), ADDING MOU / MOA TO DELEGATED IGA AUTHORITY

MOTION:	Motion to Approve First Reading of Ordinance 2023-08 - Add MOU MOA to IGA Delegation
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

Mr. Appicello said that the delegation reads the City Manager shall report bi-annually to the City Council on the matter executed per this chapter.

5.

MOTION:	Motion to Approve Second Reading and Adoption of Ordinance 2023-08 - Add MOU MOA to IGA Delegation
MOVER:	Sydney Kasner, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

K. RESOLUTIONS

6. RESOLUTION NO. 2023-07 A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING STRATEGIC PRIORITIES AND INITIATIVES AS IDENTIFIED AT THE MARCH 1, 2023 COUNCIL RETREAT

MOTION:	Motion to Approve Resolution 2023-07- Adopting Strategic Priorities Identified at Council Retreat
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed via Voice Vote

7. RESOLUTION 2023-08 A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING ADDITIONAL PUBLIC WORKS FEES - IRRIGATION METER

MOTION:	Motion to Approve Resolution 2023-08 Adopting Additional Public Works Fees - Irrigation Meter
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

8. Partnership with the Economic Development Alliance of Lincoln County (EDALC)

MOTION:	Motion to Approve a \$20,000 Grant in FY22-23 to the Economic Development Alliance of Lincoln County to Support Regional Economic Development Activities
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Kasner, Mark, Parsons
NAYS:	Casper
RECUSED:	Hoagland
RESULT:	Passed by Roll Call Vote

Alison Robertson, Economic Development Director, and Paul Schuytema, Executive Director at Economic Development Alliance of Lincoln County spoke about a \$20,000 grant to the Economic Development Alliance of Lincoln County (EDALC) to support regional economic development activities. Council and Staff discussed the details of the program and the grant.

9. Update on Proposed Nelscott Urban Renewal (Tax Increment Finance) Plan

Alison Robertson, Urban Renewal and Economic Development Director gave an update regarding the proposed Nelscott Urban Renewal plan. Council and Staff had a discussion regarding the next steps of the plan.

10. Nelscott Force Main Phase 1 Construction Award

MOTION:	Motion to Award K&E Excavating, Inc. in the Amount of \$1,581,412.50 with a Construction Contingency of \$151,841.25 (10 percent of bid the amount) for a total of \$1,733,253.75 for the Nelscott Force Main Phase 1 Construction Award
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

Stephanie Reid, Public Works Director, explained the project. Council and Staff had a discussion regarding the project and future plans.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza spoke about the Spanish copy of The News Guard.

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

None

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Hoagland spoke about the LOC meeting in Seaside and classes attended, lithium battery drop off at North Lincoln Sanitary, and asked about requirements to be on a committee.

Councilor Mark spoke about the Cascade West meeting he attended; ODOT trying for federal grants to fix the erosion issues and rough road on Highway 101; the open house for Taft Park; Spaghetti fundraiser at B'nai B'rith. Councilor Mark will be absent from the June 12th meeting.

Councilor Casper spoke about attending the Regional Solid Waste meeting and the barrels that will be put out again for the 4th of July beach clean-up. Councilor Casper said the Juno Project will be open to tour again in Toledo.

Mayor Wahlke said that she has received positive comments about the newsletter with the water bills. Mayor Wahlke spoke about the sessions she attended at the LOC in Seaside. Mayor Wahlke spoke about her attendance at the Ways and Means Committee in Newport, wanting to testify before the Capital Construction Subcommittee of Ways and Means on Friday, but there not being enough time for her to speak.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 7:37 PM

//S//

SUSAN WAHLKE, MAYOR

ATTEST:

//S//

JAMIE YOUNG, CITY RECORDER

**MONMOUTH CITY COUNCIL
MEETING MINUTES
March 21, 2023**

**Monmouth Senior Community Center
180 Warren St. S**

Mayor Koontz called the meeting to order at 6:33 pm.

The following were in attendance virtually or in person:

CITY COUNCIL

Roxanne Beltz
Jon Carey
Chris Lopez
Carol McKiel
John Oberst
Rebecca Salinas-Oliveros
Cecelia Koontz

STAFF

Marty Wine, City Manager
Phyllis Bolman, City Recorder
Lane Shetterly, City Attorney
Suzanne Dufner, Ec. & Com. Dev. Dir.

Councilor Carey led the flag salute.

CONSENT CALENDAR - Councilor Oberst moved to approve the consent calendar.
Councilor McKiel seconded.

AYES: Beltz, Carey, Lopez, McKiel, Oberst Salinas-Oliveros

NAY: none

ABSTENTIONS: none

MOTION PASSES 6-0

CITIZEN COMMENTS - none

PRESENTATION - Polk County Operating Levy - Polk County Sheriff Mark Garton was joined by Polk County Commissioner Lyle Mordhorst and District Attorney Aaron Felton.

Sheriff Garton reviewed what the proposed levy includes. He noted that there are no proposed changes in the new levy. Sheriff Garton noted that the current levy is 42.5 cents per thousand and the new levy is asking for 49.5 per thousand.

District Attorney Aaron Felton thanked the Council for their support in the past. He reviewed the District Attorney's office duties and explained how they support the City's police department.

Commissioner Mordhorst asked the Sheriff a few questions about some of the crimes they are encountering and discussed the value of public safety.

Councilor Lopez asked about anti-recidivism programs in the jail. Sheriff Garton and District Attorney Felton discussed the program options available.

Councilor McKiel thanked the Sheriff who wrote the grant to have a mental health professional to ride with the deputies. She asked if there will be another grant for more mental health teams. Sheriff Garton stated that they have two mental health teams. He noted that the need for it has been stable for the past two years but more may be needed in the future.

Councilor Oberst asked if property taxes could be increased. City Attorney Shetterly stated that since Measure 50 was enacted, taxes can only be added by special levies.

Councilor Carey asked for clarification of how many of the employees this levy covers. District Attorney Felton noted that it was half of the employees in the Sheriff's office and half of the employees in the District Attorney's office.

Mayor Koontz noted that the Council does not normally do a resolution but do ask for consensus from the Council on their support for the levy and using the City's name. The Council gave their unanimous support of the levy.

BUSINESS AGENDA

PUBLIC HEARING: LEGISLATIVE AMENDMENT 23-01 CODE UPDATE

City Attorney Shetterly read the hearing language.

CONFLICT OF INTEREST - none declared.

Mayor Koontz opened the hearing at 7:12 pm.

Community Development Director Dufner reviewed the staff report and gave an overview of changes that are addressed in the Legislative Amendment.

Community Development Director Dufner noted the Planning Commission held a public hearing and based upon public testimony made a few changes to the draft. She noted the Council alternatives included approval of the amendments as recommended by the Planning Commission, or to make further revisions based upon Council discussion.

Councilor Carey stated that there are items of a policy standpoint that they might want to consider.

Mayor Koontz noted that this the time for clarifying questions for Community Development Director Dufner.

The Council asked several clarifying questions.

Councilor Oberst asked about the time line and adoption date. Ryan Marquardt, DLCD, stated there is no adoption timeline but there will not be support for Community Development Director Dufner after the April date when the grant ends. Community Development Director Dufner stated that there are builders waiting for the code to pass to start their buildings.

Mayor Koontz closed the hearing at 8:17 pm and recessed the Council briefly.

Mayor Koontz noted that they have discussed this packet and have seen it multiple times over the process of the amendment. She noted that this packet is something that can be amended in the future. Mayor Koontz asked the Council for input on what they would like to see - minor changes, or adopt as is, and amend as needed.

Mayor Koontz asked City Attorney Shetterly for clarification on the process and any changes. City Attorney Shetterly noted that small changes could be made this evening. If there are conceptual changes, then it would need more discussion. She then asked the Council, what three items would each of them change if they could.

The items of concern from the Council were: a variance for the 20 foot setback if someone had a deep lot; a variance for a design change in the corner orientation requirement in the Main Street District; design variance in residential zones; change the square foot of a commercial building in a residential zone; and the requirement of a .5 parking space minimum in a Regulated Affordable Housing area.

Mayor Koontz polled the Council on these items:

1. Change the 20 foot setback to another number or eliminate it. 2 Councilors were interested in changing this.
2. Eliminate the requirement in the Main Street District to have corner entrance of a building on a corner lot. 2 Councilors wanted to keep the requirement and 4 wanted to eliminate the requirement, but encourage or suggest the corner entrance.
3. Leave the maximum size of a commercial space in a residential zone at 2500 square feet or make it more restrictive. No Councilors were interested in making this more restrictive.
4. Allow a design variance in residential zone or make it more obvious what is allow or a different track completely. Mayor Koontz clarified that if Council wanted a different way

to track, then the language would have to be brought back to Council for review. 2 Councilors were interested in another exception process for residential designs.

5. Revise the .5 parking space minimum in Regulated Affordable Housing. 3 Councilors were interested in changing this.

MOTION - Councilor McKiel moved to approve Legislative Amendment 23-01 and direct staff to prepare an ordinance to adopt Legislative Amendment 23-01 as amended to change corner orientation in the MSD to be encouraged instead of required, and correct the errata regarding verification that the conditions of approval have been met for Type II and Type III applications by staff, not the Planning Commission. Councilor Salinas-Oliveros seconded.

AYES: Beltz, Lopez, McKiel, Oberst, Salinas-Oliveros

NAY: Carey

ABSTENTIONS: none

MOTION PASSES 5-1

Councilor Lopez left the meeting at 9:17 pm.

WORK SESSION

CONSIDER NOISE ORDINANCE REVISIONS

City Manager Wine reviewed the staff report and asked the Council for guidance on revisions to the ordinance. She asked if they would like to see the decibel level standards in an ordinance.

Councilor Salinas-Oliveros asked who would use the decibel level devices.

Police Chief Haines stated that they do not have one and a device would have to be custom calibrated.

It was noted that a permit process had been eliminated from the proposed ordinance. City Attorney Shetterly stated he would look at this backwards from the perspective of presenting the evidence in court.

City Manager Wine stated that if the changes look acceptable, they will bring it back for an ordinance. She noted that there is a process with presenting the proposals to the business community.

REPORTS

1. Mayor's Report - Mayor Koontz reported on the MICF on the Bicentennial fund. She stated that there was a market loss; as a result the fund balance is down to \$6500. She stated that the trolley is going to roll. City Manager Wine added that the ribbon cutting will be at the Polk 1 Fire Station on April 2, 2023 from 3 to 5 pm. Mayor Koontz added that swag is being delivered to the students at all of the schools in the district.

Mayor Koontz thanked everyone for coming out to the skate park groundbreaking.

2. Reports of Council Representatives of Boards and Commissions

Arts & Culture Commission - Councilor Salinas-Oliveros reported the Commission met last week and discussed the art show and the Trashion Fashion show. She added that they had discussed how to include the schools. Councilor Salinas-Oliveros noted that the Commission is looking at Artist's Talks at the Library. She added the Commission is always taking volunteers.

Planning Commission - Councilor Carey reported the Commission had approved a sign variance for a Thai restaurant.

Traffic Safety Commission - Councilor Oberst reported that safe route to school design is being planned and will have to go to ODOT for approval, and will probably not be done until next year. He added that the Madrona crossing is in the works as soon as approved by ODOT. Councilor Oberst noted that they are continuing to work on a bike rodeo possibly in conjunction with the beginning of school in the fall. He added that they reviewed a request from resident regarding traffic control at the Maria, Stephanie, Catherine Ct. intersection. Councilor Oberst stated that they are looking at revising the charter for the Commission.

Tree Advisory Board - Councilor Oberst reported there is a tree planting April 15, 2023 at Madrona Park.

Mid-Willamette Valley Council of Governments - Councilor Beltz reported that Chemeketa Community College has begun Applied Baccalaureate degree program with associate degrees in the trades. She added that Chemeketa is the first community college in Oregon offering this kind of program.

3. City Manager's Report - City Manager Wine reported that she has signed the agreement for the Safe Routes to School and she signed revisions to the City Attorney Agreement.

City Manager Wine stated that there will be a beam signing event at the beginning of April to sign a roof beam before it goes up on the new City Hall.

She reminded everyone that Soup and Pie is at the Senior Center on Thursday March 23rd and that it begins at 11:00.

COUNCIL COMMENTS - Councilor Salinas-Oliveros read the land acknowledgement.

Councilor McKiel read the names of the cheerleaders from Central who won the state championship. They were:

Head Coach-Megan Smith
Giada Alessio
Isadora Chavez-Pedraza
Arianna Denn
Julia Ericsson
Simone Gil
Jaxon Holbert
Laudly Ijaz
Haley Knight
Gwendolyn McCannell
Bri Meyer
Eileen Rault
Zeynep Secer
Hannah Stallsworth
Isabel Toledo
Gizelle Trujillo

Assistant-Danielle Dunne
Dafnie Baker
Kaiden Collman
Mariia Dovgan
Brayden Farmer
Chloe Hodney
Sophia Hoover
Moana Jefferson
Kyra Mancini
Jacquelynn McGuyver
Daisy Ortiz Martinez
Maria Isabel Sanchez Barba
Elisa Shinkle
Hannah Steed
Jazmine Toledo
Ariannah Williams

ADJOURN - Councilor Oberst moved to adjourn. The meeting was adjourned at 9:53 pm.

Cecelia L. Koontz, Mayor

Attest:

Phyllis L. Bolman, City Recorder

**Stayton City Council
Work Session
August 7, 2023**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 6:00 P.M.

Time End: 7:07 P.M.

MEETING ATTENDANCE LOG

	STAYTON STAFF
Mayor Brian Quigley	Julia Hajduk, City Manager
Councilor David Giglio (excused)	Alissa Angelo, Assistant City Manager
Councilor Ben McDonald	James Brand, Finance Director
Councilor Jordan Ohrt	Gwen Johns, Police Chief (excused)
Councilor David Patty (excused)	Lance Ludwick, Public Works Director
Councilor Steve Sims	Janna Moser, Library Director (joined at 6:22 p.m.)
	Tammy Bennett, Office Specialist (excused)

AGENDA	ACTIONS
Santiam Water Control District Water Delivery Contract	Ms. Hajduk provided an update on the City's work with the Santiam Water Control District on the Water Deliver Contract.
Wilderness Park Update	Ms. Hajduk gave an update on meetings with the Santiam Water Control District regarding Wilderness Park. Discussion of funding from Marion County, ongoing costs to the City for annual maintenance, and potential lease costs.
ARPA Fund Use	Ms. Hajduk reviewed the memo on ARPA fund options emailed to Council prior to the meeting. Discussion among Council of recommended projects.
City Attorney Request for Proposals	Ms. Hajduk reviewed the previous City Attorney request for proposals and received input from Council on edits to the document.

APPROVED BY THE STAYTON CITY COUNCIL THIS 21ST DAY OF AUGUST 2023, BY A 5/0 VOTE OF THE STAYTON CITY COUNCIL.

Date: 8-21-2023

By: 
Brian Quigley, Mayor

Date: 8-22-23

Attest: 
Julia Hajduk, City Manager

Date: 8/21/2023

Transcribed by: 
Alissa Angelo, Assistant City Manager

**City of Stayton
City Council Minutes
August 21, 2023**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA, STAYTON
Time Start: 7:01 P.M. Time End: 8:13 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Brian Quigley	Julia Hajduk, City Manager
Councilor David Giglio (joined @ 7:02 p.m.)	Alissa Angelo, Assistant City Manager
Councilor Ben McDonald	Lance Ludwick, Public Works Director (via Zoom)
Councilor Jordan Ohrt	Gwen Johns, Police Chief
Councilor David Patty	Janna Moser, Library Director
Councilor Stephen Sims	James Brand, Finance Director (excused)
	Tammy Bennett, Office Specialist

AGENDA	ACTIONS
REGULAR MEETING	
Announcements	
a. Additions to the agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
Appointments	None.
Public Comment	
a. Christopher Walker, 155 S. Evergreen	Written comment was distributed to Council prior to the meeting and posted to the City Council's page on the City website.
b. Josh Spencer, 213 N. Oak Ave.	
c. Ray Hanna, 237 N. Oak Ave.	
	Public comment was in opposition to homeless camping in residential areas.
Consent Agenda	
a. July 17, 2023 City Council Regular Session Minutes	Motion from Councilor Ohrt, seconded by Councilor Patty, to approve the consent agenda as presented. Motion passed 5:0.
b. August 7, 2023 City Council Work Session Minutes	
c. Resolution No. 1069, Modification to Teen Center Lease	
Presentations	
a. Summer Reading Program – Janna Moser	Ms. Moser provided a recap of the Summer Reading 2023 program at Stayton Public Library.
Public Hearing	
Ordinance No. 1064 Vacation of Alleyway between N First Ave and N Second Ave	
a. Commencement of Public Hearing	Mayor Quigley read the opening statement and opened the hearing at 7:28 p.m.

<ul style="list-style-type: none"> b. Staff Introduction & Report c. Applicant Presentation d. Questions from the Council e. Proponents' Testimony f. Opponents' Testimony g. Neutral/Other Testimony h. Questions from the Council i. Applicant Summary j. Staff Summary k. Close of Hearing l. Council Deliberation m. Council Decision on Ordinance No. 1064 	<p>Mr. Jacks reviewed the staff report.</p> <p>None.</p> <p>Council asked questions about the application. Mr. Jacks responded.</p> <p>None.</p> <p>None.</p> <p>None.</p> <p>Nothing further.</p> <p>None.</p> <p>Mr. Jacks gave the staff recommendation.</p> <p>Mayor Quigley closed the hearing at 7:38 p.m.</p> <p>Council requested that going forward the value of the vacated land be documented.</p> <p>Motion from Councilor Patty, seconded by Councilor Giglio, to approve Ordinance No. 1064 as presented. Motion passed 5:0.</p>
<p>Presentations</p> <ul style="list-style-type: none"> b. New Staff Introduction – Gwen Johns 	<p>Chief Johns introduced Seargent Bielenberg. Seargent Bielenberg shared her background.</p>
<p>Communications from City Staff</p>	<p>Ms. Hajduk announced there will be a City Council Special Session next week to award the Douglas Avenue Watermain Replacement & Pavement Overlay project contract.</p> <p>Chief Johns provided a Police Department update including the new camping ordinance. Chief Johns shared a joint project with the Stayton Public Library scheduled for next summer, Safety Town.</p> <p>Ms. Hajduk and Chief Johns spoke of the annual International Overdose Awareness Day on August 31st.</p>
<p>Communications from Mayor and Council</p>	<p>Councilors addressed public comments.</p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 18th DAY OF SEPTEMBER 2023, BY A 5:0 VOTE OF THE STAYTON CITY COUNCIL.

Date: 9/26/2023

By: 
 Brian Quigley, Mayor

Date: 9/26/23

Attest: 
 Julia Hajduk, City Manager

Date: 9-18-2023

Transcribed by: 
 Tammy Bennett, Office Specialist



CITY OF SWEET HOME CITY COUNCIL MINUTES

August 22, 2023, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon Public Meeting Law, and have been approved by the Mayor and Chairperson of the meeting.

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM

Roll Call

PRESENT

Mayor Susan Coleman
President Pro Tem Greg Mahler
Councilor Dave Trask
Councilor Lisa Gourley
Councilor Angelita Sanchez

ABSENT

Councilor Dylan Richards
Councilor Josh Thorstad

STAFF

Kelcey Young, City Manager
Blair Larsen, Community and Economic Development Director
Robert Snyder, City Attorney
Megan Dazey, Library Services Director
Trish Rice, Engineering Technician
Jason Ogden, Police Chief
Adam Leisinger Communications Manager

MEDIA

Benny Westcott, New Era

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

GUESTS

Ryan Vogt, Executive Director, Cascades West Council of Governments, 1400 Queen Ave SE, Suite 201, Albany, OR 97322

Preston Van Meter, West Yost Associates, 5 Centerpointe Dr, Suite 130, Lake Oswego, OR 97035

Matt Wadlington, Civil West Engineering Services, Inc., 200 SW Ferry St, Albany, OR 97321

Motion to excuse Councilor Richards and Councilor Thorstad absence made by Pro Tem Mahler, Seconded by Councilor Gourley.

Voting Yea: Councilor Gourley, Councilor Trask, Mayor Coleman, Pro Tem Mahler, Councilor Sanchez

Consent Agenda:

Motion to approve the Consent Agenda made by Councilor Gourley, Seconded by Pro Tem Mahler.

Voting Yea: Councilor Gourley, Councilor Trask, Mayor Coleman, Pro Tem Mahler, Councilor Sanchez

Absent: Councilor Thorstad, Councilor Richards

Approval of Minutes: August 8, 2023

- a) 2023-08-08 City Council Meeting Minutes

Recognition of Visitors and Hearing of Petitions:

Ryan Vogt, Executive Director, Cascades West Council of Governments (COG), 1400 Queen Ave SE, Suite 201 Albany, OR 97322. Vogt gave a brief description of COG services throughout the State of Oregon and in Sweet Home. He will provide information to the Council for future discussion. Mayor Coleman, Councilor Trask, and Councilor Gourley asked questions for further details of various COG services.

New Business:

- a) Discussion Only - Water Master Plan

Preston Van Meter, West Yost Associates, provided a presentation regarding the Water Master Plan. City Manager Young described the next steps in the process.

- b) Discussion Only - Stormwater Master Plan

Matt Wadlington, Civil West Engineering Services, Inc. provided a presentation regarding the Stormwater Master Plan.

- c) Willow-Yucca Street Neighborhood Local Improvement District (LID) Financing

Blair Larsen, Community and Economic Development Director provided updates to the Council regarding the Willow-Yucca Street Neighborhood Local Improvement District (LID) Financing.

Motion made to approve Resolution No. 22 for 2023 and sign the Special Public Works Fund Development Project made by Councilor Gourley, seconded by Pro Tem Mahler.

Voting Yea: Councilor Gourley, Councilor Sanchez, Councilor Trask, Pro Tem Mahler, Mayor Coleman

Absent: Councilor Thorstad, Councilor Richards

Old Business:

Ordinance Bills

Request for Council Action and First Reading of Ordinance Bills

Second Reading of Ordinance Bills

Third Reading of Ordinance Bills (Roll Call Vote Required)

Reports of Committees:

Ad Hoc Committee on Health

Councilor Gourley gave a report on the Community Health Fair.

Ad Hoc Committee on Arts and Culture

Administrative and Finance/Property
Traffic Safety Committee
Area Commission on Transportation
Chamber of Commerce
Charter Review Committee
Council of Governments
Library Advisory Board
Park and Tree Committee
Solid Waste Advisory Council
Youth Advisory Council

Reports of City Officials:

City Manager's Report

City Manager gave a report and thanked everyone for the assistance during the Wiley Fire and the Paint the Town Project.

Mayor's Report

City Manager gave a report and thanked everyone for the assistance during the Wiley Fire.

Department Director's Reports (1st meeting of the Month)

Library Services Director

- a) Library Director Monthly Report

Community and Economic Development Director

- a) Community & Economic Development Department Report for July 2023

Public Works Director

- a) Public Works Monthly Report

Department Director's Reports (2nd meeting of the Month)

Finance Director

Police Chief

- a) Police Department Monthly Report

City Attorney

Council Business for Good of the Order

Councilor Sanchez thanked the Council for the moment of silence for the victims of the fire in Hawaii.

Adjournment

The meeting was adjourned at 7:25 PM

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



CITY OF SWEET HOME CITY COUNCIL MINUTES

September 12, 2023, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon Public Meeting Law, and have been approved by the Mayor and Chairperson of the meeting.

Call to Order and Pledge of Allegiance

Meeting called to order at 6:30 PM

Roll Call

PRESENT

Councilor Dylan Richards
Council Lisa Gourley
Councilor Angelita Sanchez
Mayor Susan Coleman
President Pro Tem Greg Mahler
Councilor Josh Thorstad
Councilor Dave Trask

STAFF

Jason Ogden, Police Chief
Greg Springman, Public Works Director
Megan Dazey, Library Services Director
Robert Snyder, City Attorney
Blair Larsen, Community and Economic Development Director
Matt Brown, Finance Director
Kelcey Young, City Manager
Adam Leisinger, Communication Manager
Angela Clegg, Associate Planner

MEDIA

Benny Westcott, New Era

GUESTS

Lagea Mull, Executive Director, Chamber of Commerce, 1575 Main St, Sweet Home, OR 97386

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

Consent Agenda:

Motion to approve the Consent Agenda was made by Councilor Sanchez, Seconded by Councilor Richards.

Voting Yea: Councilor Sanchez, Councilor Thorstad, Pro Tem Mahler, Mayor Coleman, Councilor Trask, Councilor Gourley, Councilor Richards

- a) Amendment to Intergovernmental Agreement for Transportation System Plan

Recognition of Visitors and Hearing of Petitions:

Keith Sullivan, 5050 Mt. Fir Street, Apt. 104, Sweet Home, OR 97386, concerned about new crosswalks and visibility.

Old Business:

New Business:

- a) Request for Council Action – Approving Resolution 22 and 23 to forgive Interfund Loans
City Manager Young gave an introduction and explained the Interfund Loans. Finance Director Brown discussed Resolution No. 22 and Resolution No. 23 with the Council.
Motion to approve Resolution No. 22 and Resolution No. 23 was made by Councilor Trask, Seconded by Councilor Richards.
Voting Yea: Mayor Coleman, Pro Tem Mahler, Councilor Trask, Councilor Gourley, Councilor Sanchez, Councilor Richards, Councilor Thorstad.
- b) Request for Council Action – Approving Resolution 24 to update salary schedules
City Manager Young gave a report on the updated salary schedules.
Motion to approve Resolution No. 24 was made by Councilor Trask, Seconded by Councilor Sanchez.
Voting Yea: Mayor Coleman, Pro Tem Mahler, Councilor Trask, Councilor Gourley, Councilor Sanchez, Councilor Thorstad
Voting Nay: Councilor Richards
- c) Request for Council Action – Reviewing and Approving the Contract for the Visitor’s Center
City Manager Young reported on the past contract and the operations and funding moving forward.
Lagea Mull, Executive Director of the Chamber of Commerce, reported on changes to business hours and frequency of Chamber of Commerce reports.
Motion to approve the Contract for the Visitors Center was made by Pro Tem Mahler, Seconded by Councilor Richards.
Voting Yea: Pro Tem Mahler, Councilor Trask, Councilor Gourley, Councilor Sanchez, Councilor Richards, Councilor Thorstad.
Abstain: Mayor Coleman
- d) Request for Council Action – Approving a Personal Services Contract with the Community Services Consortium
City Manager Young discussed the Services Contract with the Councilors.

Motion to approve the Services Contract with the Community Services Consortium was made by Councilor Sanchez, Seconded by Councilor Richards.
Voting Yea: Mayor Coleman, Pro Tem Mahler, Councilor Trask, Councilor Gourley, Councilor Sanchez, Councilor Richards, Councilor Thorstad.

Ordinance Bills

Request for Council Action and First Reading of Ordinance Bills

Second Reading of Ordinance Bills

Third Reading of Ordinance Bills (Roll Call Vote Required)

Reports of Committees:

Mayor Coleman gave a brief introduction of committees

Remove richards from Library, mahler appointed

Ad Hoc Committee on Health

Ad Hoc Committee on Arts and Culture

Councilor Gourley gave a report.

Administrative and Finance/Property

Traffic Safety Committee

Councilor Richards and Councilor Thorstad will be liaisons.

Area Commission on Transportation

Chamber of Commerce

Charter Review Committee

Council of Governments

Library Advisory Board

Councilor Richards asked to be removed as the Library Board liaison. Pro Tem Mahler volunteered to be the liaison.

Park and Tree Committee

Solid Waste Advisory Council

Youth Advisory Council

Reports of City Officials:

City Manager's Report

City Manager Young gave a report.

Mayor's Report

Department Director's Reports (1st meeting of the Month)

Library Services Director

Community and Economic Development Director

Public Works Director

Department Director's Reports (2nd meeting of the Month)

Finance Director

Police Chief

City Attorney

Council Business for Good of the Order

Adjournment

Meeting Adjourned 7:35 PM

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

From: David Allen
Sent: Sunday, October 1, 2023 2:27 PM
To: Erik Glover
Cc: Department Heads; City Council; Robert Emond
Subject: Re: October 02. 2023 Work Session and City Council Agenda

For the Oct. 2 work session agenda item 2.C. (discussion on action minutes), include this e-mail in the agenda packet. --David

ORS 192.650 (link below) sets out the requirements for meeting minutes:

https://oregon.public.law/statutes/ors_192.650

These requirements are summarized in the AG's public records/meetings manual (2019) as follows:

A governing body must provide for written minutes of its meetings and executive sessions, or sound, video, or digital recording. The written minutes or recording must include at least the following information:

- members present;
- motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- results of all votes; and, the vote of each member by name, except for public bodies consisting of more than 25 members unless recording by name is requested by a member of that body;
- the substance of any discussion on any matter; and
- a reference to any document discussed at the meeting, unless even a reference to the document is exempt under Public Records Law.

Written minutes need not be a verbatim transcript, and a sound, video, or digital recording is not required to contain a full recording of the meeting, except as otherwise provided by law. However, the minutes or recording must contain the above information and must give "a true reflection of the matters discussed at the meeting and the views of the participants."

* * * * *

192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.311 to 192.478 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.311 to 192.478.

(4) A public body may charge a person a fee under ORS 192.324 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

Tentative Planning Commission Work Program

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



July 10, 2023

Regular Session

- Findings and Final Order on Conditional Use Permit for Samaritan Drug/Alcohol Rehab Facility Offices
- Findings and Final Order on Sign Variance for Port of Newport at Port Dock 1
- Hearing on File 3-VAR-23, Front Yard Variance for J.T. Roth Construction at 1515 NW Spring Street

July 24, 2023

Work Session

- City Center Revitalization Project Update and Revised Scope of Work
- Review Concept for DLCDC Grant Application to Evaluate Feasibility of a Rental Housing Maintenance Code
- Discuss Options for Amending Affordable Housing CET Code and Market Rate Multi-Family Incentives

July 24, 2023

Regular Session

- Final Order & Findings for File 3-VAR-23, Front Yard Variance for J.T. Roth Construction at 1515 NW Spring St

August 14, 2023

Work Session

- Review 2023 State of Oregon Legislative Changes (Land Use and Related Bills)
- Outreach Plan for Bayfront Parking Management Plan Rollout
- Community Development Department Web GIS Map
- Second Review of Amendments to Special Parking Area Regulation (Relates to Bayfront Pkg Management Plan)

August 14, 2023

Regular Session

- Initiate Legislative Amendments to Special Parking Area Regulations (Relates to Bayfront Pkg Management Plan)

August 28, 2023

CANCELLED

September 11, 2023

Work Session

- Discussion about potential craft/cottage industry code language for Newport commercial areas
- Project Advisory Committee for City Center Revitalization Project
- Release of Draft Update to Yaquina Bay Estuary Management Plan

September 11, 2023

Regular Meeting

- Hearing on File 1-PD-23, Amended Final Development Plan for OSU Student/Faculty Housing in Wilder

September 25, 2023

Regular Session

- Hearing on Amendments to Special Parking Area Regulation (Relates to Bayfront Pkg Management Plan)
- Final Order and Findings for Amended Final Development Plan for OSU Student/Faculty Housing in Wilder

October 9, 2023

Work Session

- Land Use Training, Brett Estes, DLCDC North Coast Regional Representative

October 23, 2023

Work Session

- Review of Municipal Code amendments to comply with 2023 State of Oregon Legislative Mandates
- Review Draft Affordable Housing CET Code Amendments (Implementing the HPS)
- Upcoming Changes to Format and Content of Planning Commission Minutes

October 23, 2023

Regular Session

- Initiate Legislative Amendments to Implement 2023 State of Oregon Legislative Mandates

November 13, 2023

Work Session

- Initial review of land use amendments to facilitate the construction of needed housing (Implementing the HPS)
- Placeholder for follow-up on new craft/cottage industry code language for Newport commercial areas