

CITY OF FLORENCE PLANNING COMMISSION
November 28, 2017 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson John Murphey called the meeting to order at 7:00 p.m. Roll call: Chairperson John Murphey, Commissioner Brian Jagoe, Commissioner Clarence Lysdale, Commissioner Sandi Young and Commissioner Ron Miller were present. Commissioner Michael Titmus and Vice Chairperson Robert Bare were absent and excused. Also present: Planning Director Wendy FarleyCampbell, Associate Planner Glen Southerland, Admin Asst. Vevie McPherran, and Planning Intern Nadjia O’Lauren.

APPROVAL OF AGENDA

Commissioner Miller motioned to approve the agenda. Commissioner Young seconded. By voice, all ayes. The motion passed.

APPROVAL OF MINUTES

Commissioner Young motioned to approve the minutes of October 17, 2017. Commissioner Miller seconded. By voice, all ayes. The motion passed.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission’s attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **three minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING

Chairperson Murphey announced there was one public hearing before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualifications of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner’s bias, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

RESOLUTION PC 17 23 CUP 10 – 31st Street Duplex: An application from Greg Welton of Greg Welton Construction, on behalf of Chris & Denine Polito for a Conditional Use Permit, seeking approval to convert the existing residence at 1706 31st Street into a duplex by constructing an attached three car garage with an apartment above that will include the new addition of 1,144 square feet. This use is permitted conditionally within the Highway Zoning District. The site is located west of Highway 101 at Map #18-12-23-23, Tax Lots 05400 & 05500 in the Highway Zoning District, regulated by Florence City Code Title 10, Chapter 16.

Chairperson Murphey opened the public hearing at 7:05 p.m. and asked for the staff report.

AP Southerland presented the staff report that included Exhibit D delivered on the dais (see attachment). There was discussion about Condition #7.5 regarding the requirements for driveway apron construction and AP Southerland explained the condition and modified the language to state, *“The applicant shall be responsible for the construction of approved sidewalks meeting City Standards and Specifications along 31st Street. The applicant shall also be responsible for obtaining any needed right-of-way permitting for the proposed driveway or existing curb cut prior to construction.”* AP Southerland also addressed the question of possible utilities within the right-of-way and added Condition #9 that stated, *“The applicant shall provide easements for all water and sewer utilities within the former Pine Street right-of-way.”* AP Southerland concluded with the statement of alternatives and asked for questions from the Commissioners.

Commissioner Jagoe asked about restrictions on the utilities easement and AP Southerland explained it could be paved however, there could be no buildings placed on it. There was discussion regarding potential fire, life, and safety code issues with the proposed addition above a garage and AP Southerland indicated those codes would be met with the issuance of the building permit. Commissioner Lysdale asked if there would be provisions given to the proposed common wall and AP Southerland indicated a fire wall requirement should be addressed at the time of building permit issuance. AP Southerland also clarified that the driveway would be paved.

Applicant – Ed Deitz, Project Designer – Florence, OR

Mr. Deitz clarified that the entrance to the proposed addition had a separate access and the fire egress met code.

Staff clarified the modification of Condition #7.5. Chairperson Murphey asked if the applicant understood and agreed and Mr. Deitz replied that he did. There was no public testimony. Staff recommended approval of the application subject to the conditions of approval as outlined.

Chairperson Murphey closed the public hearing at 7:32 p.m.

There was no Commission deliberation.

Commissioner Jagoe motioned to approve Resolution PC 17 23 CUP 10 – 31st Street Duplex with the addition of Condition #9 and the modification of Condition #7.5 as stated by Staff. Commissioner Miller seconded.

By roll call vote: Commissioner Miller, “yes”; Chairperson Murphey, “yes”; Commissioner Lysdale, “yes”; Commissioner Jagoe, “yes”, Commissioner Young, “yes”. Commissioner Lysdale, “yes”. Commissioner Titmus and Vice Chairperson Bare were absent and excused. Motion passed 5-0.

SB 1051 - STAFF PRESENTATION – Nadjia O’Lauren, Planning Intern

Nadjia O’Lauren presented the SB 1051 Power Point to the Planning Commissioners (see attachment).

There was discussion between Staff and Commissioners regarding the State ADU code announcement in January 2018, work sessions, policies, code updates and implementation.

DLCD TSUNAMI CODE CHANGE Preview

AP Southerland presented the DLCD Tsunami Code Change Preview to the Planning Commissioners (see attachment). He concluded and recommended oregongeology.org as a resource for important tsunami information. There was brief discussion regarding the obstacles and after effects of a local tsunami.

PLANNING COMMISSION DISCUSSION ITEMS

There were none.

PLANNING DIRECTOR’S REPORT

There was no report

CALENDAR

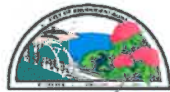
AP Southerland extended the invitation to the December 5th HEOP meeting at the FEC, stated that the December 12th Planning Commission meeting was rescheduled to December 19th and the next meeting tentatively scheduled on January 23, 2018 would be held at the Florence Events Center. He concluded and said that the CC/PC joint HEOP/ADU work session was scheduled for January 24, 2018 at 10:00 a.m.

Chairperson Murphey adjourned the meeting at 8:51 p.m.

John Murphey, Chairperson
Florence Planning Commission

Date

31st Street Duplex PC 17 23 CUP 10



• PC 17 23 CUP 10 - 31st St. Duplex 11/28/2017 #2

Applicable Criteria

Florence City Code, Title 10:
 Ch. 1: Zoning Administration, Section 1-6-3
 Ch. 3: Off Street Parking & Loading, Sections 2 through 4 and 8
 Ch. 4: Conditional Uses, Sections 3 and 5 through 11
 Ch. 8: Nonconforming Lots and Uses, Section 2
 Ch. 16: Highway District, Sections 3 through 5, and 7

• PC 17 23 CUP 10 - 31st St. Duplex 11/28/2017 #2

Applicable Criteria

Florence City Code, Title 10:
 Chapter 35: Access and Circulation, Sections 2 & 3
 Chapter 36: Public Facilities, Section 2-16
 Chapter 37: Lighting, Sections 2 through 5

Realization 2020 Florence Comprehensive Plan:
 Chapter 2: Land Use, Residential Policies 7, 8 and 10, Recommendation 2

• PC 17 23 CUP 10 - 31st St. Duplex 11/28/2017 #3

Introduction

Oct. 12, 2017 – Application received
Nov. 6, 2017 – Deemed complete

Application for 3-car garage and upper dwelling addition to existing single-family residence.

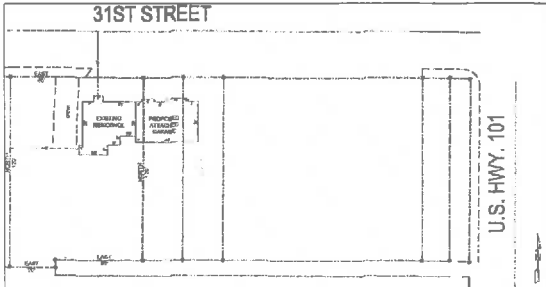
• PC 17 23 CUP 10 - 31st St. Duplex 11/28/2017 #4

Location



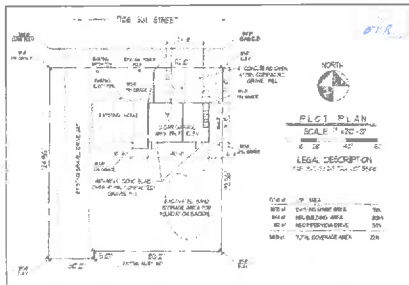
• PC 17 23 CUP 10 - 31st St. Duplex 11/28/2017 #5

Site Plan



• PC 17 23 CUP 10 - 31st St. Duplex 11/28/2017 #6

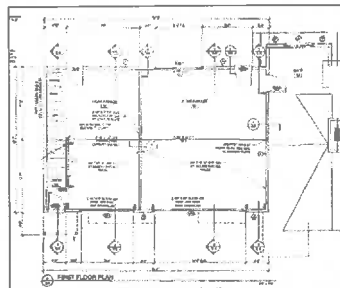
Site Plan



● PC 17 23 CUP 10 - 31st St. Duplex

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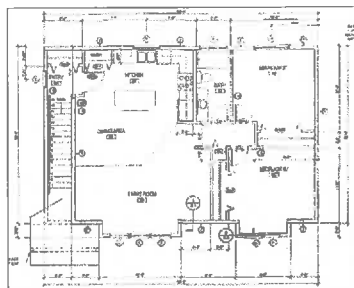
Floor Plan - 1st Floor



● PC 17 23 CUP 10 - 31st St. Duplex

11/28/2017 ● 8

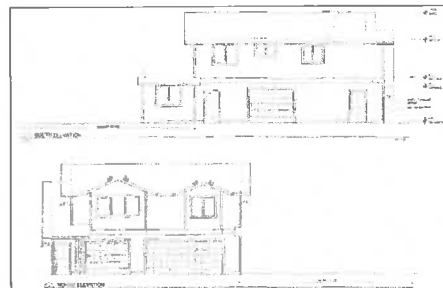
Floor Plan - 2nd Floor



● PC 17 23 CUP 10 - 31st St. Duplex

11/28/2017 ● 9

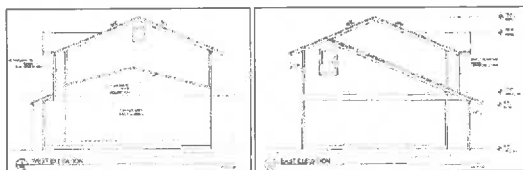
Elevations - F & R



● PC 17 23 CUP 10 - 31st St. Duplex

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Elevations - Side (E&W)



● PC 17 23 CUP 10 - 31st St. Duplex

11/28/2017 ● 11

Site - 2012



● PC 17 23 CUP 10 - 31st St. Duplex

11/28/2017 ● 12

Testimony

Public Testimony:

None Received

Referral Comments:

Exhibit D – Public Works Comments

● PC 17 23 CUP 10 – 31st St. Duplex

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Staff Recommendation

The application meets the applicable criteria of City Code and the Florence Realization 2020 Comprehensive Plan and **recommends approval** of the application with the following conditions of approval and modifications:

● PC 17 23 CUP 10 – 31st St. Duplex

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Conditions of Approval

4. Req. parking spaces not converted to storage.
5. **Conditional Use Reqs.**
 - 5.1. Auth. to Nov. 28, 2018
 - 5.2. Discontinuance of use
 - 5.3. Sidewalk 5' in width along 31st Street

● PC 17 23 CUP 10 – 31st St. Duplex

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Conditions of Approval

- 5.4. Three trees in addition to any others removed.
- 5.5. Trash enclosure.
6. **Zoning District Reqs.**
 - 6.1. No storage, display, etc. within yards & open areas.
 - 6.2. Until residential infill, 35% enclosed building & 65% impervious coverage.
 - 6.3. Yard regulations of SFR District.
 - 6.4. Evergreen hedge along eastern edge of property.

● PC 17 23 CUP 10 – 31st St. Duplex

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Conditions of Approval

7. **Access and Circ. Reqs.**
 - 7.1. No storage, display, etc. within yards & open areas.
 - 7.2. Grade of driveway ≤15%
 - 7.3. Driveway apron construction approval by PW Director.
 - 7.4. Vision clearance area.
 - 7.5. Applicant responsible for sidewalks meeting City stds. & specs/ROW permits.

● PC 17 23 CUP 10 – 31st St. Duplex

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Conditions of Approval

8. **Lighting Requirements**
 - 8.1. All lighting to meet req. of FCC 10-37 prior to C of O.
 - 8.2. Lighting plan with building permit application.
 - 8.3. Lighting meeting reqs. and under 20ft in height.
- 9.* **Easement for utilities within vacated Pine St.**
 - Info. 1. Check with PW Director regarding existing connections.
 - Info. 2. ROW Permit to install sidewalk and aprons.

● PC 17 23 CUP 10 – 31st St. Duplex

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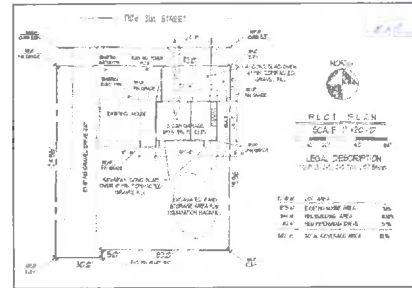
Alternatives

1. Approve the application;
2. Deny the application;
- 3. Modify the findings, reasons, or conditions and approve the proposal; (Add Exhibit D and Condition 9), or**
4. Continue the Public Hearing to a date certain if more information is needed.

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Questions?



■ PC 17 23 CUP 10 - 31st St, Duplex

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Glen Southerland

From: Mike Miller
Sent: Wednesday, November 22, 2017 2:27 PM
To: Glen Southerland
Cc: Wendy Farley-Campbell; Brenda Cervantes
Subject: RE: 31st Street Duplex

Hi Glen,

It appears that Pine Street was vacated in this area, however we do own and operate a 6-inch water main that is located in what would have been the Pine Street ROW between 30th and 31st streets. We will need to secure an utility easement, minimum 20 feet wide centered over the water main, and potentially another easement for the sanitary sewer. It appears that there is a sanitary sewer in what would have been Pine Street ROW that serves 1692 31st Street. The sewer line does not go all the way to 31st Street.

Mike

From: Glen Southerland
Sent: Tuesday, November 21, 2017 11:34 AM
To: Mike Miller <mike.miller@ci.florence.or.us>
Cc: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>; Brenda Cervantes <brenda.cervantes@ci.florence.or.us>
Subject: 31st Street Duplex

Hi Mike,

Did you happen to have any comments about the addition of a dwelling at 1706 31st Street? Are there any utilities located within the vacated Pine Street ROW?

Thank you,
Glen Southerland
Associate Planner
City of Florence Planning Department
ci.florence.or.us
250 Highway 101
Florence, OR 97439
Phone: (541) 997-8237

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Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



July 24, 2017

TO: Interested Persons, Local Governments and State Agencies

FROM: Ellen Miller, Legislative Coordinator
Department of Land Conservation and Development

SUBJECT: 2017 Land Use Legislation

The attached report describes legislation that has been enacted by the 2017 legislature and that is related to land use planning or programs administered by the Department of Land Conservation and Development (DLCD). Not all the bills listed here are signed by the Governor as of the date of this report. This report is also published on the DLCD web site at:

http://www.oregon.gov/LCD/Pages/publications.aspx#Director_s_Office

This report provides only a brief summary of each legislative measure. Many of these new laws have elements in addition to those described in the summary, or may include details not apparent in the summary. Therefore, we recommend that you use the report primarily as a reference to new laws that may be of interest.

In general, if legislation does not specify an effective date, the new law will take effect on January 1, 2018. However, many of the bills enacted in the 2017 session take effect upon passage (with the Governor's signature). The attached report indicates the effective date of all bills that are signed by the Governor at the time of the report.

State law (ORS 197.646¹) requires DLCD to notify local governments when new statutory requirements require changes to local comprehensive plans, regional framework plans, or ordinances implementing these plans. The department is providing this report for that purpose with the caveat that DLCD cannot determine which bills will apply to specific local governments, or which bills will require changes. Therefore, the department suggests local governments seek advice from legal counsel in considering whether new laws on this list require local changes and when such changes should be adopted given the applicability date of the new laws.

¹ Oregon Law (ORS 197.646) requires that "a local government shall amend its acknowledged comprehensive plan, regional framework plan, and land use regulations implementing the plan, by a self-initiated post-acknowledgment process under ORS 197.610 to 197.625 to comply with ... a new statutory requirement." Furthermore, this statute requires that, "when a local government does not adopt amendments to a comprehensive plan, a regional framework plan and land use regulations implementing the plan as required by ... this section, the new statutory ... requirements apply directly to the local government's land use decisions."

The department believes the following bills will most likely require changes to certain (primarily county) acknowledged comprehensive plans and/or land use regulations: **[HB 2179](#) Biosolids Mixing**, **[HB 3055](#) Lot Line Adjustments**, **[SB 644](#) Non-aggregate Mineral Mining Permits**, **[SB 677](#)* Cider Business Privileges**, and **[SB 1051](#)* Housing Supply Bill (originally HB 2007)**. However, additional bills listed in this report may also require changes for certain local governments. Several of these measures authorize but do not require local plan and code amendments. Others may apply only to specific local governments indicated in the legislation.

If you have further questions about farm and forest use legislation contact Tim Murphy, Farm and Forest Lands Specialist, at 503-934-0048, timothy.murphy@state.or.us. If you have further questions about SB 1051 contact Gordon Howard, Principal Urban Planner, at 971-673-0964, gordon.howard@state.or.us.

Finally, we note that some of these new or amended statutes may soon be reflected in new or amended DLCD administrative rules adopted in response to the legislation. This required rulemaking will be summarized in the Land Conservation and Development Commission (LCDC) 2017-19 Policy agenda. The [Draft 2017-19 Policy Agenda](#) is available on the DLCD website and rulemaking that is a result of recent legislation is posted as a [supplement](#) to the draft policy agenda.

This report includes hyperlinks for easy download of a pdf file of the final “enrolled” version of bills published on the Oregon Legislative Information System (OLIS). All legislation considered in the 2017 legislative session, including a large number of measures that were submitted but did not pass, may be accessed at <https://olis.leg.state.or.us/liz/2017R1>. DLCD does not have printed copies of legislative measures available for distribution.

If you have questions or comments about the attached report or other legislation, please call DLCD legislative coordinator: Ellen Miller, ellen.l.miller@state.or.us, 503-934.0020.

Cc: LCDC, LOC, AOC, LOAC, CIAC

Final Report on 2017 Land Use Legislation

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The following bills relating to land use planning or similar topics have been enacted by the 2017 Oregon Legislature. Most of the bills listed here have been signed by the Governor at the time of this report, unless otherwise noted.

For questions about this report, contact Ellen Miller, (503) 934-0020, ellen.l.miller@state.or.us.
For information about the Oregon Legislature, call (503) 986-1180.

Bill Name	Bill Summary	Effective Date
HB 2012	Defines "Eastern Oregon Border Economic Development Region." Establishes Eastern Oregon Border Economic Development Board, in collaboration with Oregon Business Development Department, to formulate and implement strategies and practices for strategic investment in workforce development and economic development in Eastern Oregon Border Economic Development Region and to make grants or loans to eligible applicants to encourage workforce development and economic development in region. Sets forth duties, functions and responsibilities of department and board. Establishes Eastern Oregon Border Economic Development Board Fund and continuously appropriates moneys to department for board for purposes set forth in Act. Appropriates moneys from General Fund to department for deposit in Eastern Oregon Border Economic Development Board Fund. Declares emergency, effective on passage.	Awaiting signature.
HB 2017	Modifies and adds laws related to transportation. Transportation Funding Package.	October 6, 2017
HB 2031	Permits owner of Metolius resort site to apply to county for approval of small-scale recreation community within three years if owner meets certain requirements. Modifies areas on which small-scale recreation community may not be sited. Directs county court to enforce requirements of weed control district. Declares emergency, effective on passage.	June 29, 2017
HB 2095	Allows metropolitan service district to revise demonstration of sufficient buildable lands on single occasion under certain circumstances and to expand urban growth boundary if metropolitan service district concludes expansion is warranted.	January 1, 2018
HB 2140	Requires seller of real property to disclose seismic risk in seller's property disclosure statement.	January 1, 2018

Bill Name	Bill Summary	Effective Date
HB 2159	Changes definition of "cider" for purposes of alcohol control laws and alcohol taxation laws. Exempts licensee producing only cider from certain winery licensee requirements regarding federal permits	January 1, 2018
HB 2179	Permits onsite treatment o septage prior to application of biosolid on exclusive farm use land using treatment facilities that are portable, temporary and transportable by truck trailer during authorized period of time.	May 25, 2017
HB 2316	Requires city with population of less than 25,000 to determine estimated housing need for 20-year period, inventory buildable land and adopt measures as part of periodic or legislative review of comprehensive plan.	January 1, 2018
HB 2730	Makes golf course on high-value farmland meeting certain criteria conditional use in area zoned for exclusive farm use.	January 1, 2018
HB 2737	Requires Director of Department of Consumer and Business Services to adopt construction standards for homes that have floor area of not more than 600 square feet. Identifies certain matters for inclusion in standards. Requires that initial construction standards for small homes become effective by January 1, 2018. Requires director to report to committee of Legislative Assembly no later than March 1, 2019, regarding implementation and use of construction standards for small homes. Allows inclusion of director's recommendations regarding small home construction standards in report.	October 6, 2017
HB 2743	Directs Land Conservation and Development Commission to establish and implement pilot program to implement master plan for economic development on land adjacent to airport with approved airport master plan in rural area. Establishes criteria for pilot program. Requires commission to report on pilot program during 2022 regular session of Legislative Assembly.	Awaiting signature.
HB 2785	Exempts from requirements of removal-fill laws removal or filling, or both, originally intended or subsequently used for establishment, repair, restoration, resumption or replacement of certain uses on lands zoned for exclusive farm use, forest use or mixed farm and forest use that were established on or before January 1, 2017.	January 1, 2018
HB 3012	Permits county to allow owner of lot or parcel of at least two acres zoned for rural residential uses to construct new single-family dwelling on lot or parcel if owner converts existing historic home to accessory dwelling unit.	January 1, 2018
HB 3055	Modifies authority to use property line adjustment on certain units of land established by subdivision or partition authorized by waiver.	January 1, 2018

Bill Name	Bill Summary	Effective Date
HB 3149	Requires development of plan for Oregon Coast Trail.	Awaiting signature.
HB 3202	Provides procedures and requirements for establishing criteria for siting of Southwest Corridor MAX Light Rail Project. Provides procedures for review of criteria and land use decisions for siting of Southwest Corridor MAX Light Rail Project. Declares emergency, effective on passage.	Awaiting signature.
HB 3245	Permits city to authorize planning commission or hearings officer to conduct hearings and make final decisions on applications for amendments to city comprehensive plan map. Permits person who appeared or participated in proceedings orally or in writing to appeal or petition for review of final decision to city governing body.	January 1, 2018
HB 3249	Establishes Oregon Agricultural Heritage Fund and continuously appropriates moneys in fund to Oregon Watershed Enhancement Board. Authorizes use of moneys for purposes associated with supporting use of land for agricultural production, maintenance or enhancement of fish or wildlife habitat, improvement of water quality or support of other natural resource values. Establishes programs to provide grants for qualifying conservation management plans, working land conservation covenants or working land conservation easements on agricultural lands. Establishes Oregon Agricultural Heritage Commission and specifies duties of commission. Makes provisions related to supporting use of land for agricultural production, fish and wildlife habitat, water quality and other natural resource values, fund establishment, grant programs and establishment and duties of commission operative January 1, 2018. Appropriates moneys from General Fund to Oregon Watershed Enhancement Board for 2017-2019 biennium for carrying out provisions. Requires Legislative Policy and Research Director to study effect of financial incentives, incremental tax reduction and tax elimination on transfers and succession planning for land used for agricultural production, maintenance or enhancement of fish or wildlife habitat, improvement of water quality or support of other natural resource values. Requires director to complete study and report findings to interim legislative committee on or before September 15, 2018. Declares emergency, effective on passage.	Awaiting signature.
HB 3456	Permits establishment of photovoltaic solar power generation facility on certain high-value farmland. Declares emergency, effective on passage.	June 29, 2017

Bill Name	Bill Summary	Effective Date
SB 3	Prohibits motorized in-stream placer mining in certain areas in order to protect indigenous anadromous salmonids and habitat essential to recovery and conservation of Pacific lamprey. Requires applications for water quality permits to engage in motorized in-stream placer mining to include certain information. Places certain conditions on motorized in-stream placer mining pursuant to water quality permit. Establishes certain fees for water quality permits for motorized in-stream placer mining. Punishes motorized in-stream placer mining without permit coverage by maximum of \$2,000 fine. Requires motorized equipment used for motorized in-stream placer mining to be inspected at aquatic invasive species check stations. Provides that motorized in-stream placer mining permitting, use restriction, inspection and penalty provisions become operative January 3, 2021. Requires consultation to determine whether state and federal mining programs can be better coordinated.	January 1, 2018
SB 333	Requires Oregon Business Development Department to consult with Department of Revenue in establishing and administering Oregon Industrial Site Readiness Program. Directs Oregon Business Development Department to obtain employment and wage information for eligible employer at regionally significant industrial site and to determine annual amount of estimated incremental income tax revenues generated by eligible employer per tax year. Requires Oregon Business Development Department to request that Oregon Department of Administrative Services certify amounts determined to be estimated incremental income tax revenues. Permits Employment Department to disclose to Oregon Business Development Department information required by Oregon Business Development Department in performing department's duties with respect to Oregon Industrial Site Readiness Program.	October 6, 2017
SB 418	Requires Director of Department of Land Conservation and Development, at city's request, to approve or remand sequential phases of work tasks related to potential amendment of urban growth boundary.	January 1, 2018

Bill Name	Bill Summary	Effective Date
SB 644	Exempts county permit application for mining operation on significant mineral resource site in certain counties from requirements for uses in exclusive farm use zones and statewide land use planning goals and rules relating to land use. Provides exceptions. Requires State Department of Geology and Mineral Industries to issue provisional operating permit for mining operation of significant mineral resource site if permit contains and applicant meets certain conditions. Requires department to provide notice of application for operating permit of significant mineral resource site to each permitting agency and cooperating agency and to provide opportunity to respond, identifying expected adverse effects of proposed operation. Requires department to include in operating permit conditions addressing adverse effect under certain circumstances. Requires project coordinating committee to analyze and address conflict identified by private property owner or lessee within impact area. Requires department to avoid or minimize conflict through imposition of permit conditions. Requires department to activate project coordinating committee upon receipt of application for nonaggregate mineral mine operating permit to mine significant mineral resource site.	Awaiting signature.
SB 677	Establishes standards for establishment of cider businesses on land zoned for exclusive farm use or on land zoned for mixed farm and forest use.	January 1, 2018
SB 865	Requires county or city governing body to submit notice of tentative plan to certain special districts for district approval prior to approval by governing body. Requires certain special districts to submit report detailing district boundaries, district facilities and easements and rights of way held by special district to each city and county in which any part of district is located. Requires district to notify city or county within 90 days of change to information in report.	January 1, 2018
SB 1039	Declares state policy on ocean acidification and hypoxia. Establishes Oregon Coordinating Council on Ocean Acidification and Hypoxia. Establishes duties of coordinating council. Requires coordinating council to submit biennial report to Legislative Assembly and Ocean Policy Advisory Council by September 15 of each even-numbered year on coordinating council's activities and recommendations.	Awaiting signature.

Bill Name	Bill Summary	Effective Date
SB 1051	<p>Requires city with population greater than 5,000 or county with population greater than 25,000 to review and decide on applications for certain housing developments containing affordable housing units within 100 days. Establishes standards of review for city or county decision on application for certain housing developments located within urban growth boundary. Becomes operative July 1, 2018. Amends definition of "needed housing." Prohibits city or county from denying application for housing development that complies with clear and objective standards. Prohibits city or county from reducing density or height of application if density or height applied for is at or below authorized density for zone. Permits local government to apply clear and objective standards, conditions and procedures regulating development of housing that regulate density or height of development. Prohibits city with population greater than 2,500 or county with population greater than 15,000 from prohibiting building accessory dwelling unit in area zoned for single-family dwellings. Becomes operative July 1, 2018. Requires city and county to allow nonresidential place of worship to use real property for affordable housing. Requires local government to annually report to Department of Land Conservation and Development certain information relating to applications received for development of housing containing one or more units sold or rented below market rate as part of housing program.</p>	<p>Awaiting signature.</p>
SB 5527	<p>Appropriates moneys from General Fund to Department of Land Conservation and Development for certain biennial expenses. Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by department. Limits biennial expenditures by department from federal funds.</p>	<p>July 1, 2017</p>

Enrolled
Senate Bill 1051

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER

AN ACT

Relating to use of real property; creating new provisions; amending ORS 197.178, 197.303, 197.307, 197.312, 215.416, 215.427, 215.441, 227.175, 227.178 and 227.500; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater.

(b) "Multifamily residential building" means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

(2) Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or 227.180, within 100 days after the application is deemed complete.

(3) An application qualifies for final action within the timeline described in subsection (2) of this section if:

- (a) The application is submitted to the city or the county under ORS 215.416 or 227.175;
- (b) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;
- (c) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and

(d) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

(4) A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application for a permit, limited land use decision or zone change that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181.

SECTION 2. ORS 215.416 is amended to read:

215.416. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 215.427. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (11) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A county may not approve an application** if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

(b)(A) A county may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A county may not reduce the density of an application for a housing development if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A county may not reduce the height of an application for a housing development if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on an application submitted under this section shall be provided to the owner of an airport defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the county planning authority; and

(b) The property subject to the land use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a land use hearing need not be provided as set forth in subsection (6) of this section if the zoning permit would only allow a structure less than 35 feet in height and the property is located outside the runway "approach surface" as defined by the Oregon Department of Aviation.

(8)(a) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(b) When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(9) Approval or denial of a permit or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(10) Written notice of the approval or denial shall be given to all parties to the proceeding.

(11)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county's land use regulations. A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the county. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(12) A decision described in ORS 215.402 (4)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(13) At the option of the applicant, the local government shall provide notice of the decision described in ORS 215.402 (4)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(14) Notwithstanding the requirements of this section, a limited land use decision shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 3. ORS 227.175 is amended to read:

227.175. (1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A city may not reduce the density of an application for a housing development if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not reduce the height of an application for a housing development if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway "approach surface" as defined by the Oregon Department of Aviation.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home

or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

(10)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 4. ORS 197.303 is amended to read:

197.303. (1) As used in ORS 197.307, "needed housing" means **all housing [types] 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 [particular] price ranges and rent levels, including] 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 [at least] the following housing types:**

(a) Attached and detached single-family housing 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) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section [shall] 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) A local government 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 5. ORS 197.307 is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-wide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of hous-

ing, including needed housing [on buildable land described in subsection (3) of this section]. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, ar-

chitectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

SECTION 6. ORS 197.312 is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

SECTION 7. ORS 215.441 is amended to read:

215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

(a) **Worship services.**

(b) **Religion classes.**

(c) **Weddings.**

(d) **Funerals.**

(e) **Meal programs.**

(f) **Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**

(g) **Providing housing or space for housing in a building that is detached from the place of worship, provided:**

(A) **At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;**

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(2) A county may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review or design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or restrict the use of real property by a place of worship described in subsection (1) of this section if the county finds that the level of service of public facilities, including transportation, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a county may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 8. ORS 227.500 is amended to read:

227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a city shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

(a) **Worship services.**

(b) **Religion classes.**

(c) **Weddings.**

(d) **Funerals.**

(e) **Meal programs.**

(f) **Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**

(g) **Providing housing or space for housing in a building that is detached from the place of worship, provided:**

(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(2) A city may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review and design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or regulate the use of real property by a place of worship described in subsection (1) of this section if the city finds that the level of service of public facilities, including transporta-

tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a city may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 9. ORS 197.178 is amended to read:

197.178. (1) Local governments with comprehensive plans or functional plans that are identified in ORS 197.296 (1) shall compile and report annually to the Department of Land Conservation and Development the following information for all applications received under ORS 227.175 for residential permits and residential zone changes:

(a) **The total number of complete applications received for residential development, [including the net residential density proposed in the application and the maximum allowed net residential density for the subject zone] and the number of applications approved;**

[(b) The number of applications approved, including the approved net density; and]

[(c) The date each application was received and the date it was approved or denied.]

(b) The total number of complete applications received for development of housing containing one or more housing units that are sold or rented below market rate as part of a local, state or federal housing assistance program, and the number of applications approved; and

(c) For each complete application received:

(A) The date the application was received;

(B) The date the application was approved or denied;

(C) The net residential density proposed in the application;

(D) The maximum allowed net residential density for the subject zone; and

(E) If approved, the approved net residential density.

(2) The report required by this section may be submitted electronically.

SECTION 10. 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 section 1 of this 2017 Act** 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 section 1 of this 2017 Act** 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 section 1 of this 2017 Act do** [does] not apply to 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.

(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 215.429 **or section 1 of this 2017 Act** 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 [subsection (1)] **subsections (1) and (5) of this section and section 1 of this 2017 Act** [and the period set forth in subsection (5) of this section] 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 11. 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 de-

cision 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 section 1 of this 2017 Act 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 section 1 of this 2017 Act 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 section 1 of this 2017 Act do [does] not apply to 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.

(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 227.179 or **section 1 of this 2017 Act** 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 *[period]* **periods** set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* 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 12. The amendments to ORS 197.312, 215.416 and 227.175 by sections 2, 3 and 6 of this 2017 Act become operative on July 1, 2018.

SECTION 13. (1) Section 1 of this 2017 Act and the amendments to ORS 197.178, 197.303, 197.307, 215.427, 215.441, 227.178 and 227.500 by sections 4, 5 and 7 to 11 of this 2017 Act apply to permit applications submitted for review on or after the effective date of this 2017 Act.

(2) The amendments to ORS 215.416 and 227.175 by sections 2 and 3 of this 2017 Act apply to applications for housing development submitted for review on or after July 1, 2018.

(3) The amendments to ORS 197.312 by section 6 of this 2017 Act apply to permit applications for accessory dwelling units submitted for review on or after July 1, 2018.

SECTION 14. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate April 19, 2017

Repassed by Senate July 7, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House July 6, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

.....
Dennis Richardson, Secretary of State

ACCESSORY DWELLING UNIT ANALYSIS	
BENEFITS	COSTS
❖ GREEN CITY INITIATIVES <ul style="list-style-type: none"> ○ EMISSIONS (KgCO₂)e ○ MMBTU/YR. 	❖ MODIFY CITY CODES <ul style="list-style-type: none"> ○ SAFETY CODES ○ LIVABILITY
❖ MISMATCH BETWEEN HOUSEHOLD SIZE AND HOUSEHOLD COMPOSITION	❖ TRENDING <ul style="list-style-type: none"> ○ VARIABLE INCOME ○ NEEDED HOUSING
❖ HOUSING MARKET ECONOMY	❖ POTENTIAL IMPACT ON LIVABILITY
❖ LEGALIZING DEVELOPMENT	❖ PARKING SPACES
❖ HIGH-DENSITY DEVELOPMENT	❖ IMPACT ON HOMELESSNESS INCONCLUSIVE
❖ WORKFORCE DEVELOPMENT <ul style="list-style-type: none"> ○ HABITAT FOR HUMANITY ○ APPRENTICESHIP/TRAINING ○ WORKFORCE HOUSING 	❖ USES INCONSISTENT WITH NEEDS <ul style="list-style-type: none"> ○ NEED GREATER THAN SUPPLY ○ EXTRA RENTAL INCOME ○ NEED VERSUS GREED
❖ SINGLE-FAMILY HOUSING	❖ SHORT-RUN GAINS VS. LONG-RUN
❖ FINANCIAL INCENTIVE (FEDERAL FUNDING) <ul style="list-style-type: none"> ○ BOND FUNDS ○ L.I.F.T. AFFORDABLE HOUSING ○ PUBLIC-PRIVATE PARTNERSHIPS 	❖ INITIAL FINANCIAL LAYOUT <ul style="list-style-type: none"> ○ SDC FEES WITHOUT WAIVERS ○ INCENTIVE TO DEVELOP ADU ○ DEVELOPERS PRECONDITIONED
❖ MITIGATE HOMELESSNESS EPIDEMIC <ul style="list-style-type: none"> ○ OPPORTUNITY TO DEVELOP POLICIES ○ PATHWAY TO SELF-SUFFICIENCY ○ "VESTED" TO PROVIDE "NEEDED HOUSING" 	❖ ZONING REGULATIONS <ul style="list-style-type: none"> ○ HIGH-DENSITY DEVELOPMENT ○ EXCLUSIONARY ZONES ○ SEGREGATION OF ADU ○ MORAL IMPERATIVE ON CITY
❖ PROMOTION OF LIVABILITY	❖ NEIGHBORHOOD PRESERVATION
	❖ QUALITY OF LIFE
	❖ COMMUNITY CHARACTER
SOURCE: ADAPTED FROM LIVING FUTURE INSTITUTE (2017) https://living-future.org/	

ACCESSORY DWELLING UNITS

ADU

Nadjia O.'Lauren
Planning Intern
November 28, 2017

LIFE CYCLE CHANGES:

- 30% HOUSEHOLDS = 1-PERSON
- YOUNG COUPLES
- EMPTY NESTERS
- SINGLE PARENTS
- WIDOWS AGING 70-YRS

NEEDED HOUSING:

- 72% ELI + 80% AMI
- ELI ARE COST-BURDENED
- SPENDING 51% INCOME
- GAP: EXISTING VS. NEEDED
- OR STATE VLE [26:100]
- NATION VLE [35:100]

Accessory Dwelling Unit (ADU) Potential

Accessory Dwelling Units
*Report by Don Gifford, Urban Economics Institute

LIVE RENT

CONTEXT

HOUSING SIZE & COMPOSITION

- HOUSES ARE GETTING BIGGER
- YET, HOUSEHOLDS ARE GETTING SMALLER
- AVERAGE HOME SIZE IS 1250 SQ. FT. WITH 1-2- PERSONS PER HOUSEHOLD

MISMATCH

MISSING MIDDLE

- Middle-income families lack affordable housing;
- Housing designed to meet needs of young families and retirees in desirable neighborhoods;
- Affordable housing shortage is 7.4 million;
- There is insufficient housing to meet the needs of Oregonians.

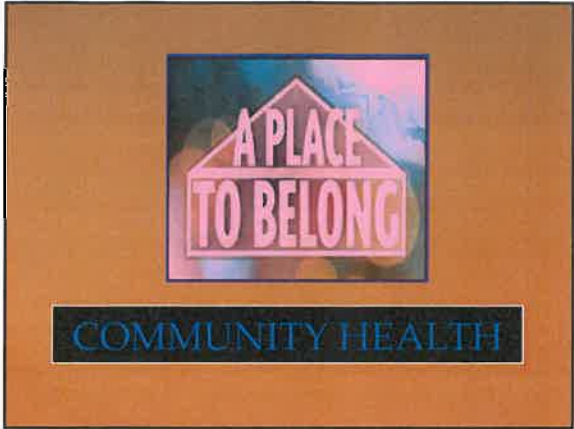
HOUSING CRISIS

- Local jurisdictions are struggling to address an affordable housing shortage;
- Studies project a failure to increase the supply and diversity of housing for both middle and low-income individuals will increase cost of all existing housing;
- Inequities in housing stock have been created by many jurisdictions in creating exclusionary zones and by not offering the housing needed at a price the majority of residents can afford.

EQUITABLE HOUSING

Detached ADU
Seattle, WA

CONCEPT TO DESIGN



Nuisances

Types of Nuisances:

- Unsafe Conditions
- Noxious Weeds
- Refuse
- Accumulated Junk
- Party Houses
- Hazardous Conditions
- Improper Maintenance
- Improper Storage
- City Code Violations
- Improper Conduct
- Dangerous Conditions

Complaint/Violations

Storage on the street	90
Animal Issues	167
Illegal Camping	114
Found property	20
Vegetation Issues	160
Misc.	24
Nuisance	66
Sign Code	33
Business Licenses	32
Permit Issues	12
Obstructing Roadway	7
Sidewalk Repairs	17
Vision Clearance	4
Illegal Dumping	5
Citations	174

CODE ENFORCEMENT

640 sq. ft. Detached ADU with Shed Roof 250 sq. ft. ADU

746 sq. ft. Garage Conversion 458 sq. ft. ADU

2017 ADU Tour Portland, OR

What is an ADU?

- ↳ "Accessory Dwelling Unit" describes a small, "legally permitted" self-constructed residential unit located on the same lot as an existing single-family home.
- ↳ Generally smaller in size, while still including all of the basic amenities found in a primary dwelling, such as a bathroom, kitchen, and sleeping area.

DEFINITION

ACCESSORY DWELLING UNIT (ADU)

- ↳ Secondary Dwelling Unit
- ↳ Granny Unit
- ↳ In-Law Suite
- ↳ In-Law Cottage
- ↳ Back-Yard Cottage

HISTORICAL CONTEXT

ATTACHED ADU

- ⊗ Adjoins primary dwelling
- ⊗ Built to side or rear of home (SET APART).
- ⊗ Example: Above or Attached Garage




Figure 1.1 Attached Accessory Dwelling Unit - Single Story

TYPES OF ADUs

INTERIOR ADU

- ⊗ Located within the primary dwelling.
- ⊗ Built from existing converted space.
- ⊗ Example: Attic or Basement Conversion




Figure 1.2 Interior Accessory Dwelling Unit

TYPES OF ADUs

DETACHED ADU

- ⊗ Separate from primary dwelling.
- ⊗ Built to stand alone or above attached garage.
- ⊗ Example: Backyard Cottage or Granny Flat




Figure 1.3 Detached Accessory Dwelling Unit - Over an Attached Garage

TYPES OF ADUs

MINISTERIAL APPROVAL

- ⊗ Local second-unit ordinances to include ministerial, **non-discretionary approval** for any second unit that meets city requirements.

LIMITED REGULATION

- ⊗ Limits the ability of local government to regulate ADUs, and local governments are required to **adopt an ADU ordinance** in accordance with the new state requirements
- ⊗ Operable by **July 1, 2018**

LEGISLATION

SB 1051 (Operable on July 1, 2018)

- ⊗ Requires local jurisdictions with population greater than 5,000 to review and make decisions on qualifying affordable housing permit application **within 100 days** in the Urban Growth Boundary (UGB).
- ⊗ Requires cities and counties to approve applications if clear and objective development standards for **"Needing Housing"** are met.
- ⊗ Cities and counties must allow **at least one (ADU)** for each detached single-family home in areas zoned for Single-Family Residential.

DEVELOPMENT STANDARDS

EXPANDED DEFINITION

Affordable Housing

⊗ Definition of **"Needing Housing"**

~AND~

Land Zoned

⊗ For Residential Use

NEEDED HOUSING

NON-RESIDENTIAL PLACES OF WORSHIP

◆ ◆ ◆

- ⌘ City and County are required to allow Non-Residential Place of Worship to **USE REAL PROPERTY for "Affordable Housing," UP TO 4 TRAILERS/RV on Site**
- ⌘ Faith-Based Initiatives (First Step) Endeavor to positively impact the HOMELESSNESS EPIDEMIC by **promoting a pathway to self-sufficiency**;
- ⌘ Trailers, Fifth-Wheels, RV's may be deemed as "Affordable Housing," if they meet all applicable FCC Standards for Design and Safe Habitation.

PLACES OF WORSHIP

- ⌘ An ADU is not considered **LEGAL** until it has been approved through the Permitting Process.
- ⌘ The Property Owner must **LIVE IN** the primary dwelling or in the attached or detached dwelling.
- ⌘ Tiny Houses and RV's **ON WHEELS** are treated as camper trailers, and must adhere to parking rules for large vehicles.
- ⌘ Tiny Houses and RVs **ON A FOUNDATION** may be considered detached ADUs.

REGULATIONS

SB 1081
Becomes Operable July 1st, 2015

- ⌘ **Prohibits Cities with populations greater than 2500** (or county with population greater than 15,000) from prohibiting ADU's in areas Zoned for Single-Family Dwellings;
- ⌘ **Prohibits City or County from Reducing Density or Height of Application**;
- ⌘ If Density or Height applied for is at below **Authorized Density for Zone**.

DENSITY

PRE-EXISTING/NON-CONFORMING

- ⌘ **Legalizing an Existing ADU**

DETACHED ADU

- ⌘ **Building a Secondary Unit on same lot**

ATTACHED ADU

- ⌘ **Additions to an existing dwelling**
- ⌘ **Conditional Use Permit may be Issued**

(typical)
BUILDING PERMITS

UTILITY FEES

- ⌘ **Removes secondary utility hook-up fees that have been paid for by the property owner(s) of primary dwelling;**

TIMELY APPROVAL

- ⌘ **Expedites approval process for ADUs;**

PARKING

- ⌘ **Eliminates the parking requirement for ADUs located in proximity to a public transit stop or in low-rise zones.**

OREGON STATE RULES

SITE

- ⌘ **May not exceed (15%) of site area.**

SET BACK

- ⌘ **Detached ADUs typically sit within the same side and rear setbacks as the primary home.**
- ⌘ **Detached ADUs must be set back 40 feet from a front lot line or must be located directly behind the primary dwelling.**
- ⌘ **If ADU is under 15' in height it may sit within the required side and rear setbacks of primary dwelling.**

(typical)
SITE SPECIFICATIONS

ADU BEST PRACTICES

SIZE

- An Attached ADU can be equal to **75%** of the living area of the house or **800 sq. ft.** (whichever is smaller).

HEIGHT

- The maximum height for a Detached ADU is **20 feet** (on sloped roofs, maximum height is calculated to the midpoint of the slope).

(typical)
DESIGN SPECIFICATIONS

APPEARANCE

- ADUs **under 15' in height (and under 24' in length)** have **NO RESTRICTIONS** to match the primary dwelling.
- ADUs **over 15' in height** some restrictions apply:
 - Window orientation and dimension must be the same or visually match those of the primary dwelling;
 - Roof Pitch, Trim, Eaves, Exterior Finish Materials

SPECIFICATIONS

Bob & Jenny Murray - Eugene, OR

Another in-law living addition

Location: Hawthorn View Neighborhood, Eugene, OR (population: 150,000)
 Owner: Bob & Jenny Murray
 Designer & Builder: Garden Valley Design & Construction
 Type: Addition to primary dwelling
 Square Footage: 1150 sq ft
 Year Built: 2001

Architectural Standards

LEGALIZING EXISTING UNIT

To legalize an existing ADU Requires:

- Building Permit

DETACHED ADU

Building a Detached ADU Requires:

ATTACHED ADU

Additions in an existing dwelling
 Conditional Use Permits may be considered by Planning Review Process

BUILDING PERMITS

- ADUs may be constructed in a Zone for **SINGLE-FAMILY Residential Uses**.
- Florence City Code may **LIMIT SIZE and PLACEMENT** of ADU.
- The Property Owner may be required to **LIVE IN** the main house or in ADU.
- An **OWNER-OCCUPANCY COVENANT** must be signed to agree to live in ADU or primary home with Deed Attachment.

(typical) **ZONING CODE**

DETACHED ADU

- ↳ ADU must meet **CURRENT STANDARDS** of the Florence City Code (**FCC**) for residential, building, land use, mechanical, electrical, plumbing, shoreline codes, and environmental impact (wherever applicable).
- ↳ Detached ADU is limited to **800 square feet of floor space**, including storage and garage spaces in Single Family Zones.
- ↳ Detached ADU is limited to **650 square feet** in a low-rise zone.

(typical)
DESIGN REQUIREMENTS

DETACHED ADU

- ↳ A Detached ADU must be situated in a **Single-Family Residential Zone** on a minimum lot size of **4000 square feet**.
- ↳ **One OFF-STREET PARKING SPACE** is required for the Detached ADU, **EXCEPT** in proximity of a public transit or low-rise zone.

(typical)
DESIGN REQUIREMENTS

COMMONALITIES

- ↳ Typically permitted in SFR Zones by right;
- ↳ Special Uses Must be Approved;
- ↳ Short-Term Rentals Allowed with other requirements;
- ↳ All require standards for size, parking, setbacks, and design;
- ↳ Systems Development Charges apply, and may be "Waived."

OTHER CITIES

JURISDICTION	CODE	ZONING
↳ Beaverton, OR	40.05	All Residential and Commercial
↳ Clackamas, OR	839.01	SFR
↳ Corvallis, OR	4.9.40	SFR
↳ Eugene, OR	9.2751 (17)	SFR
↳ Lake Oswego, OR	50.30.010	SFR
↳ Medford, OR	10.823	SFR
↳ Portland, OR	33.205	SFR
↳ Sherwood, OR	16.52	SFR
↳ Springfield, OR	5.5-100	SFR
↳ Tualatin, OR	34.300	SFR

OTHER JURISDICTIONS

Coos Bay—Residential Zones

- ↳ LDR-6 Conditional
- ↳ LDR-6.5 Not permitted
- ↳ MDR-16 Conditional

Lincoln City, OR—In Association with all SFRs

Newport, OR—Residential Zones

- ↳ Conditional if unable to meet standards

CONDITIONAL USE

COMMUNITY DEVELOPMENT

- ↳ For ADU's built (applications submitted prior July, 2018 and occupied before January 1, 2019) **Community Development Charges and System-Related Fees may be waived for two years (2 yrs.)**.

SAVINGS

- ↳ Homeowners may save an average of **\$10,000 to \$14,000 in fees**.

PROPOSED FEE WAIVER

LOTTERY BONDS

- \$25 million in lottery bonds for preservation of affordable housing (\$20 million increase in bonding from the 2015-2017) authorization.

STATE-BACKED BONDS

- \$80 million in state-backed bonds for affordable housing development via Local Innovation Fast Track Program (LIFT)


FUNDING FOR ADU

<p>Attached ADU:</p> <ul style="list-style-type: none"> No separate utility meter No separate entrance in front yard Two additional parking spaces required; minimum of 4 total Landscaping required 	<p>Detached ADU:</p> <ul style="list-style-type: none"> No separate utility meter Two additional parking spaces required; minimum of 4 total Landscaping required Must conform to ADU size, height, and coverage requirements Must conform to primary structure setbacks
---	--

CONSIDERATIONS

- CONSTRAINTS
- LAND USE
- ZONING
- CODIFICATION

BREAKING GROUND




CONSTRAINTS

- Conversion of Existing Structures
- Architectural Requirements
- Detached Only or
- Both Attached and Detached
- Setbacks from Existing Structures
- Parking Spaces
- Code Enforcement


CONSIDERATIONS

TIMELINE FOR ADU CODE



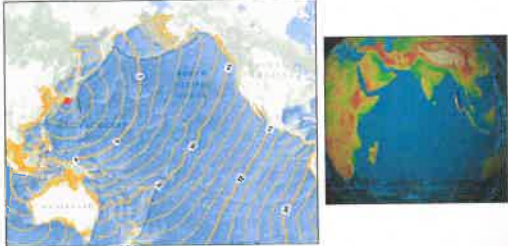
TIMELINE

DLCD Tsunami Code Change *Preview*



• Tsunami Code Changes 11/28/2017 # 1

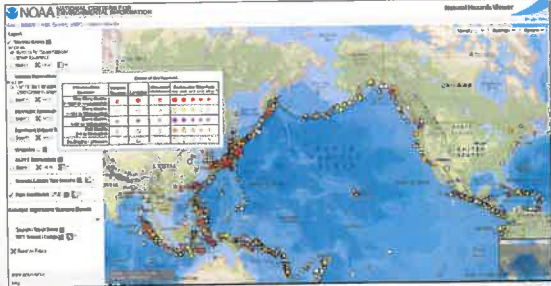
Introduction



• Tsunami Code Changes 11/28/2017 # 2



Introduction



• Tsunami Code Changes 11/28/2017 # 4

Introduction

2015 – NOAA Coastal Program grant award

August 2016 – MOU between DLCD/City

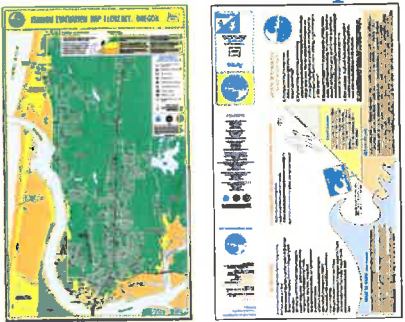
2016-2017 – “Beat the Wave” modelling

August 2017 – Code/Policy work started

Florence and Reedsport are currently working on updating codes and policies. Other coastal communities to follow.

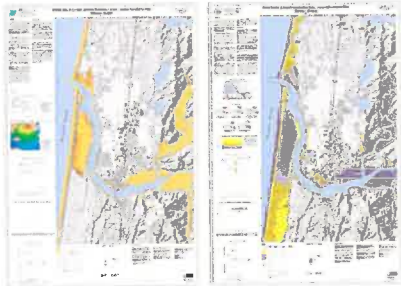
• Tsunami Code Changes 11/28/2017 # 5

Evacuation Map



• Tsunami Code Changes 11/28/2017 # 6

TIMs



• Tsunami Code Changes

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Beat the Wave

DLCD, DOGAMI, & the City have been working on evacuation maps.

Maps evaluate pedestrian evacuation from Cascadia Subduction Zone earthquake/tsunami.

• Tsunami Code Changes

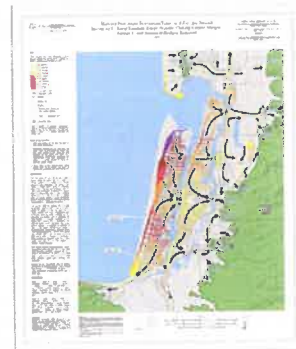
11/28/2017 • 8

Other Cities

Warrenton, Hammond, Seaside and Gearhart Beat the Wave maps complete.

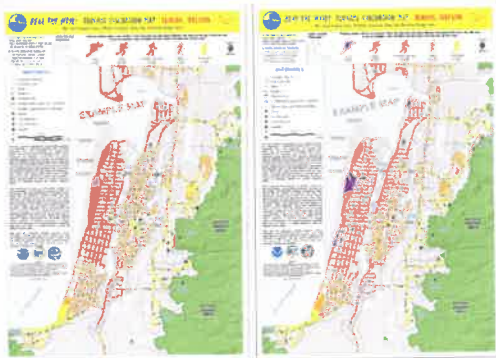
• Tsunami Code Changes

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• Tsunami Code Changes

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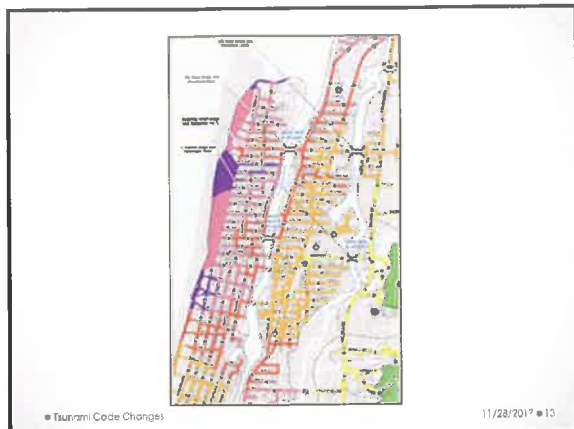
• Tsunami Code Changes

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• Tsunami Code Changes

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Model Code

Intent is to place restrictions on certain categories of uses:

- Essential Facilities – Hospitals, Fire & Police Stations, Gov't Comm. Centers, Schools (>250 Occ.), Jails
- Hazardous Facilities – Toxic, dangerous substances
- Special Occupancy Structures – Occ. Assembly >300, Med. Facilities >50 incap. Patients, H/Motels >50 units

● Tsunami Code Changes 11/28/2017 ● 14

Model Code

Use Exceptions available if criteria are met.

Evacuation route improvement requirements.

Tsunami Evacuation Structures.

● Tsunami Code Changes 11/28/2017 ● 15



Model Code

Flexible Development Option:

- Encourage and provide incentives for site planning within THOZ that lowers risk.
 - Allow for designs that incorporate evac. measures, appr. siting and design, other features that reduce risk.
 - Permit greater flexibility while reducing risk.
- Can apply to any lot within THOZ

● Tsunami Code Changes 11/28/2017 ● 17

Model Code

Flexible Development Option (con't):

- Applies to Permitted or Conditional Uses
 - Not Prohibited Uses
- Allow for designs that incorporate evac. measures, appr. siting and design, other features that reduce risk.
- Permit greater flexibility while reducing risk.

● Tsunami Code Changes 11/28/2017 ● 18

Model Code

Incentives:

- Yards; setbacks; lot area, width, and depth; lot coverage; building height; similar dimensional reqs.

Must:

- Meet other reqs. of THOZ code.
- Include evac. measures, signage, evac. structures, etc.

• Tsunami Code Changes

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Model Policy

- Addition to Tsunami section of Natural Hazards Chapter of Comp. Plan. (Ch. 7)
 - Maps
 - Policies
 - Zoning
 - Evac. route maps
- Additional policies for Ch. 11, 12, 14 & Appendices

• Tsunami Code Changes

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Resources

<http://www.oregongeology.org/tsuclearinghouse/pubs.htm>

- Evacuation Route Maps
- Beat the Wave Maps
- Fact Sheets
- Presentations
- Children's Educational Materials
- School Activities
- Planning Guidance

• Tsunami Code Changes

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Questions?

• Tsunami Code Changes

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