



*City of Florence*  
**A City in Motion**

## City of Florence Council Regular Session

Florence Events Center  
 715 Quince Street  
 Florence, OR 97439  
 541-997-3437  
[www.ci.florence.or.us](http://www.ci.florence.or.us)

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at [www.ci.florence.or.us/council](http://www.ci.florence.or.us/council).
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at [www.ci.florence.or.us/council](http://www.ci.florence.or.us/council) as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please contact City Recorder Kelli Weese at [kelli.weese@ci.florence.or.us](mailto:kelli.weese@ci.florence.or.us).

January 8, 2018

# AGENDA

5:30 p.m.

Councilors:

Joe Henry, Mayor

Joshua Greene, Council President     Ron Preisler, Council Vice-President  
 Susy Lacer, Councilor                     Vacant, Councilor

With 48 hour prior notice, an interpreter and/or TDY: 541-997-3437, can be provided for the hearing impaired.  
 Meeting is wheelchair accessible.

Proceedings will be recorded for rebroadcast on Cable Channel 191 and the City of Florence Vimeo Site.

## CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

5:30 p.m.

### PRESENTATIONS & ANNOUNCEMENTS

- Fire Marshall Sean Barrett Retirement
- Departmental Website Reports

#### 1. APPROVAL OF AGENDA

Joe Henry  
*Mayor*

#### 2. PUBLIC COMMENTS

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Joe Henry  
*Mayor*

### CONSENT AGENDA

#### 3. APPROVAL OF MINUTES

Consider approval of the November 20, 2017 City Council Work Session and Regular Meeting Minutes.

Kelli Weese  
*City Recorder*

### ACTION ITEMS

#### 4. CITY HALL ASBESTOS ABATEMENT

Consider authorizing the City Manager to enter into a not to exceed contract with the low bid contractor in the amount of \$57,000 to perform asbestos abatement on Florence City Hall prior to the remodel and expansion project.

Megan Messmer  
*Project Manager*

#### 5. SENATE BILL 1051 CODE AMENDMENTS

Consider initiating amendments to Florence City Code Title 10 concerning required amendments related to the passage of State Senate Bill 1051 including considerations for housing developments including approval timelines, density requirements, affordable housing within places of worship, requirements for accessory dwelling units and other housing related amendments.

Glen  
 Southerland  
*Associate Planner*

### REPORT ITEMS

#### 6. QUARTERLY FINANCIAL REPORT

Report on the City of Florence 1<sup>st</sup> Quarter Financial Report for FY 17/18

Andy Parks  
*Finance Director*

#### 7. CITY MANAGER REPORT

- Letter of Support for HATCH / RAIN Co-Working Space
- Spruce Street LID Update
- Polystyrene Foam Prohibition in Effect (*January 1, 2018*)

Erin Reynolds  
*City Manager*

**COUNCIL CALENDAR**

*All meetings are held at the Florence Events Center (715 Quince Street, Florence Oregon) unless otherwise indicated*

<b>Date</b>	<b>Time</b>	<b>Description</b>
January 10, 2018	---	City Council Work Session <i>Cancelled</i>
January 15, 2018	---	Martin Luther King Jr. Holiday <i>City Offices Closed</i>
		City Council Meeting <i>Rescheduled to Jan. 22<sup>nd</sup></i>
January 16, 2018	2:00 p.m.	City Council Special Work Session Council Candidate Review
January 17, 2018	---	City Council Work Session <i>Rescheduled to Jan. 24<sup>th</sup></i>
January 18, 2018	1:00 p.m.	City Council Special Work Session Council Candidate Interviews
January 22, 2018	5:30 p.m.	City Council Meeting
January 24, 2018	10:00 a.m.	City Council Work Session <i>Tentative</i>
January 25, 2018	5:30 p.m.	State of the City

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 1  
Meeting Date: January 8, 2018  
Department: Mayor & Council

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**ITEM TITLE:** APPROVAL OF AGENDA

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 2  
Meeting Date: January 8, 2018  
Department: Mayor & Council

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**ITEM TITLE:** PUBLIC COMMENTS

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**DISCUSSION/ISSUE:**

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 3  
Meeting Date: January 8, 2018  
Department: City Recorder

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**ITEM TITLE:** Approval of Minutes

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**DISCUSSION/ISSUE:**

Consider approval of the November 20, 2017 City Council Work Session and Regular Meeting Minutes.

Materials distributed during City Council meetings can be found on the City of Florence's website at [www.ci.florence.or.us](http://www.ci.florence.or.us) under the calendar date for each particular meeting. In addition, all items pertaining to the meeting including the meeting agenda, materials and items distributed, as well as electronic audio/video recordings of the meeting, are referenced at the top of each set of approved minutes, and can be referenced either on the City's website or upon request of the City Recorder.

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**FISCAL IMPACT:**

Minutes incur staff time for compilation / retention and have no other fiscal impacts.

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**RELEVANCE TO ADOPTED COUNCIL GOALS:**

Goal 1: Deliver efficient and cost effective city services.

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**ALTERNATIVES:**

1. Approve the minutes as presented
  2. Review and approve the minutes with modifications
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**RECOMMENDATION:**

Approve the minutes as presented

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**AIS PREPARED BY:** Kelli Weese, City Recorder

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**CITY MANAGER'S  
RECOMMENDATION:**

Approve                       Disapprove                       Other

Comments:

*ER Reynolds*

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**ITEM'S ATTACHED:**

- Draft November 20, 2017 City Council Work Session & Regular Meeting Minutes
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*This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.*

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**City of Florence  
City Council Work Session & Regular Meeting  
250 Hwy 101, Florence, Oregon  
Final Action Minutes  
November 20, 2017**

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**WORK SESSION**

**CALL TO ORDER**

Meeting called to order at 4:32 p.m.

Councilors Present: Mayor Joe Henry, Councilors Joshua Greene, Ron Preisler, Susy Lacer and George Lyddon.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, Public Works Director Mike Miller, City Project Manager Megan Messmer, City Recorder / Economic Development Coordinator Kelli Weese and City Attorney Ross Williamson.

Guests Present: Lane County Public Works Director Tim Elsea and Lane County Public Works Assistant Director Petra Schuetz

**PRESENTATION:** Presentation from County Staff on Harbor Vista Intergovernmental Agreement and discussion of topic by Council and staff.

Start Time: 5:30 p.m.

Discussion: The City Council, Staff and Lane County Staff discussed the potential intergovernmental agreement including...

- Timeline for improvements to Harbor Vista Park;
- Overview of the potential development agreement;
- Appraised value of Ocean Woods parcel with and without deed restriction;
- Area residents expectations for the City if the Ocean Woods parcel were to become a City Park;

Commenter 1: Michael Allen –  
• Concerns about traffic to access park

Discussion: The City Council, Staff and Lane County Staff continued their discussion of the potential intergovernmental agreement including...

- Potential ability to access the park area
- Costs of expansion of Heceta Park
- Open Space Definition within Florence City Code
- Timeline for Council decision
- Potential work session with residents abutting the property to get input into how they would like to see the property utilized in the future
- How many citizens live adjacent to the Ocean Woods park parcel
- How police could potentially access the property
- Timeline for annexation and clarification that the proposed agreement would only give the City ownership of the Ocean Woods parcel, not annex the parcel
- Normalcy of deed restrictions for park land
- Overview of potential deed restrictions
- Downsides for the city of Florence for the deed restriction
- Clarification that 40-50 citizens attended the Lane County meeting about the parcel
- Concerns about placing money toward a park and open space that was not immediately available for Florence citizens
- Potential to broaden the deed restriction to include more active park development

Result: The City Council made a straw poll vote to determine whether to bring the item forward as an action item at a future Council meeting. Councilors Lyddon, Greene and Mayor Henry voted yes. Councilor Preisler voted no.

Work Session adjourned at 5:27 p.m.

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## REGULAR SESSION

### CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Meeting called to order at 5:32 p.m.

Councilors Present: Mayor Joe Henry, Councilors Joshua Greene, Ron Preisler, Susy Lacer and George Lyddon.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, Public Works Director Mike Miller, City Project Manager Megan Messmer, City Recorder / Economic Development Coordinator Kelli Weese, City Attorney Ross Williamson, Planning Director Wendy FarleyCampbell, Florence Events Center Director Kevin Rhodes and Finance Director Andy Parks.

### PRESENTATIONS & ANNOUNCEMENTS

- Employee Introductions
  - Aleia Bailey – Florence Events Center Administrative Specialist II
  - Chris Locke – Wastewater Treatment Plant Operator 1

Start Time: 5:32 p.m.

Discussion: Ms. Bailey and Mr. Locke were introduced to the City Council.

#### 1. APPROVAL OF AGENDA

Start Time: 5:35 p.m.

Action: Approve the agenda as shown.

#### 2. PUBLIC COMMENTS

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Start Time: 5:36 p.m.

Comments: None



## **CONSENT AGENDA**

### **3. APPROVAL OF MINUTES**

Consider approval of the Council regular meeting minutes of August 7, 2017, Council regular meeting minutes of August 28, 2017, Council regular meeting minutes of September 18, 2017 and the Council regular meeting minutes of October 9, 2017.

### **4. QUARTERLY FINANCIAL REPORT**

Consider approval of the preliminary report on the City of Florence 4<sup>th</sup> Quarter financials.

Start Time: 5:36 p.m.

Action: Approve the consent agenda items as shown in the meeting materials.

Motion: Councilor Lacer

Second: Councilor Lyddon

Vote: Unanimous

## **ACTION ITEMS**

### **5. POLYSTYRENE FOAM CODE**

Consider approval of Ordinance No. 12, Series 2017, an ordinance establishing Florence City Code Title 3, Chapter 12, Prohibitions on Polystyrene Foam in order to regulate the sale and use of polystyrene foam within Florence City limits.

Start Time: 5:37 p.m.

Discussion: The City Council discussed...

- Appreciation for the work of the Environmental Management Advisory Committee (EMAC)
- Amendments to Ordinance since prior work session
- Local options to recycle block foam

Comments: Councilor Greene and Mayor Henry

Commenter 1: David Lynch – Florence, OR

- Against the recommended ordinance
- State of Oregon's plan to ban Polystyrene foam in schools means it would not be long before the state of Oregon banned the product
- Agreed with the changes to the ordinance since the work session
- Believed that laws do not stop behavior
- Not convinced that citizens of Florence want the ban

- Commenter 2: Sue Jones – Florence, OR
- In favor of proposed ordinance
  - Believes it would help eliminate litter
- Commenter 3: Nancy Rickard – Florence, OR
- In favor of proposed ordinance
  - Concern for local environment and animal habitats
  - Recent research toward polystyrene foam’s effects on fish
- Commenter 4: Deena Pavlis – Florence, OR
- In favor of proposed ordinance
  - Polystyrene foam’s role as a source of litter
  - Cost effective alternatives to foam
- Commenter 5: Linda Serbus – Florence, OR
- Clarification on the health hazard of polystyrene foam
  - Chemical leaching from containers
  - Foam not biodegradable, which means it will last forever
  - Foam makes up 25% of landfills nationwide
  - Food containers are 10% of debris on beaches
- Discussion: The City Council discussed...
- Education vs. banning
  - Signage along waterways
- Comments: Mayor Henry
- Action: First reading of Ordinance No. 12, Series 2017
- Vote: Unanimous
- Action: Second Reading of Ordinance No. 12, Series 2017
- Motion: Mayor Henry
- Second: Councilor Greene
- Roll Call Vote: Councilor Lyddon – Aye  
 Councilor Preisler – Aye  
 Councilor Greene – Aye  
 Councilor Lacer – Aye  
 Mayor Henry – Aye  
 Ordinance passes 5-0

**6. FLORENCE EVENTS CENTER LIGHTING & SOUND RETROFIT**

**A. FLORENCE EVENTS CENTER AUDIO UPGRADES PURCHASE**

Consider authorizing the purchase of audio upgrades from Tim Richey Audio Engineering in the amount of \$36,961.

**B. FLORENCE EVENTS CENTER LIGHTING UPGRADES PURCHASE**

Consider authorizing the purchase of lighting upgrades from Anderson Group, Inc. in the amount of \$44,747.

Start Time: 6:10 p.m.  
Discussion: The City Council discussed...

- Appreciation for the Friends of the Florence Events Center,
- Draft letter of thanks from the City Council for the Friends' efforts

Comments: Mayor Henry

Declaration: Councilor Greene disclosed that Mr. Tim Richie was a friend of his and he completed good work and felt he would be a good partner with the City. Councilor Greene said that he personally had no financial interest in the decision and still felt he could make a decision in an impartial manner.

Action: Authorize the City Manager to proceed with the purchase of Audio Upgrade equipment as proposed from TRS Tim Richey Audio Engineering for a total of \$36,961.30.

Motion: Councilor Preisler  
Second: Councilor Lyddon  
Vote: Unanimous

Action: Authorize the City Manager to proceed with the purchase of Lighting upgrades as proposed from Anderson Group Inc. for a total of \$44,746.66.

Motion: Councilor Greene  
Second: Councilor Lacer  
Vote: Unanimous

## **REPORT ITEMS**

### **7. STORMWATER MASTER PLAN**

Report on the stormwater master plan update including the results of the public open house and next steps.

Start Time: 6:20 p.m.

Discussion: The City Council discussed...

- Appreciation for the hard work of the Public Works Department

### **8. BOARD AND COMMITTEE REPORTS**

Report on the workings of the City's boards and committees for the month of October 2017.

Start Time: 6:49 p.m.

Discussion: None

### **8. CITY MANAGER REPORT**

- RAIN Rural Opportunity Initiative (ROI) Letter of Support

Start Time: 6:49 p.m.

Discussion: The City Council discussed...

- City Council and other city upcoming meetings
- Regional Accelerator & Innovation Network (RAIN) Letter of Support

Action: The City Council agreed for the Mayor to sign the RAIN Rural Opportunity Initiative letter of support.

Discussion: Sergeant Len Larson discussed the police department's new bicycle presence within the City

### **10. CITY COUNCIL REPORTS**

Start Time: 7:00 p.m.

Discussion: The City Council discussed...

- Council activities in the community and community announcements
- City County insurance services report to the Airport Committee
- Upcoming Siuslaw Vision update open house

Meeting adjourned at 7:06 p.m.

**ATTEST:**

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Joe Henry, Mayor

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Kelli Weese, City Recorder

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 4  
Meeting Date: December 18, 2017  
Department: CMO

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**ITEM TITLE:** City Hall Asbestos Abatement

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**DISCUSSION/ISSUE:**

On December 18, 2017, the City Council awarded the construction contract for the City Hall remodel and expansion to Par-Tech Construction (contractor). Staff have been working since then with the contractor on the details of the actual construction contract. In preparation for the construction to begin at City Hall, staff will be moving out of the facility on January 9<sup>th</sup> and 10<sup>th</sup>. Once moved out, we can proceed with the asbestos abatement prior to construction. Asbestos abatement and related permits were accounted for in our overall budget for the remodel.

In May 2016, the City contracted with Koos Environmental Services to conduct an asbestos survey of the facility. We have utilized the information from the survey to obtain three quotes for the abatement work. Quotes are being generated from Koos Environmental Services, Arcadia Environmental, and W.L. Thomas Environmental. The three companies solicited are all on the Oregon Department of Environmental Quality list of certified asbestos abatement contractors and have indicated that they will be available to complete the work in January.

We received preliminary quotes on January 2<sup>nd</sup>, but due to the large variation between high and low quotes (including the description of the work) has resulted in further discussions with the architect on the expectations for removal of asbestos. The asbestos abatement contractors will be revising their quotes based on a more detailed scope and the low bid will be presented at the City Council meeting.

The highest quote received was near the architect's estimate of \$57,000 (which was included in the list of costs at the December 18, 2017 Council meeting). This abatement contractor also noted that they needed additional information and had assumed everything (all flooring and sheetrock) needed to be removed and that a more thorough survey may lower the abatement costs. The other two quotes, while under the City Manager's purchasing authority of \$30,000, have the potential for increased costs if they encounter asbestos in areas that they did not identify in their January 2, 2018 quote. The two low bids (from January 2<sup>nd</sup>) would most likely result in final costs to be in excess of the \$30,000 purchasing threshold.

It is the recommendation of staff to proceed with authorizing the City Manager to enter into a contract with the low bidder to provide asbestos abatement services with a not to exceed amount of \$57,000 which is the architect's estimate. Currently, based on conversations with all three asbestos abatement contractors, they do not expect their costs to be over \$57,000 once further analysis of samples is complete.

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**FISCAL IMPACT:**

The architect's estimate as presented in December included \$57,000 for asbestos abatement. This is included in the total project costs of \$2,992,900 and will be paid through the project's debt financing.

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**RELEVANCE TO ADOPTED COUNCIL GOALS:**

- City Service Delivery
- Livability & Quality of Life
- Financial & Organizational Sustainability

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**ALTERNATIVES:**

1. Award a contract for the asbestos abatement to the low bidder.
2. Postpone the decision to request further analysis of the areas to be abated and request new quotes.

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**RECOMMENDATION:**

Staff recommends that the City Council authorize the City Manager to enter into a not to exceed contract with the low bidder (Contractor to be identified Monday night, if not sooner) to provide asbestos abatement services for \$57,000, which will include the required DEQ and LRAPA permits.

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**AIS PREPARED BY:** Megan Messmer, City Project Manager

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**CITY MANAGER'S**  Approve  Disapprove  Other**RECOMMENDATION:** Comments:

*ER Reynolds*

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**ITEMS ATTACHED:** N/A

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 5  
Meeting Date: January 8, 2018  
Department: Planning

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**ITEM TITLE:** SB 1051 (ADU) Code Change Initiation

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**DISCUSSION/ISSUE:**

**SB 1051 & Needed Code Changes**

**Discussion Topics**

1. Senate Bill 1051
2. ADU Code Changes
3. Scope, Timeline, and Decision

**1. Senate Bill 1051**

Senate Bill 1051 was signed by Governor Brown on August 15, 2017 and was made effective that same date. All sections of SB 1051 become operative on July 1, 2018.

Senate Bill 1051 places the following requirements on cities with a population greater than 5,000 people:

- Cities must review and decide on applications for certain housing developments containing affordable housing units within 100 days.
- Cities are prohibited from denying applications for housing developments which comply with clear and objective standards.
- Cities are prohibited from reducing the density or height of housing applications if the density or height being applied for is at or below those authorized for the zone where the proposal is located.
- Cities must allow nonresidential places of worship to use real property for affordable housing.
- Local governments must report information related to their applications received for needed housing annually to the Department of Land Conservation and Development.
- Cities (with a population greater than 2,500 people) are barred from prohibiting the building of Accessory Dwelling Units in areas zoned for single-family dwellings.

Senate Bill 1051 was signed by Governor Brown on August 15, 2017 and was made effective that same date. All sections of SB 1051 become operative on July 1, 2018.

Many of the methods described and required by SB 1051 were discussed and recommended by the Housing and Economic Opportunities Project Committee and the project's consultant, FCS Group. As such, some of these changes were expected and studied in-depth by staff prior

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to and concurrent with the passage of this senate bill. The City Council has looked at these methods in an attempt to complete their adopted Council goal (Goal 1: Community Development, Objective 4, Tasks 1 & 2). Initiation of these code amendments is one method to accomplishing that goal.

The full text of enacted SB 1051 is attached for your information.

## **2. Proposed ADU Code Changes**

**ADUs:** The bulk of these changes will likely involve the particular aspect of creating criteria for accessory dwelling units. In preparation for these changes, staff and Planning Intern Nadjia O'Lauren researched other cities in Oregon that permit accessory dwelling units and compiled code examples. Staff may begin using this information to create an appropriate code framework for Florence as this work is initiated by the Council.

**Housing Provided at Places of Worship:** Code criteria will be needed to address the types of housing which will be permitted and the health, safety, and welfare of the public.

## **3. Scope, Timeline, and Decision**

As previously mentioned, a variety of code examples have been compiled for the accessory dwelling unit code changes and staff has researched ways to accomplish the other code changes required by this legislative change. If initiated, the Council can expect to meet during a work session in early February. The Council may also expect to have a joint work session with the Planning Commission on this item in late February and see an Ordinance related to these code changes in short order, likely before or at the May City Council meeting.

This process will require both a 35-day notice to the Department of Land Conservation and Development and a Measure 56 notice. This involves the mailing of a notice to each property owner within the affected zoning (those which permit single-family residences) both in order to inform them of the code change and to inform them that this process may affect their property value.

This code change may be an opportunity for other needed changes which were not made within the 2017 code cycle. Typically, the Planning Department generates a housekeeping code amendment each year in an attempt to refine, reduce, and clarify code for the ease of use of citizens, developers, and those who may be interpreting the code in the future. With the heavy workload of 2017 and the reduced staff capacity, this work was not accomplished as needed. Several chapters of code will be affected by these needed changes that dependent on the time available, may be incorporated into this process.

## Choosing Not to Act or Postponing a Decision

The City Council may also decide that a code change should be deferred or that there should not be code governing accessory dwelling units or affordable housing provided by churches. Senate Bill 1051 permits ADUs and nonresidential church housing throughout the state in all locations meeting the population criteria by-right. Failure to enact code to apply criteria to these uses will hinder the City in determining appropriate setbacks, occupancy, utilities, parking, and possibly appearance for these dwellings. This determination may also hinder the City in ensuring the safety of those occupying these structures through conversion of existing buildings which may require a building permit, but may not obtain one.

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### FISCAL IMPACT:

The fiscal impact from this code change is unknown, but will likely involve several dozen hours of staff time to complete. Completion prior to the operative date of the senate bill will require an intense focus from the Planning Department and a limited amount participation from other City departments as well. Staff time and Measure 56 noticing are the only foreseen direct costs associated with this project. Code regarding accessory dwelling units were officially part of the City Council Work Goals and the budget for 2017-2018, but other items not included specifically may be tangentially related to existing adopted Council Goals.

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### RELEVANCE TO ADOPTED COUNCIL GOALS:

Goal 1: Community Development, Objective 4: Continue to encourage infill development.  
Tasks 1 & 2

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### ALTERNATIVES:

1. Initiate code amendments to be completed by July 1, 2018.
2. Do not initiate code amendments.
3. Postpone the decision regarding initiating code amendments.

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### RECOMMENDATION:

Staff recommends the City Council initiate code amendments in order to address concerns for placement of accessory dwelling units, needed housing, and nonresidential church housing to be put into effect prior to the operative date of July 1, 2018.

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**AIS PREPARED BY:** Glen Southerland, Associate Planner

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**CITY MANAGER'S RECOMMENDATION:**  Approve  Disapprove  Other

Comments:

*ER Reynolds*

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**ITEMS ATTACHED:** Attachment 1 – Senate Bill 1051

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**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.**

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**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

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 6  
Meeting Date: January 8, 2018  
Department: Finance

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**ITEM TITLE:** Quarterly Financial Report

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**DISCUSSION/ISSUE:**

The quarterly financial report will be provided at the January 8<sup>th</sup> Council meeting.

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**FISCAL IMPACT:**

Staff time to prepare.

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**RELEVANCE TO ADOPTED CITY WORK PLAN:**

Improves financial and management reporting to inform decisions.

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**AIS PREPARED BY:** Andy Parks, Finance Director

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**CITY MANAGER'S RECOMMENDATION:**  Approve  Disapprove  Other  
Comments:

*ER Reynolds*

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**ITEM'S ATTACHED:** None – Financial report will be distributed at Council meeting

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 7  
Meeting Date: January 8, 2018  
Department: City Manager

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**ITEM TITLE:** CITY MANAGER REPORT

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- Letter of Support for HATCH / RAIN Co-Working Space
- Spruce Street LID Update
- Polystyrene Foam Prohibition in Effect (January 1, 2018)

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 8  
Meeting Date: January 8, 2018  
Department: City Council

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**ITEM TITLE:** CITY COUNCIL REPORTS

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# Florence City Council Calendar - 2018

## January

M	Tu	W	Th	F	Sa/Su
1 New Years Holiday Council Meeting Rescheduled	2	3 Council Work Session Rescheduled	4	5	6 & 7
8 Council Meeting	9	10 Council Work Session - Tentative	11	12	13 & 14
15 Martin L. King Jr. Day Holiday Council Meeting Rescheduled	16 Council Work Session - Tentative	17 Council Work Session Rescheduled	18 Council Work Session	19	20 & 21
22 City Council Meeting	23	24 Council Work Session - Tentative	25 State of the City	26	27 & 28
29	30	31			

## February

M	Tu	W	Th	F	Sa/Su
			1	2	3 & 4
5 Council Meeting	6	7 Council Work Session - Tentative	8	9	10 & 11
12	13	14	15	16	17 & 18
19 Presidents Day Holiday Council Meeting Rescheduled	20	21 Council Work Session Canceled	22	23	24 & 25
26 Council Meeting - Tentative	27	28			

## March

M	Tu	W	Th	F	Sa/Su
			1	2	3 & 4
5 Council Meeting	6	7 Council Work Session - Tentative	8	9	10 & 11
12	13	14	15	16	17 & 18
19 Council Meeting	20	21 Council Work Session - Tentative	22	23	24 & 25
26	27	28	29	30	31 & 1

## April

M	Tu	W	Th	F	Sa/Su
2 Council Meeting	3	4 Council Work Session - Tentative	5	6	7 & 8
9	10	11	12	13	14 & 15
16 Council Meeting	17	18 Council Work Session - Tentative	19	20	21 & 22
23	24	25	26	27	28 & 29
30					