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# PLANNING DEPARTMENT STAFF REPORT AND FINDINGS

LEGISLATIVE ZONE TEXT AMENDMENTS, Type IV (File AMD-24-48)

## TYPE-IV ZONE TEXT AMENDMENT

### Summary of Findings:

The City of Junction City is proposing to amend the zoning requirements of Junction City Municipal Code (JCMC) Title 17 and JCMC Title 16 in order to be compliant with various pieces of legislature passed in the last couple of years; HB 3395, HB 4064 and SB 1537.

**Applicant:** City of Junction City

**Staff Contact:** Chloe Trifilio, Associate Planner, Lane Council of Governments, ctrifilio@lcog.org, 541–682–4247. Dawn Northey, Planning Technician, 1171 Elm St., Junction City OR 97448, jcplanning@ci.junction-city.or.us, 541-998-3125.

**Subject Property/Zoning/Location:** The proposed zone text amendment would not affect any specific properties.

**Relevant Dates:** The City of Junction City Planning Commission initiated the zone text amendment at their regular meeting on November 19, 2024.

### Request

The City of Junction City is proposing to amend the zoning requirements of Junction City Municipal Code (JCMC) Title 17 and JCMC Title 16 in order to be compliant with various pieces of legislature passed in the last couple of years; House Bill (HB) 3395, HB 4064 and Senate Bill (SB) 1537.

### Public Notice and Referrals

Notice to DLCD was sent on April 7, 2025. No response has been received. Notice of the public hearing was published in the Register Guard on May 5, 2025.

Referral comments on the application were requested from various affected service providers and City departments on April 30, 2025. No substantive referral comments were received.

### AMENDING TITLE 17 OF THE JCMC

#### *Section 17.145.010 Authorization to initiate amendments*

This section allows the text of Title 17 of the JCMC to be made by the city council, the planning commission or a property owner or their authorized agent. In the present case, the proposed amendments were initiated by the planning commission at its November 19th meeting. The proposed changes to Title 16 and 17 do not require an amendment to the Junction City Comprehensive Plan.

#### *17.145.020 Application and fee*

As this was a city-initiated amendment, no application or accompanying fee was required.

### *17.145.030 Public hearing on amendment*

A public hearing before the Junction City Planning Commission has been scheduled for May 20, 2025. Notice was published in the Register Guard on May 5, 2025. After the Planning Commission's hearing and recommendation, a hearing will be scheduled before the Junction City City Council. Notice of the Council hearing will be sent not less than five days but not more than 20 days prior to the hearing.

**PROPOSED CHANGES TO TITLE 16 AND 17 OF THE JCMC**

Language proposed to be added is underlined in red and language proposed to be removed is ~~stricken-through~~ in Attachment A.

**SUMMARY:**

**SB 1537**

Sections of the bill and sections of JCMC amended:

- *8-9: Opting into Amended housing Regulations* (ORS 215.427, ORS 227.178)
    - JCMC 17.150.070 – Adding the opt-in allowance to the Time Limits section and standards about opting-in added to the Decisions section.
- *37-43: Housing Land Use Adjustments* (ORS 197A, ORS 197.195)
    - No amendments to code are recommended for this section of the bill. It sunsets on January 2, 2032. Given the moratorium there may not be many applications seeking "adjustments" for high density housing applications. If someone does want to submit an adjustment to development requirement for housing pursuant to this section of the bill, the City will have to accommodate the request without a separate land use application and consistent with ORS standards.
- *44-47: Limited Land Use Decisions* (ORS 197.015)
    - JCMC 17.150.070 – tweak the Limited Land Use Decision procedure language for clarity.
    - Table 17.150.070 – updated Review/Haring procedures
    - JCMC 17.150.080 - add a section specifically for Type II notices according to statute.
    - JCMC 16 – designate Staff as decision-maker for all partitions and keep Planning Commission as the decision-making body for subdivisions.

**HB 3395**

Sections of the bill and sections of JCMC amended:

- *1-2: Residential Use of Commercial Lands* (ORS 197.286 to 197.314)
    - JCMC 17.30.010 – added statutorily allowed residential uses
    - JCMC 17.40.010 – added statutorily allowed residential uses
- *3-5: Residential Approval Procedures* (ORS 215.427, ORS 227.178, ORS 197.830)
    - JCMC 17.150- Add statutorily required language to the timeline section.
- *6-7: Emergency Shelter Siting* (Section 3, chapter 18, Oregon Laws 2021)

- Leave the code as is and apply statute directly.
- Create an application and fact sheet that cites applicable statute.

- *16-19: Single Room Occupancies* (Section 17 of this 2023 Act and ORS 197.758 are added to and made a part of ORS 197.286 to 197.314, ORS 197.303, Section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)
  - JCMC 17.05.020 - Removed the word "family" from the definition the Dwelling Unit definition and Home Occupation definition.
  - No other amendments are needed because SROs are allowed in regular dwelling units under their current definition and are not limited by parking requirements.
- *20-21: Siting Duplexes* (ORS 197.758, Section 3 & 4, chapter 639, Oregon Laws 2019)
  - JCMC 17.10 – Allowed duplexes and created a minimum lot size for them.

**HB 4064**

Sections of the bill:

- *1-6: Siting Manufactured Homes and Prefabricated Structures* (ORS 197.314, ORS 197.307, ORS 197.485, ORS 197.312, ORS 197.286, Section 18, chapter 401, Oregon Laws 2019)
  - JCMC 17.10 – Removed extra standards for MHs and other dwellings.
  - JCMC 17.35 - Changed mobile home park to RV park
  - JCMC 17.100 Mobile Homes – Changed the name and moved the RV parking related code to the following section.
  - JCMC 17.105 Recreational Vehicle Park Developments – Moved RV parking regulations to this section.
  - JCMC 17.150.080 – Changed mobile home to manufactured dwelling park.
  - JCMC 16.05.050 - Changed mobile home to manufactured dwelling park.
- *9: Manufactured Dwelling Replacement Program* – No amendments needed
- *10-21: Standardizing Definitions* (ORS 62.803, ORS 90.230, ORS 174.101, ORS 197.492 and 197.493 are added to and made a part of ORS 197.475 to 197.490, ORS 197.492, ORS 215.010, ORS 307.651, ORS 446.003, ORS 446.003, ORS 458.352, ORS 458.358)
  - JCMC 17.05.020 Definitions
    - "Dwelling, single-family attached"
    - "Dwelling, single-family detached"
    - "Dwelling, two-family"
    - "Dwelling unit"
    - "Family"
    - "Home occupation"
    - "Manufactured dwelling" & "manufactured home"
    - "Manufactured dwelling park"
    - "Mobile home park"

- "Prefabricated structure"
- "Recreational vehicle"
- "Recreational vehicle park"

**APPROVAL CRITERIA**

The Junction City Municipal Code does not have approval standards for changes to the text of the zoning ordinance or subdivision ordinance (Title 16 and 17 of the JCMC). Therefore, by law, the standards are consistent with the existing Comprehensive Plan, consistency with applicable Statewide Planning Goals, consistency with applicable statutes and administrative rules, and internal consistency with unchanged portions of Title 17.

**COMPREHENSIVE PLANS**

**Finding 1:** Section II of the Land Use Element of the Junction City Comprehensive Plan (Comprehensive Plan) states that: "Low-Density Residential – single-family residential uses at a typical density of one to eight dwelling units per acre for detached residential structures. Additional density may be achieved through a Planned Unit Development" (Chapter 3). While a majority of the proposed code amendments are procedural in nature, one requirement of HB 3395 was to allow duplexes in the Single Family Residential (R1) zoning district, which is in the "Low Density Residential" land use category defined above. The duplexes newly allowed in the R1 Zone, administered by JCMC 17.10, has been given a minimum lot size of 10,000 square feet, in keeping with the required density of "one to eight dwelling units per acre for detached residential structures". One acre is about 43,560 square feet. If four duplexes were allowed on each 10,000 square foot lot that comprises an acre, it would equal the maximum of eight dwelling units per acre. The proposed code amendments also align with the Housing Policies listed in Chapter *9: Housing Element of the Comprehensive Plan*:

> "V. Housing Policy
>
> > Goal 1: To provide for the housing needs of the citizens of Junction City in adequate numbers, price ranges, and rent levels which are commensurate with the financial capabilities of Junction City households.
> >
> > Goal 2: To provide adequate housing that is affordable to Junction City workers at all wage levels.
> >
> > Goal 3: To lessen the impact of rising housing costs by requiring a more efficient use of lands available and buildable for new housing.
> >
> > Goal 4: To ensure that all new multi-family complexes be developed in a manner to provide an aesthetically pleasing environment.
> >
> > Goal 5: To ensure that all housing comply with Junction City Ordinances, and State and Federal Law."

This set of Title 16 and 17 Code amendments ensure that all housing complies with State Law, per Goal 5.

Staff did not identify other Sections of the Junction City Comprehensive Plan because the proposed amendment does not change the land use types, economic development efforts, energy conservation, transportation or public facilities or environmental element.

In conclusion, the proposed changes to Title 16 and 17 of the JCMC are generally consistent with applicable provisions of the Junction City Comprehensive Plan, which appears to be limited to Section II.

**STATEWIDE PLANNING GOALS**

**Finding 2:** Goal 2 Land Use: This goal requires that citizens and affected governmental units have an opportunity to review land use implementation ordinances. In this regard, the public hearing has been noticed in the Register Guard and posted, and the proposed changes have been sent to affected governmental units for their comment.

**Finding 3:** Goal 10 Housing: Goal 10 is "to provide for the housing needs of citizens of the state." This amendment is consistent with Goal 10, as it implements the requirements of HB 3395, SB 1537 and HB 4064, which were all related to the increase in supply, affordability and choice of housing. This amendment brings the city into compliance with the recent legislation by allowing duplexes in all zones where single-family dwellings are allowed, ensuring that manufactured dwellings are permissible wherever single-family dwellings are allowed, and allows developers who are building housing to opt in to newly adopted code provisions. The proposed changes to Title 16 and 17 of JCMC are consistent with applicable Statewide Planning Goal 10.

**STATUTES AND ADMINISTRATIVE RULES**

**Finding 4:** No statutes or administrative rules have been found to be applicable to the proposed change to the text of Title 16 or 17 of the JCMC. The proposed change to the text of Title 16 and 17 is being pursued to comply with various sections of ORS.

**Staff Recommendation:**

Staff believes that the proposal is generally consistent with applicable Statewide Planning Goals, Junction City Comprehensive Plan goals and policies, and Junction City Municipal Code Title 17.

**Attachments**

A. Draft Amendments
B. HB 3395, SB 1537, HB 4064 Enrolled

**Chapter 16.05**
**SUBDIVISIONS**

**Sections:**



**16.05.010 Purpose.**

The purpose of this chapter is to provide regulations and standards to govern the approval of plats of subdivisions and partitioning of land, to carry out the development pattern and plan of Junction City and to promote the public health, safety and general welfare, lessen congestion in the streets, secure safety from fire, flood, pollution and other dangers, provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, recreation and other needs of the people of Junction City and to prescribe procedures to be followed in submitting plans and plats of subdivisions and partitions of land for approval, and to meet conditions established for land use planning, urbanization of vacant lands, and provide housing. [Ord. 809 § 1, 1980.]

**16.05.020 Definitions.**

As used in this chapter, unless the context requires otherwise:

“Accessway” means a walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

“Alley” means a minor way for vehicular traffic which is used primarily for service access to the back or side of property abutting a street.

“Arterial” means a street which is used primarily for through traffic, or which by its location will likely be needed for such use in the normal growth of the community.

“Block length” means the distance measured along all that part of one side of a street which is between two intersecting or intercepting streets, or between an intersecting or intercepting street and a railroad right-of-way, watercourse, body of water or unsubdivided acreage.

“Business street” means any block length along any street, other than an arterial within which there is or will be provided access to one or more commercial structures which in the judgment of the designated staff or planning commission will result in a high volume of business traffic on such street.

“Butt lot or parcel” means a lot or parcel the sideline of which abuts the lot or parcel rear line of two or more adjoining lots or parcels.

“Collector street” means a street other than an arterial which is used primarily for carrying traffic to one or more arterials.

“Corner lot or parcel” means a lot or parcel, two or more connecting sides of which abut a street.

“Cul-de-sac” means a dead-end street which in the opinion of the designated staff or planning commission will never practicably be extended so as not to be a dead-end street.

“Division of land” means the creation of lots or parcels.

“Double frontage lot or parcel” means a lot or parcel two or more nonconnecting sides of which abut a street.

“Drainage land” means land required for drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, to safeguard the public against flood damage or the accumulation of surface water.

“Final plat” means a final diagram, drawing, or replat containing all the descriptions, locations, specifications, dedications, provisions and other information required by this chapter concerning a subdivision.

“Key lot or parcel” means a lot or parcel the rear line of which abuts the lot or parcel sideline of two or more adjoining lots or parcels.

“Local street” means a street which is used primarily for access to abutting properties.

“Lot” means a parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

“Lot, corner” means any lot having at least two contiguous sides abutting upon one or more streets; provided, that the interior angle at the intersection of such two sides is less than 135 degrees.

“Lot or parcel front line” means the lot or parcel line abutting a street; for corner lots or parcels the lot or parcel front line shall be that with the narrowest street frontage, and for double frontage lots or parcels the lot or parcel front line shall be that having frontage on a street which is so designated by the land divider and approved by the designated staff or planning commission.

“Lot or parcel rear line” means the lot or parcel line which is opposite to and most distant from the lot or parcel front line.

“Lot or parcel side line” means any lot or parcel line which is not a lot or parcel front or rear line.

“Major partition” means a partition which includes the creation of a road or street.

“Map” means a final diagram, drawing or other writing concerning a major partition.

“Master street plan” means the plan or plans adopted by the council in accordance with JCMC 16.05.050.

“Minor partition” means any partition which does not include the creation of a street.

“Owner” means an individual, association, partnership or corporation having legal or equitable title to land sought to be divided, other than legal title held for purpose of security only.

“Panhandle lot or parcel” is a lot or parcel that the city has approved with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normal or standard required street frontage. Panhandle lots or parcels are sometimes referred to as flag lots or parcels.

“Parcel” means a unit of land that is created by the partitioning of land.

“Partition land” means to divide land into two or three parcels of land within a calendar year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots; or

2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

“Partitioner” means an owner commencing proceeding under this chapter to effect a partition of land by himself or his lawful agent.

“Performance agreement” means an agreement between the city and a partitioner or subdivider concerning the rights, duties, obligations and liabilities of the parties. It includes the performance bond.

“Performance bond” means a bond executed by a surety company duly licensed to do business in the state of Oregon, in an amount equal to the full cost of the work to be done, and conditioned upon the faithful performance thereof in accordance with JCMC 16.05.050.

“Planning commission” means the Junction City planning commission.

“Plat” includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

“Statutory subdivision” means a subdivision as defined in ORS 92.010.

“Street” means public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created. Every lot shall abut a street.

“Subdivide land” means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of each year.

“Subdivider” means any owner commencing proceedings under this chapter to effect a subdivision of land by himself or through his lawful agent.

“Subdivision” means either an act of subdividing land or a tract of land subdivided as defined in this section.

“Subdivision area” means that part of land proposed to be subdivided which is, or which the subdivider intends will be, described on a single final plat or finished plat in accordance with JCMC 16.05.030 or 16.05.040. [Ord. 1103 § 1, 2002; Ord. 1038 § 1, 1997; Ord. 901 § 1, 1987; Ord. 809 § 2, 1980.]

**16.05.030 ~~Minor partition~~ Partition procedure.**

A. Application. An application shall be made by the person proposing the ~~minor~~ partition or his authorized agent or representative on a form prescribed by the city, following procedures outlined in JCMC 17.150.070, and submitted to the designated staff ~~secretary of the planning commission~~, together with a tracing and nine additional copies of a preliminary plan.

B. Drafting. The preliminary plan shall be legibly drawn to scale on sheets of tracing paper or cloth measuring eight and one-half by 11 inches. The scale will be 10, 20, 30, 40, 50 or 60 feet to the inch. The city superintendent of public works shall furnish such eight and one-half by 11 inch tracing sheets on request. Preliminary plans shall be prepared by an Oregon-licensed land surveyor. An affidavit of the preparer shall be furnished as a part of the preliminary plan submitted.

C. Preliminary Plan Contents. The preliminary plan shall contain the following:

1. The dimensions and parcel lines of all parcels.

2. An accurate map describing the boundaries of all contiguous land in the same ownership as the area encompassed in the preliminary plan area.

3. The date, north point and scale of the drawing, and sufficient legal description and dimensions of the land to define the boundary thereof and the assessor’s account number.

4. Name, address and telephone number of the owner, the partitioner and engineer or surveyor.

5. Location of property in relation to existing streets, name and present width of all streets and alleys, and proposed right-of-way lines for existing or projected streets as shown on the master street plan.

6. The layout of the parcels proposed and the dimensions of each, with a number within each proposed parcel.

7. The location of each building or structure above ground. Dimension distance to parcel lines being created.

8. The width and location of all easements for drainage or public utilities.

9. In addition, when all or a portion of the area encompassed in a ~~minor~~ partition application has not been previously included in a recorded plat (subdivision) of lots averaging a maximum of one-half acre each, the following information is also required:

a. The affidavit of a surveyor who is an Oregon licensed land surveyor, and who prepared the preliminary plan for the area encompassed in the proposed partition.

b. The names of all recorded subdivisions contiguous to the subject area.

c. The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the city engineer. The base data used shall be clearly indicated and shall be compatible to city datum if bench marks are not adjacent. The following intervals are required:

| Contour Intervals | Ground Slope |
|---|---|
| One foot | Up to 5% |
| Two feet | Over 5% through 10% |
| Five feet | Over 10% |

d. The approximate width and location of all proposed or existing public utility easements.

e. The approximate location of areas subject to inundation or stormwater overflow, all areas covered by water, and the location, width and direction of flow of all water courses.

f. All proposals for sewage, disposal, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways.

g. All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to

reserve strips as stipulated in JCMC 16.05.050. Said reserve strips shall be clearly indicated on the proposed partition.

h. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.

i. A legal description of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part; provided, that where the proposed partition comprises all of such area, an affidavit of such fact shall accompany the application.

D. Preliminary Plan Review.

1. City Superintendent of Public Works Review. The superintendent of public works shall review the preliminary plan and forward any comments he may have about the plan to designated staff. ~~and send the original plan and seven copies to the planning commission for action, retaining one copy for his file.~~

2. ~~Planning Commission~~ Partition Review.

a. The designated staff ~~planning commission~~ shall approve the plan or ask for further information from the partitioner.

b. Approval Findings. Approval of the plan must include affirmative findings that:

i. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto;

ii. The ~~minor~~ partition complies with Junction City policies and plans as well as the intent and purpose of JCMC 16.05.010;

iii. Either:

(A) Improvements as required by the city and this code have been completed, and a certificate of fact has been filed with the planning department by the city engineer; or

(B) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the city, has been filed with the city recorder in sufficient amount to ensure the completion of all required improvements; or

(C) A petition for improvements has been properly executed by the partitioner who is effecting the partition and will be assessed for said improvements;

iv. The ~~minor~~ partition tentative plan is accompanied by five accurate copies thereof; and

v. Public assessments, liens, utility charges and fees with respect to the ~~minor~~ partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the council.

Except as provided for in the procedures for modification as stipulated in JCMC 16.05.070, approval as stipulated herein does not relieve the applicant from other applicable provisions of this chapter or Oregon Revised Statutes.

vi. ~~Minor partition~~ Partition applications for land occupied by existing buildings shall show the location of buildings and give dimensions to existing and proposed lot lines.

3. Approval. In the event the designated staff ~~planning commission~~ finds that the plan complies with the statutes of the state and with this and all ordinances of the city, it shall approve the plan ~~and signify its action on the face thereof by appropriate signature of the commission~~. In the event the designated staff ~~commission~~ finds that the plan cannot be made to comply with such requirements, it shall disapprove the ~~plan and signify its action in the same manner as in approval~~. ~~The commission~~ Staff may make approval subject to conditions to be fulfilled by the petitioner.

4. Notification by Staff ~~Commission~~. When such a plan is approved, conditionally approved or disapproved ~~by the commission~~, staff ~~it~~ shall forthwith deliver in person or by mail a copy of such plan with the action thereon to the person having filed the plan. Such action ~~by the commission~~ shall become final in the absence of any appeal. ~~Copies of the plan with the action thereon shall be delivered to the Lane Council of Governments, and the commission shall retain the original copy thereof in the office of the city engineer.~~

5. Unless appealed, the ~~planning commission's~~ decision shall become effective on the eleventh day after it is rendered.

E. Appeal to the Commission ~~Council~~. If any person filing a ~~minor~~ partition plan is dissatisfied with the decision ~~action of the planning commission~~, he may, no later than 12 days after the decision ~~such action by the commission~~, appeal in writing to the planning commission ~~council~~ and file same with the commission ~~council~~.

F. Limitation of Appeal. The conditional approval of such plan shall be valid for a period of one year from the date of final action thereon. During said period, all the conditions of approval shall be met. Such conditional approval may be extended for a period not to exceed one additional year ~~by the council~~, upon written request; provided, such request is made prior to the expiration of the one-year period.

G. Ownership Verification of Dedications. In the event approval of a ~~minor~~ partition is conditioned upon the dedication of a portion of the area to the public, the applicant shall

submit to the public works department a title report issued by a title insurance company licensed in the state of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public.

H. Expedited Land Divisions. All applications for expedited land divisions shall comply with ORS 197.360 through 197.380 and the Junction City comprehensive plan. ORS 197.360 through 197.380 details criteria, application and notice requirements and action and appeal procedures for expedited land divisions. [Ord. 1112 § 1, 2003; Ord. 1065 § 1, 1999; Ord. 809 § 3, 1980.]

**16.05.040 Subdivisions ~~and major partitions~~.**

A. Submitting Preliminary Plan. A preliminary plan shall be submitted to the secretary of the planning commission attached to an application for approval in the form prescribed by the city together with 19 additional copies of the preliminary plan.

B. Preliminary Plan Requirements.

1. Drafting.

a. The preliminary plan shall show all pertinent information to scale. The drawing shall be on standard size sheets 18 inches by 27 inches and at a scale of one inch equals 100 feet. The scale may be increased or decreased, if necessary to fit the drawing to the required plan size of 18 inches by 27 inches; but in all cases the scale shall be standard, being 10, 20, 30, 40, 50, or 60 feet to the inch, or multiples of 10 of any one of these scales.

b. Preliminary plans shall be prepared by an Oregon-licensed land surveyor. An affidavit of the preparer shall be furnished as a part of the preliminary plan submitted.

2. Information Required. The preliminary plan shall, in clear and legible form, include the following information with respect to the proposed subdivision ~~or major partition~~ area, on the plan where practicable, and otherwise on separate sheets of paper in written statement:

a. The proposed name of the proposed subdivision ~~or major partition~~ area, which shall conform to the standards set forth in ORS 92.090.

b. The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the proposed subdivision area, and the names of all recorded plats of land contiguous to such area.

c. The names and addresses of the subdivider ~~or partitioner~~, owner and engineer or surveyor.

d. The location of existing and proposed right-of-way lines for existing or projected streets, pedestrian and bicycle facilities, including accessways, as shown on the master road plan.

e. The locations, names, widths, and typical improvement cross-sections of all streets, existing or proposed to be created, and the grades of existing streets, and the estimated finished grades of streets proposed to be created.

f. The elevations of all points used to determine contours correctly shown, and the base data thereof used by the surveyor, having the following intervals:

i. One-foot contour intervals for ground slopes up to five percent.

ii. Two-foot contour intervals for ground slopes between five percent and 10 percent.

iii. Five-foot contour intervals for ground slopes exceeding 10 percent.

g. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be imposed by the planning commission under JCMC 16.05.050.

h. The approximate radii of all curves.

i. The approximate dimension and area of all proposed lots or parcels.

j. The approximate location of areas subject to inundation of stormwater overflow, and all areas covered by water, and the location, width, and direction of flow of all water courses.

k. The existing and proposed uses of the property, including the location of all existing structures which the subdivider ~~or partitioner~~ intends will remain in the proposed subdivision ~~or partition~~ area.

l. All proposals for sewer lines, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways and direction of flow.

m. All public area proposed to be dedicated by the subdivider ~~or partitioner~~ and the proposed uses thereof.

n. All improvements proposed to be made or installed, and the time within which said improvements are proposed to be completed.

o. A legal description of the boundaries of the entire tract and acreage owned by the subdivider ~~or partitioner~~ of which the proposed subdivision ~~or partition~~ area is a part; provided, that where the proposed subdivision ~~or partition~~ area comprises all of such tract, an affidavit of such fact shall accompany the preliminary plan.

p. The information, conditions and standards set forth in ORS 92.090(1) and (2).

q. The maximum area of each which may be occupied by buildings.

r. The approximate boundaries of and the proposed sequencing of phases in the subdivision, if phasing is proposed.

C. Review of Preliminary Plan.

1. Within two days after a preliminary plan is duly submitted, under subsection (A) of this section, the secretary of the planning commission shall distribute copies thereof to the city recorder and the superintendent of public works, for their review.

2. Coordination of Review.

a. The review of the preliminary plan of any subdivision ~~or major partition~~ shall be coordinated with all of the following entities which are affected by the plan: Lane County, state of Oregon, federal agencies, Junction City school district and Junction City water control district.

b. The coordination shall include submitting a copy of the preliminary plan to all the agencies described in subsection (C)(2)(a) of this section which will be affected by the plan, together with a request that the entity submit to the planning commission the entity's comments and recommendations about the preliminary plan. The entity shall be presumed to have agreed with the plan if it fails to respond to the request within 20 days after the plans were mailed to the entity.

D. Approval of Preliminary Plan.

1. Consideration of Preliminary Plan. The planning commission shall consider the preliminary plan and the responses of agencies with which review of the plan is required and coordinated. The preliminary plan shall be approved by a majority of a quorum of the planning commission after the responses have been considered to the extent required by any agreement with any of the coordinating agencies if the planning commission determines that the preliminary plan conforms in all respects to the requirements of this chapter and Oregon law.

2. Effect of Approval. After such approval of the preliminary plan, the subdivider ~~or partitioner~~ may proceed with final surveying, subdivision ~~or partition~~ construction, and preparation of the final plat or map. Approval shall be effective for a period of two years, and if the final plat or map is not submitted to the secretary of the planning commission, under subsection (E) of this section, within such time, the preliminary plan shall be submitted again under subsection (A) of this section and the entire procedure provided thereafter shall be repeated for consideration of any changed conditions which may exist. Upon application, the approval of the preliminary plan may be extended for up to two years

by designated staff ~~the planning commission~~ if the applicant is making progress on the subdivision plat application.

E. Submitting Final ~~Major~~ Partition ~~Map~~ and Subdivision Plat.

1. Time for Submitting. A final map or plat shall be submitted by the partitioner or subdivider to the secretary of the planning commission for a ~~major~~ partition or subdivision or any phase prior to the expiration of the tentative plan approval, together with three additional copies of the final plat. No plat or map may be submitted for planning commission consideration and approval unless a preliminary plan for the subdivision or ~~major~~ partition area described thereon has theretofore been duly submitted by such partitioner or subdivider and approved by the planning commission, as provided by this title.

2. Materials to Accompany Final Map or Plat.

a. Traverse Computation Sheets. The registered engineer or licensed land surveyor signing the surveyor's affidavit of the map or plat shall submit traverse computation sheets for the use of the county surveyor in checking the map or plat, which sheets shall include the calculation of each course distance by latitude and departure of all the boundary lines and of all parcel and lot lines in the ~~major~~ partition or subdivision area, and for all boundaries and all parcels and lots in the map or plat which are not completely rectangular in shape. Each course and distance, and each latitude and departure, shall be tabulated on the traverse computation sheet in the proper order to show the closure limits of each area; and rectangular coordinates of every angle point shall be extended and shown from a single meridian and from a single point of origin.

b. Deed Restrictions. A copy of all protective deed restrictions proposed for the ~~major~~ partition or subdivision area shall also accompany the map or plan.

F. Map or Plat Requirements.

1. Drafting. The map or plat shall be drawn in black ~~india~~ ink on good quality, white, cold-pressed, double-mounted drawing paper 18 inches by 24 inches, with muslin extending three inches at the left end for binding purposes. The map or plat shall be of such scale, and the lettering of the approvals thereof, and the dedication and affidavit of the surveyor, shall be of such size or type as will permit the whole thereof to be placed upon one single sheet of paper. The error of closure shall not exceed one foot in 4,000 feet. No part of the drawing shall be nearer to the edge of the sheet than one inch. All of the map or plat shall be on one side of the sheet, except the dedication or other written matter may be on the other side.

2. Information Required. The map or plat shall, in clear and legible form, contain the following information with respect to the subdivision area:

a. An accurate map describing the boundaries of all contiguous land in which parcels or lots less than five acres in size or less than 300 feet in width at any point will be created by the map or plat; provided, that the planning commission may authorize the exclusion of any such land where it determines any such exclusion will be in accordance with the purpose of this chapter.

b. The length of all chords, radii points of curvature, and tangent bearing.

c. The parcel or lot lines of all parcels or lots within the ~~major~~ partition or subdivision area, with dimensions in feet and hundredths of feet, and with all bearings shown.

d. Numbers designating each block and lot, lots in each block to be numbered consecutively.

e. Where the plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.

f. The description and location of all permanent reference monuments.

g. An affidavit of an Oregon licensed land surveyor, and who surveyed the subdivision area, conforming to the requirements of ORS 92.070.

h. The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision area.

i. The locations, names, and widths of all streets, existing or being created.

j. The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required by the planning commission under JCMC 16.05.050.

k. A designation of all areas covered by water, and the location, width, and direction of flow of all water courses.

l. A designation of all area being dedicated by the partitioner or subdivider, including its proposed use, and an effective written dedication thereof.

G. Review of Final Plat by Other Departments. Within two days after a map or plat is duly submitted under subsection (E)(1) of this section, the secretary of the planning commission shall distribute a copy thereof to the county surveyor. Not more than four days thereafter, he shall return the copies to the planning office, together with any comments or information they deem necessary for the public benefit.

H. Approval of Final Map or Plat.

1. Consideration of Final Map or Plat. The planning commission shall consider the final map or plat with the approved preliminary plan and the reports of the county surveyor. The final map or plat shall be approved by a majority of a quorum of the planning commission, if the planning commission determines that:

a. The map or plat conforms in all respects to the platting laws of the state and to the requirements of this chapter; and

b. Either:

i. Improvements, as required by this chapter, have been completed, and a certificate of such fact has been filed with the planning commission by a duly licensed engineer; or

ii. A performance agreement which states a timetable for completion of all improvements must be submitted to and accepted by the planning commission at the same time a performance bond is offered for acceptance by the city, which performance bond must be filed with the city recorder in sufficient amount to ensure the completion of all required improvements; and

c. Streets and alleys are dedicated to the public use without any reservation or restriction whatever; and

d. All taxes and assessments with respect to the subdivision or ~~major~~ partition area have been paid.

2. Acknowledging Approval. Such approval of the map or plat shall be evidenced by the signatures thereon of the chairman and the secretary of the planning commission, with the date of such approval.

3. Approval shall be effective for a period of 90 days; and if the map or plat is not offered for record by the partitioner or subdivider in the office of the county clerk within such time, the map or plat shall be submitted again to the planning commission under subsection (A) of this section, and the entire procedure provided thereafter shall be repeated for consideration of any changed conditions which may then exist.

I. Delivery of Final Map or Plat to County Clerk. If the map or plat is for statutory subdivision, the secretary of the planning commission shall deliver the map or plat to the county surveyor, who shall complete the necessary steps for filing, in accordance with county and state requirements for subdivisions. [Ord. 1170 §§ 1, 2, 3, 2007; Ord. 1103 § 1, 2002; Ord. 809 § 4, 1980.]

**16.05.050 Platting and mapping standards.**

A. Streets.

1. Dedication.

a. Generally. The designated staff or planning commission may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the partitioner or subdivider, of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the partition or subdivision area, in accordance with the purpose of this chapter.

b. Master Street Plan.

i. Submitting Plan. The designated staff or planning commission shall prepare and submit to the council a master street plan or plans and amendments thereto, for the city or such portions thereof as necessary, indicating streets and street systems needed to provide for the transportation needs of the community in its normal growth.

ii. Adoption of Plan. Upon adoption and approval by the council of any such plan or amendment thereto, as from time to time may be submitted by the designated staff or planning commission, a copy shall be kept in the planning office for the use and information of the general public.

iii. Effect of Adoption. Any such plan or plans and amendments thereto adopted by the council shall be considered by the designated staff or planning commission to be a correct designation of the transportation, access, and safety needs of the area or areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under JCMC 16.05.040, unless convincing evidence to the contrary is presented to the designated staff or planning commission.

2. Width.

a. Generally. Widths of street right-of-way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the partition or subdivision area a lesser width may be allowed, in the discretion of the designated staff or planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.

b. Existing Adjacent Street. The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the partition or subdivision area; and the partitioner or subdivider shall dedicate additional right-of-way, as determined by the designated staff or planning

commission in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in such table.

c. Slope Easements. Slope easements shall be dedicated in accordance with specifications adopted by the council under this section:

**Table 16.05.050: Street Standards**

| **Type of Street** | **Right-of-Way Width** | **Paving Width *** | **Sidewalk Width **** | **Bike Lane Width** |
|---|---|---|---|---|
| Arterials | 60' – 120' **** | 36' – 52' | 6.5' | 6' |
| Major and Minor Collector Streets | 50' – 80' **** | 34' – 46' | 5.5' | 6' (if required) |
| Local Streets | 40' – 60' | 20' – 36' | 5.5' | Not required |
| Other Local Streets | 40' – 60' | 20' – 36' | 5.5' | Not required |
| Cul-de-Sacs | 40' – 50' | 28' – 36' | 5.5' | Not required |
| Cul-de-Sacs Bulb | 92' *** | 70' *** | 5.5' | Not required |
| Hammerhead or "T" stubs | 30' "T" end | 15' – 20' | 5.5' | Not required |

* Paving measured from inside of curb to inside of curb.

** Includes six-inch curb width.

*** Measured by diameter of circle constituting circular end.

**** The designated staff or planning commission may require a width within the limits shown based upon adjacent physical conditions, safety of the public, and the traffic needs of the community, and in accordance with specifications adopted by the council under this section.

3. Reserve Strips. The designated staff or planning commission may require the partitioner or subdivider to create a reserve strip controlling the access to a street, said strip to be

placed under the jurisdiction of the council, when the designated staff or planning commission determines that a strip is necessary:

a. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly partitioning or subdivision of land lying beyond the street; or

b. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the table of subsection (A)(2)(c) of this subsection; or

c. To prevent access to land abutting a street of the partition or subdivision, but not within the tract or parcel of land being partitioned or subdivided; or

d. To prevent access to land unsuitable for building development.

4. Intersections of Streets.

a. Angles. Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout; where not so practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30-foot centerline radius where such angle is not less than 60 degrees. In the case of streets intersecting at an angle of less than 60 degrees, then of such minimum as the designated staff or planning commission may determine in accordance with the purpose of this chapter.

b. Jogs. Intersections shall be so designed that no jog dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be a jog of less than 100 feet between nearest or adjacent right-of-way lines.

5. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions, in accordance with the purpose of this chapter.

6. Future Extension of Streets. Where the partition or subdivision area is adjacent to land likely to be partitioned or subdivided in the future, streets shall continue through to the boundary lines of the tract under the same ownership of which the subdivision area is a part, where the designated staff or planning commission determines that such continuation is necessary to provide for the orderly partitioning or subdivision of such adjacent land, or the transportation and access needs of the community.

7. Cul-de-Sacs. There shall be no cul-de-sacs more than 400 feet long or serving more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum

diameter of right-of-way width and paving as shown in the table of subsection (A)(2)(c) of this subsection.

8. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the designated staff or planning commission and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. All streets running in a generally north and south direction shall be named in alphabetical order to conform to the established pattern in the city.

9. Grades and Curves. Unless otherwise approved by the designated staff or planning commission because topographical conditions will not reasonably permit, grades shall not exceed six percent on arterials, 10 percent on collector streets, or 12 percent on all other streets. Centerline radii on curves shall not be less than 300 feet on arterials, 200 feet on collector streets, or 100 feet on all other streets.

10. Access Management.

a. Shared Access. Subdivisions with frontage on the state highway system shall be designed to have a shared access point to and from the highway. All such subdivision accesses shall be reviewed by the Oregon Department of Transportation.

b. Connectivity.

i. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this section.

ii. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a turn-around. Removal of the turn-around shall be at the option and cost of the owner of the lot where the turnaround is located.

iii. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.

B. Alleys.

1. Dedication. The designated staff or planning commission may require adequate and proper alleys to be dedicated to the public by the partitioner or subdivider of such design

and in such location as necessary to provide for the access needs of the partition or subdivision area in accordance with the purpose of this chapter.

2. Width. Width of right-of-way and paving design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the partition or subdivision area a lesser width may be allowed, in the discretion of the designated staff or planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the designated staff or planning commission.

3. Corner Cut-Offs. Where two alleys intersect, 10-foot corner cut-offs shall be provided.

4. Grades and Curves. Unless otherwise approved by the designated staff or planning commission where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall not be less than 100 feet.

5. Other Requirements. All provisions and requirements with respect to streets shall apply to alleys the same in all respects as if the word “street” or “streets” therein appeared as the word “alley” or “alleys,” respectively.

C. Blocks.

1. Block Length. Block length shall not exceed 600 feet. In residential and commercial zones, maximum block perimeter shall be 1,600 feet. The designated staff or planning commission may allow exceptions where pedestrian pathways are utilized as mid-block connections between streets.

2. Street Connectivity. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and developments greater than two acres in size shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

a. The proposed development shall include street connections in the direction of all existing or planned streets within one-quarter mile of the development site. The proposed development shall also include street connections to any streets that abut, are adjacent to, or terminate at the development site.

b. The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site.

c. The requirements of subsections (C)(2)(a) and (b) of this section do not apply if it is demonstrated that the connections cannot be made due to impact of natural resource areas such as wetlands, streams, or upland wildlife habitat area or where existing

development on adjacent lands, including previously subdivided vacant parcels, precludes a connection now or in the future.

3. Pedestrian Ways. When necessary for public convenience and safety, the designated staff or planning commission may require the partitioner or subdivider to dedicate to the public pedestrian ways 10 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, or other public areas, of such design and location as reasonably required to facilitate pedestrian travel.

4. Easements for Utilities. Dedication of easements for stormwater sewers and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers and for access thereto for maintenance, and dedication of easements for other public or private utilities, may be required of the partitioner or subdivider by the designated staff or planning commission along lot rear lines, lot side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Easements for utility lines shall be not less than 14 feet in width; except that, for an easement abutting land not in the partition or subdivision area, a lesser width may be allowed, in the discretion of the designated staff or planning commission, where the petitioner or subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.

D. Perimeter Fences. Perimeter fences shall be required where rear yards abut an existing or planned street. The perimeter fence shall be sight-obscuring and at least five feet in height, and shall be set back at least three feet from the sidewalk or right-of-way. At least one deciduous shade tree (a minimum of two inches in caliper at planting) shall be provided for each 50 lineal feet of frontage. At the time of application review, the designated staff or planning commission may also require additional subdivision perimeter fencing, retaining walls, or other perimeter treatment in order to address privacy, stormwater runoff, or other issues relating to compatibility with adjacent properties.

E. Lots. Lot sizes in ~~mobile home subdivisions~~ manufactured dwelling park subdivisions shall conform to the provisions of Chapter 17.100 JCMC, Manufactured Dwelling Parks ~~Mobile Homes~~, rather than this subsection (E).

1. Size and Frontage.

a. General Requirements.

i. Width. Each lot shall have an average width between the lot side lines of not less than 60 feet. Each corner lot and each authorized key lot and butt lot shall have an average width between the lot side lines of not less than 65 feet.

ii. Depth. Each lot shall have an average depth between the lot front line and the lot rear line of not less than 80 feet and not more than two and one-half times the average width between the lot side lines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 120 feet, unless a lesser depth is approved by the designated staff or planning commission where necessitated by unusual topographic conditions.

iii. Area. Minimum lot area shall be in accord with requirements for the zoning district within which the lot is located.

iv. Frontage. Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.

v. Reverse Frontage.

(A) Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with lower functional classification.

(B) When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the city and recorded with the deed (reserve strip). A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

b. Exceptions.

i. Partition or Subdivision Area Developed as a Unit. The designated staff or planning commission may, in its discretion, authorize relaxation of the parcel or lot size and frontage requirements specified herein where the partitioner or subdivider presents a plan satisfactory to the designated staff or planning commission whereby the entire partition or subdivision area will be designed and developed with provision for proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the partition or subdivision area, and which the designated staff or planning commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the parcel or lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this chapter.

ii. Land Zoned for Commercial or Industrial Use. The designated staff or planning commission may, in its discretion, authorize relaxation of the parcel or lot size and frontage

requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this chapter.

iii. Parcel or Lot Retained for Future Partition or Subdivision. The designated staff or planning commission may, in its discretion, waive parcel or lot frontage requirements where, in its judgment, a parcel or lot should and will be retained by the partitioner or subdivider, and future partition or subdivision of such parcel or lot will be the highest and best use thereof, and such use will be best protected by the creation of a reserve strip separating such parcel or lot from any street.

2. Key Parcels or Lots and Butt Parcels or Lots. There shall be no key parcels or lots nor butt parcels or lots, except where authorized by the designated staff or planning commission where such parcels or lots are necessitated by unusual topographic conditions or previous adjacent layout.

3. Parcel and Lot Side Lines. As far as is practicable, parcel and lot side lines shall run at right angles to the street upon which the parcels or lots face, except that on curved streets they shall be radial to the curve.

4. Suitability for Intended Use. All parcels and lots shall be suitable for the purpose for which they are intended to be used. No parcel or lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the partition or subdivision area or of such parcel or lot, as determined by the designated staff or planning commission in accordance with the purpose of this chapter.

5. Future Partitioning or Subdivision of Parcels or Lots. Where the partition or subdivision will result in a parcel or lot one-half acre or larger in size which, in the judgment of the designated staff or planning commission, is likely to be partitioned or subdivided in the future, the designated staff or planning commission may require that the location of parcel or lot lines and other details of layout be such that future partition or subdivision may readily be made without violating the requirements of this chapter and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record, if the designated staff or planning commission deems it necessary for the purpose of future subdivision.

6. Panhandle Lots. Panhandle lot configurations shall not be utilized in new subdivisions. The designated staff or planning commission may authorize exceptions from frontage requirements for panhandle lots in the R1 and R2 zones only in established neighborhoods; provided, that the following standards, applicable to all panhandle lots, are met:

a. Minimum lot sizes for panhandle lots shall be as follows, unless JCMC Title 17 requires larger minimum lot sizes:

i. All lots and parcels in an R1 zone must be at least 6,000 square feet, exclusive of the panhandle; and

ii. All lots and parcels in an R2 zone must be at least 5,000 square feet, exclusive of the panhandle;

b. Minimum panhandle width shall be as follows, whether or not the panhandle is used for access:

i. One rear lot or parcel: 15 feet;

ii. Two or more rear lots or parcels: 25 feet;

c. Minimum access paving width of the panhandle or abutting driveway used for access shall be as follows:

i. One or two rear lot(s) or parcel(s): 15 feet;

ii. Three or four rear lots or parcels: 20 feet (to preserve existing natural features, paving width may be reduced to 22 feet, except for the first 25 feet back from the sidewalk, with the approval of the designated staff or planning commission if both sides of the driveway are landscaped in accordance with an approved landscape plan);

d. Driveways (which may or may not be the panhandle) and parking areas shall have a durable, dust-free surfacing of asphalt concrete, portland cement concrete or other approved material;

e. Use of a panhandle for access shall be permitted only if creation of a public street, including a future public street, is not possible because:

i. Physical conditions preclude development of a public street. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers or lakes, or a resource on the National Wetland Inventory or under protection by state or federal law;

ii. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment in the planning period;

f. A maximum of four rear lots or parcels may be assigned to a single panhandle;

g. Vehicular access from public streets to the rear lots or parcels may be obtained one of three ways:

i. Via a panhandle driveway;

ii. Via an existing alley;

iii. Via an abutting property's driveway;

h. If an abutting property's access driveway is used:

i. An access easement maintenance agreement shall be required and shall be recorded in the Lane County office of deeds and records;

ii. There shall be adequate room elsewhere on the abutting property to meet off-street parking requirements for that property;

i. When the panhandle is used for access and the abutting property owner requests a visual buffer at the time of land division review, that buffer shall consist of the following:

i. A minimum five-foot-high site-obscuring fence or wall; or

ii. Landscaping that will be five feet high and 75 percent site-obscuring within five years;

j. If access is provided via an existing unimproved alley, the property owner filing for the land division shall improve the alley to city standards. The alley must be able to provide automobile and emergency vehicle access to a public street;

k. Whether or not the panhandle is used for access, it shall remain free of structures and be available for possible future access to a public street;

l. Each rear lot or parcel shall have two parking spaces and shall have sufficient turnaround area to eliminate the necessity for a vehicle to back out onto the street. The two spaces shall not be located in the panhandle portion of driveways;

m. The building official shall not issue a certificate of occupancy until the project is completed in accordance with approval conditions, this code and JCMC Title 17;

n. Except as provided herein, the design and development standards of the zone district in which the panhandle lots or parcels are located shall apply.

F. Drainage. Where land in the partition or subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the designated staff or planning commission may require the partitioner or subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the designated staff or planning commission

as adequate for the drainage needs of the area; or, where necessary, in the judgment of the designated staff or planning commission, for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city.

G. Railroads.

1. Crossings. Special requirements may be imposed by the designated staff or planning commission, including but not limited to provisions for separation of street and railroad grades, in connection with any railroad crossing which will immediately affect the safety of the residents of the partition or subdivision area, for the protection of such residents, and the safety of the general public, in accordance with the purpose of this chapter.

2. Partition or Subdivision Area Adjacent to Right-of-Way. Where the partition or subdivision area is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate such property will be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from said right-of-way to allow for reasonable sites for industrial use adjacent to said right-of-way.

H. Partial Development. Where the partition or subdivision area includes only a part of the tract owned by the partitioner or subdivider, the designated staff or planning commission may require a sketch of a tentative layout of streets in the remainder of said tract.

I. Recreational Area. The designated staff or planning commission, after council approval first having been obtained, may require, as a condition of approval of the subdivision, either:

1. The dedication of land for park and recreational purpose of an amount equal to a ratio of not less than one acre of recreational area to every 100 people of the ultimate population in the subdivision; or

2. The payment to the city of a sum as established by the resolution adopting park systems development charges for each living unit permitted to be constructed within the subdivision. Payment of the charge shall be made at the time the building permit for construction of each living unit is issued by the city. The amount of the charge shall be that prescribed in the parks systems development resolution in effect at the time the individual permit is issued.

In exercising the discretion of requiring the dedication of land or the payment of money, the designated staff or commission shall consider recreational needs of the ultimate population of the subdivision and the extent to which a dedication of land under the above rate would fulfill those needs.

All moneys received from the above provision shall be deposited in the recreational reserve area fund and shall be expended from that fund for the purpose of purchasing recreational land and making improvements thereof.

J. Building Lots Filled. All building lots shall be filled in accordance with accepted engineering practice. All fill shall be placed in accordance with Chapter 70 of the Oregon Structural, Specialty and Fire and Life Safety Code.

K. Finish Floor Elevations. Finish floor elevations shall be established for all buildings on the final plat in accordance with elevations established by and for the city of Junction City.

L. Utility Access. All accesses to utilities are to be brought to finish grade. [Ord. 1116 § 1, 2003; Ord. 1103 § 1, 2002; Ord. 1065 § 1, 1999; Ord. 1038 § 2, 1997; Ord. 846 § 12, 1982; Ord. 809 § 5, 1980.]

**16.05.060 Improvements.**

A. Submitting Specifications. The designated staff or planning commission shall prepare and submit to the council specifications, and amendments thereto, for construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, and construction of pedestrian ways in subdivision areas. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety, and welfare needs of the city and area affected, in accordance with the purpose of this chapter.

B. Land Surface Drainage. Such grading shall be done and such drainage facilities shall be constructed by the partitioner or subdivider as are adequate for the purpose of proper drainage of the partition or subdivision area and of areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the partition or subdivision area and for the benefit of the general public, and in accordance with specifications adopted by the city council.

C. Streets and Alleys. The partitioner or subdivider shall grade and pave all streets and alleys in the partition or subdivision area to the width specified in JCMC 16.05.050, and provide for drainage of all such streets and alleys, and construct curbs and gutters within the partition or subdivision area, in accordance with specifications of this chapter. Construction of such improvements shall be subject to inspection and approval by the council's street and alley committee.

D. Sidewalks. Sidewalks shall be located and constructed to conform with Chapter 12.20 JCMC.

E. Pedestrian Ways. A walk strip not less than five feet in width shall be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the city council.

F. Street Light and Fire Hydrant Installations. The partitioner or subdivider shall provide for the installation of all street lights and fire hydrants in accordance with city specifications.

G. Performance Agreement. If all improvements required by the designated staff or planning commission and this chapter are not completed according to specifications, as required herein, prior to the time the final map or plat is duly submitted for consideration and approval, the planning commission may accept in lieu of said completion of improvements a performance agreement executed by the partitioner or subdivider conditioned on faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the planning commission. [Ord. 809 § 6, 1980.]

**16.05.070 Modification of provisions.**

A. Application for Modification.

1. Time for Submitting Application. Concurrently with submitting a preliminary plan, map or plat to the designated staff or secretary of the planning commission ~~for planning commission consideration and approval~~, a partitioner or subdivider may submit ~~to the secretary of the planning commission~~ an application for a modification of any provision of JCMC 16.05.040 through 16.05.060.

2. Contents of Application. An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:

a. Such provision, if strictly applied, would cause unique and unnecessary hardship to such partitioner or subdivider in partitioning or subdividing the partition or subdivision area; and that

b. Modification of such provision would not be contrary to the purpose of this chapter for the reason that:

i. Where the application is for a modification of any provision of JCMC 16.05.040 or 16.05.050, unusual topographic conditions or previous layout of the partition or subdivision area or neighboring area reasonably require such modification, and such modification will not be substantially injurious to the best use and value of property in the neighboring area; or

ii. Where the application is for a modification of any provision of JCMC 16.05.060, the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.

B. Consideration of Application ~~by Planning Commission~~.

1. Time of Consideration. At the designated staff decision or planning commission meeting at which the preliminary plan, map or plat accompanying the application for a modification is to be considered ~~by the commission~~ for approval, and prior to such consideration, the designated staff or planning commission shall consider such application for modification.

2. Allowance of Modification ~~by Planning Commission~~. If designated staff or a majority of a quorum of the planning commission determines from such evidence as it deems necessary and competent, that the circumstances specified in subsection (A)(2)(b)(i) or (ii) of this section have been shown to exist, it shall allow a modification of such provision referred to in such application to such extent and on such terms and conditions as it considers proper, in accordance with the purpose of this chapter.

3. Effect of Allowance of Modification. After the procedures provided in JCMC 16.05.040 and 16.05.050 have been duly complied with, the designated staff or planning commission shall proceed to consider the preliminary plan, map or plat which accompanied the application for such modification. Such consideration shall proceed under the requirements therefor heretofore provided in this chapter; but the designated staff or planning commission may consider any provision of JCMC 16.05.040 through 16.05.060 to be satisfied to the extent and under the conditions and terms of the modification allowed.

4. Refusal to Allow Modification. If a modification is not allowed by the designated staff or planning commission, the application for modification shall be deemed to have been denied; and the designated staff or planning commission shall proceed to consider the preliminary plan, map or plat which accompanied the application for such modification under the requirements therefor heretofore provided in this chapter. [Ord. 821 § 1, 1981; Ord. 809 § 7, 1980.]

**16.05.080 Appeals.**

A. Time for Taking Appeal. Any partitioner or subdivider who has duly submitted a ~~map or plat, a preliminary plan, or a~~ final map or plat under JCMC 16.05.040 may appeal to the council if the planning commission does not approve such map or plat within 45 days after such map or plat is so submitted, and the partitioner or subdivider believes that such failure to approve such map or plat is wrongful. Such appeal shall be taken no later than 12

days after the expiration of such 45-day period. Appeals of preliminary plans shall follow the appeal procedures for Type II Limited Land Use Decisions in JCMC 17.150.170(A)(2).

B. Manner of Taking Appeal. Such appeal shall be taken by filing with the council or commission a copy of such preliminary plan, map or plat, accompanied by a verified petition for mandate, stating succinctly the grounds on which the appellant believes failure to approve such plan, map or plat is wrongful. All applications for appeal shall be accompanied by a fee equal to the average cost as prescribed by resolution or ordinance of the city council in effect at the time the application is filed.

C. Hearing of Appeal. Appeals of preliminary plans shall follow the appeal procedures in JCMC 17.150.170(A)(2). Appeals of final maps or plans shall follow the procedures herein. No later than 20 days thereafter, upon at least five days' notice mailed to the partitioner or subdivider by registered or certified mail, the council shall hear the appeal in public session. At the hearing, the council shall consider any evidence presented by the appellant, together with his petition for mandate, his plan, map or plat, any reports, comments, or information with respect thereto from any public office or official theretofore considered by the planning commission, the minutes of the planning commission applicable thereto, and any other evidence desired for consideration by the council and presented at such hearing. Technical rules of evidence shall apply, but all evidence given orally shall be reduced to writing in summary form and all documentary evidence shall be considered public.

D. Ruling on Appeal.

1. Scope of Ruling. The ruling of the council on the appeal shall be limited to the interpretation of provisions of this chapter applicable to the grounds for appeal stated in the petition for mandate and a determination of whether such provisions have accordingly been lawfully applied by the planning commission.

2. Action on Ruling. If the council finds against the appellant, it shall enter an order denying the petition and closing the appeal. If the council finds in favor of the appellant, it shall issue a mandate to the planning commission stating wherein the planning commission has erred, instructing the planning commission as to the correct application of this chapter with respect to appellant, and directing the planning commission to reconsider such plan, map or plat upon appellant's resubmitting the same under subsection (A) of this section. A copy of such mandate shall be sent to the appellant by registered or certified mail.

E. Effect of Mandate. Such mandate shall be binding on the planning commission on all matters specifically determined herein, as to the plan, map or plat with respect to which the petition for mandate was filed, and no other. Such mandate shall become null and void,

if appellant does not within 30 days duly submit such plan, map or plat again. [Ord. 1112 § 1, 2003; Ord. 1065 § 1, 1999; Ord. 821 § 2, 1981; Ord. 809 § 8, 1980.]

**16.05.090 Filing fees.**

Before accepting for filing any application for approval of a partition or subdivision, the city recorder's office shall charge and collect a fee as established by resolution or ordinance of the city council in effect at the time the application is filed. [Ord. 1065 § 1, 1999; Ord. 809 § 9, 1980.]

**16.05.100 Liability.**

Any person, organization or corporation carrying out any authority they receive under the terms of this chapter who or which shall subsequently be liable for negligent or other wrongful conduct in exercising the authority shall hold the city harmless from any liability which may be incurred by the city for such person's, organization's or corporation's negligent or other wrongful conduct. [Ord. 809 § 10, 1980.]

**16.05.110 Enforcement.**

No land shall be conveyed, no building shall be constructed, nor shall a permit for the construction of a building be issued on any parcel not conforming to this chapter. [Ord. 809 § 11, 1980.]

**16.05.120 Exceptions.**

This chapter shall not apply to any parcel not conforming to the provisions of this chapter for which a deed is of record or for which a contract of sale is in full force and effect recorded prior to the effective date of the ordinance codified in this chapter. [Ord. 809 § 12, 1980.]

**16.05.130 Violations and penalties.**

A person, firm or corporation violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine of not more than $200.00. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed or continued by such person, firm, or corporation, and shall be punished accordingly. [Ord. 809 § 13, 1980.]

# Chapter 17.05
# INTRODUCTION AND DEFINITIONS

Sections:



## 17.05.010 Purpose.

The several purposes of this title are to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide for adequate light and air; to lessen congestion; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; and, in general, to promote public health, safety, convenience and general welfare. [Ord. 1278 § 2 (Exh. B), 2023; Ord. 1266 § 2 (Exh. B), 2021; Ord. 950 § 1, 1991.]

## 17.05.020 Definitions.

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

“Accessory structure or use” means a structure or use incidental and subordinate to the main use of the property and which is on the same lot with the main use.

“Alley” means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

“Bicycle facilities” is a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

“Bikeway” means any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

1. Multi-Use Path. A paved 10- to 12-foot-wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other nonmotorized users.

2. Bike Lane. A four- to six-foot-wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

3. Shoulder Bikeway. The paved shoulder of a roadway that is four feet or wider; typically shared with pedestrians in rural areas.

4. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.

5. Multi-Use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

“Boarding, lodging, or rooming house” means a building or portion of a building, other than a hotel, where lodging with or without meals is provided for compensation for five or more persons that are not temporary occupants.

“Building” means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature greater than 120 square feet or 10 feet in height.

“City” means the city of Junction City, Oregon.

“Civic center” means a building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

“Club” means a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

“Day care facility” means any facility that provides day care to children, including a child day care center, group day care home, home of a family day care provider, including those known under a descriptive name such as nursery school, preschool, or kindergarten.

“Day care home” means a day care facility located in a building constructed as a single-family dwelling that is certified to care for no more than 12 children at any given time.

“Dormitory” means a building or buildings with rooms that provide sleeping and living accommodations for students as an ancillary use to an educational institution.

“Dwelling, multifamily” means a building containing three or more dwelling units.

“Dwelling, single-family attached” means a building containing two dwelling units that share a single wall but are located on separate lots. ~~Single-family attached dwellings:~~

~~1. Shall conform to all residential use development standards for single-family dwellings.~~

~~2. Shall be constructed or installed in accordance with the Oregon Residential Specialty Code as adopted by the city, or as defined within the statutes of the state of Oregon.~~

~~3. Shall have a pitched roof of at least one foot in height for every three feet in width.~~

~~4. Exterior siding and roofing shall be similar in color, material, and appearance to that of surrounding buildings.~~

~~5. The dwelling shall provide on-site covered parking consistent with the predominant construction patterns of immediately surrounding dwellings.~~

"Dwelling, single-family detached" means a detached building containing one dwelling unit. ~~Single-family detached dwellings:~~

~~1. Shall conform to all residential use development standards for single-family dwellings.~~

~~2. Shall be constructed or installed in accordance with the Oregon Residential Specialty Code as adopted by the city, or as defined within the statutes of the state of Oregon.~~

~~3. Shall have a pitched roof of at least one foot in height for every three feet in width.~~

~~4. Exterior siding and roofing shall be similar in color, material, and appearance to that of surrounding dwellings.~~

~~5. The dwelling shall provide on-site covered parking consistent with the predominant construction patterns of immediately surrounding dwellings.~~

"Dwelling, two-family" means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. ~~Two-family dwellings:~~

~~1. Shall conform to all residential use development standards for single-family dwellings.~~

~~2. Shall be constructed or installed in accordance with the Oregon Residential Specialty Code as adopted by the city, or as defined within the statutes of the state of Oregon.~~

~~3. Shall have a pitched roof of at least one foot in height for every three feet in width.~~

~~4. Exterior siding and roofing shall be similar in color, material, and appearance to that of surrounding dwellings.~~

~~5. The dwelling shall provide on-site covered parking consistent with the predominant construction patterns of immediately surrounding dwellings.~~

"Dwelling unit" means ~~one or more rooms designed for occupancy by one family and designed to have no more than one kitchen.~~ a building, or portion thereof, designed and used as a residence for occupancy by a person or persons, designed to have no more than one kitchen.

"Easement" means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

"Factory-built house" means a dwelling unit that is constructed and assembled at a factory in conformance with the State Building Codes and transported to the building's site and placed on a prebuilt foundation.

~~"Family" means a group of related individuals by blood or marriage, or five or fewer individuals, unless certified as disabled, not related by blood or marriage occupying a dwelling unit and living as a single household unit.~~

“Fence, sight-obscuring” means a fence or planting arranged in such a way as to obstruct visibility of land uses on a parcel from adjacent properties.

“Floor area, gross” means the sum of the gross horizontal areas of the several floor(s) of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

“Garage, private” means an accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

“Garage, public” means a building other than a private garage used for the care and repair of motor vehicles where such vehicles are owned or used or stored for compensation, hire, or sale.

“Grade” means the average of the finished ground level at the center of all walls of the building. In case walls are parallel to and within five feet of a sidewalk, the above ground level should be measured at the sidewalk.

“Height” means the vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

“Home occupation” means a lawful activity carried on within a dwelling by an occupant ~~members~~ of ~~the family occupying~~ the dwelling with no ~~servant,~~ employee or other person being engaged; provided, that:

1. The residential character of the dwelling is maintained.

2. The activity occupies less than one-quarter of the ground floor area of the dwelling.

3. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

“Hospital” means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

“Industrial park” means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

“Industry” means those fields of economic activity related to forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

“Junk” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other old or scrap ferrous or nonferrous material, metal or nonmetal materials.

“Junkyard” means any establishment or place of business where there is accumulated on the premises eight or more motor vehicles or an equivalent volume of junk that is maintained, operated

or used for storing, keeping, buying or selling of junk and the term includes automobile graveyards, wrecking yards, and salvage yards.

“Lot” means a parcel or tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

“Lot area” means the total horizontal area within the lot lines of a lot.

“Lot, corner” means any lot having at least two contiguous sides abutting upon one or more streets; provided, that the interior angle of the intersection of such two sides is less than 135 degrees.

“Lot depth” means the horizontal distance ordinarily measured from the midpoint of the front lot line to the midpoint of the rear lot line.

“Lot, interior” means a lot other than a corner lot.

“Lot line” means the property line bounding a lot.

“Lot line, front” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner or through lot, the lot line along a street other than an alley over which the primary vehicular access to the property is gained, except as provided for corner lot duplex residential uses in JCMC 17.15.040 and 17.20.050.

“Lot line, rear” means the lot line which is opposite and most distant from the front lot line. Where a rear lot line cannot be determined, it shall be developed by striking a cord 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

“Lot line, side” means any lot line not a front or rear lot line.

“Lot width” means the horizontal distance between the side lot lines, ordinarily measured at the front lot line.

“Manufactured dwelling” means a residential trailer, mobile home or manufactured home, or it means a prefabricated structure that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

“Manufactured dwelling park” means any place where four or more manufactured dwellings or prefabricated structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

“Manufactured home” means a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

“Manufacturing” means establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the

manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

“Mini-warehouse” means a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

“Mobile food unit” means any vehicle used to sell and dispense food to the general public that is self-propelled or can be pulled or pushed down a street or highway.

~~“Mobile home park” means any tract, lot, or parcel of land maintained, offered or used for the purpose of parking four or more mobile homes as dwelling units.~~

“Nonconforming structure or use” means a lawful existing structure or use at the time the ordinance codified in this chapter or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

“Outdoor storage” means the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

“Parcel” means a unit of land that is created by the partitioning of land.

“Park” means a tract of land, designated and used by the public for active or passive recreation.

“Parking space” means a rectangle not less than 20 feet long and nine feet wide.

“Parking space, handicapped” means a rectangle not less than 20 feet long and nine feet wide with a six-foot access aisle which is part of the access route to the building.

“Pedestrian facilities” is a general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

“Person” means every natural person, firm, partnership, association and/or corporation.

“Planned unit development” means a parcel of land planned as a single unit rather than as an aggregate of individual lots, with design flexibility from traditional zoning regulations.

“Planning commission” means the city planning commission.

“Plat” includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

“Prefabricated structure” means a prefabricated structure that is relocatable, more than eight and one-half feet wide and designed for use as a single family dwelling.

“Recreational vehicle” means a vehicular type portable structure with or without motive power, without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living quarters ~~accommodation for recreational, camping~~ and travel use and including but not limited to a trailer house, trailer coach, motor home, auto home, camp car, camp trailer, boat trailer, camperette, travel trailers, truck campers, camping trailers and self-propelled motor homes.

“Recreational vehicle park” means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose the renting of space and related facilities for a charge or fee, or the provision of space for free in connection with securing the patronage of a person. It does not mean an area designated only for picnicking or overnight camping, or a manufactured dwelling park.

“Residential care facility” means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 through 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related.

“Residential care home” means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related.

“Rubbish” is a general term for solid waste, excluding food waste and ashes, taken from residences, commercial establishments and institutions.

“Scrap” means discarded or rejected materials that result from manufacturing or fabricating operations.

“Screening” means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

“Setback” means the distance between the property line and the building foundation, excluding uncovered steps.

“Spot zoning” means rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

“Street” means any vehicular way which is an existing state, county or municipal roadway and is shown on a plat duly filed and recorded in the office of the county recording officer, and includes the land between the street lines, whether improved or unimproved.

“Street, arterial” means a street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.

“Street, collector” means a street which collects traffic from local streets and connects with minor and major arterials.

“Street, cul-de-sac” means a street with a single common ingress and egress and with a turnaround at the end.

“Street, local” means a street designed to provide vehicular access to abutting property and to discourage through traffic.

“Structural alteration” means a change to the supporting members of a structure including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders or the roof.

“Structure” means that which is built or constructed, an edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

“Swimming pool” means a water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

“Unstable soil” means soil types which pose severe limitations upon development or create a ground water pollution hazard due to poor filtration, high water table and/or cemented hardpan, as defined by the U.S. Soil Conservation Service.

“Use” means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

“Vision clearance area” means a triangular area on a lot at the intersection of two streets or a street and an alley, driveway, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the curb lines to a distance specified in JCMC 17.95.090. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection (refer to Appendix A, Diagram 1). The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet or lower than eight feet in height measured from the grade of the street centerline.

“Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (ORS 196.800(16)). Wetlands generally include swamps, marshes, bogs and similar areas.

“Yard” means an open space on a lot which is unobstructed with buildings from the ground upward, except as otherwise provided in this title.

“Yard, front” means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the foundation of a building.

“Yard, rear” means a yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the foundation of a building.

“Yard, side” means a yard between the front and rear yards measured horizontally and at right angles to the side lot lines from the side lot line to the nearest point of the foundation of a building. [Ord. 1278 § 2 (Exh. B), 2023; Ord. 1266 § 2 (Exh. B), 2021; Ord. 1254 § 1, 2018; Ord. 1103 § 1, 2002; Ord. 1037 § 1, 1997; Ord. 1021 § 1, 1996; Ord. 975 § 1, 1993; Ord. 950 § 2, 1991.]

**17.05.030 Compliance with provisions.**

No structure or premises shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of this title. [Ord. 1278 § 2 (Exh. B), 2023; Ord. 1266 § 2 (Exh. B), 2021; Ord. 950 § 3, 1991.]

**17.05.040 State and federal regulations.**

All development within the city shall adhere to:

A. State and federal air quality standards.

B. State and federal clean water regulations.

C. State noise regulations.

D. State and federal solid and hazardous waste regulations. [Ord. 1278 § 2 (Exh. B), 2023; Ord. 1266 § 2 (Exh. B), 2021; Ord. 950 § 4, 1991.]

**17.05.050 Classification of zones.**

For the purpose of this title, the city is divided into zones, designated as follows:

| Zone | Abbreviated Designation |
|---|---|
| Agricultural | AG |
| Single-Family Residential | R1 |
| Duplex Residential | R2 |
| Multiple-Family Residential | R3 |
| Multi-Structure Residential | R4 |
| Commercial/Residential | CR |
| Central Commercial | C2 |
| General Commercial | GC |
| Professional-Technical | PT |
| Light Industrial | M1 |
| Heavy Industrial | M2 |
| Public Lands | PL |

[Ord. 1278 § 2 (Exh. B), 2023; Ord. 1266 § 2 (Exh. B), 2021; Ord. 950 § 5, 1991.]

**17.05.060 Zoning map.**

A. The location of boundaries of the zones designated in JCMC 17.05.050 are hereby established as shown on the map entitled “Zoning Map of the City of Junction City,” dated with the effective date of the ordinance codified in this chapter and signed by the mayor and city recorder, and hereafter referred to as the “zoning map.”

B. The signed copy of the zoning map shall be maintained on file at City Hall and is hereby made a part of this title. [Ord. 1278 § 2 (Exh. B), 2023; Ord. 1266 § 2 (Exh. B), 2021; Ord. 950 § 7, 1991.]

**Chapter 17.10**
**SINGLE-FAMILY RESIDENTIAL ZONE (R1)**

Sections:



**17.10.010 Uses permitted outright.**

In an R1 zone, only the following uses and their accessory uses are permitted outright:

A. Single-family dwelling conforming to the Uniform Building Code.

B. Two-family dwellings (duplexes).

~~B~~C. Residential care home.

~~C~~D. Day care home.

~~D~~E. Home occupations.

~~E~~F. Accessory structures.

~~F~~G. Accessory dwelling units provided they conform to the following:

1. Accessory dwelling unit must comply with the Oregon Uniform Building Code – One- and Two-Dwelling Specialty Code.

2. The accessory dwelling unit may be a detached cottage, a unit attached to or above a garage, or in a portion of an existing house.

~~3. The primary residence or accessory dwelling shall be owner-occupied or occupied by a family member. A deed restriction is required, and a copy of the recorded deed shall be submitted to the city administrator or designee prior to issuance of a building permit.~~

~~4~~3. A maximum of one accessory dwelling unit is allowed per lot.

~~5~~4. The floor area of the accessory dwelling unit shall not exceed 800 square feet.

~~6~~5. The building height of a detached accessory dwelling (i.e., separate cottage or second floor above a detached garage) shall not exceed 25 feet.

~~7~~6. An accessory dwelling is subject to existing setback requirements, with the exception of the rear setback if the rear lot line borders an alley, in which case the minimum setback shall be four feet.

G. Manufactured dwellings ~~homes~~. ~~provided they conform to the following:~~

~~1. The structure shall be multisectional and enclose a space of no less than 1,000 square feet.~~

~~2. The dwelling shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.~~

~~3. The dwelling shall have a pitched roof of at least three feet in height for every 12 feet of width.~~

~~4. Exterior siding and roofing shall be similar in color, material, and appearance 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 city building inspector.~~

~~5. The exterior thermal envelope shall be certified by the manufacturer to meet the performance standards required of single-family dwellings built under the State Building Codes.~~

~~6. The dwelling shall provide on-site covered parking consistent with the predominant construction immediately surrounding dwellings.~~

H. Uses similar to those listed above. [Ord. 1116 § 1, 2003; Ord. 975 § 3, 1993; Ord. 950 § 9, 1991.]

**17.10.020 Conditional uses permitted.**

In an R1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 17.130 JCMC:

A. Cemetery.

B. Church.

C. Day care facility.

D. Golf course and other open land recreational use, but excluding intensive commercial amusement uses such as “pitch and putt” golf course, automobile race track or amusement park.

E. Governmental structure or land use including but not limited to a public park, playground, recreational building, fire station, library, museum, or civic center.

F. Grange hall or community building.

G. Hospital, sanitarium, rest home, home for the aged, nursing home or convalescent home.

H. Residential care facility.

I. School: nursery, day care, primary, elementary, junior or senior high.

J. Utility lines or substation.

K. Mortuary. [Ord. 1116 § 1, 2003; Ord. 1105 § 1, 2002; Ord. 950 § 10, 1991.]

**17.10.030 Lot size.**

In an R1 zone, the lot size shall be as follows:

A. The minimum lot area shall be 6,000 square feet.

B. The minimum lot area for two-family dwellings (duplexes) shall be 10,000 square feet.

~~B~~C. The minimum lot width shall be 60 feet and 35 feet for cul-de-sac lots. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 11, 1991.]

**17.10.040 Setback requirements.**

Except as provided in JCMC 17.95.060, in an R1 zone, the yards, measured from the property line to the foundation of the building with a maximum projection of three feet into any setback area as defined in JCMC 17.10.070, shall be as follows:

A. The front yard shall be a minimum of 18 feet to the front facade of the house and a minimum of 20 feet to the garage. Covered but unenclosed porches shall be allowed to be a minimum of 10 feet from the property line, as long as they do not encroach into a public utility easement (see Appendix A, Diagram 4).

B. Each side yard shall be a minimum of six feet, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet.

C. The rear yard shall be a minimum of 15 feet. An exception shall be permitted where an accessory dwelling unit, garage, or other accessory structure is located at the rear lot line abutting an alley, in which case the setback shall be a minimum of four feet. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 12, 1991.]

**17.10.050 Heights of buildings.**

In an R1 zone, no building shall exceed a height of 30 feet. [Ord. 1116 § 1, 2003; Ord. 950 § 13, 1991.]

**17.10.060 Lot coverage.**

In an R1 zone, buildings shall not occupy more than 40 percent of the lot area except where an accessory dwelling unit is constructed, and then buildings shall not occupy more than 50 percent of the lot area. [Ord. 1116 § 1, 2003; Ord. 950 § 14, 1991.]

**17.10.070 Setback exceptions.**

In an R1 zone, the following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by up to three feet; provided, that the State Fire Code is met. Walls and fences may be placed on property lines, subject to the standards in JCMC 17.95.020. Walls and fences within front yards shall additionally comply with the vision clearance standards in JCMC 17.95.090.
[Ord. 1116 § 1, 2003; Ord. 950 § 14A, 1991.]

# Chapter 17.30
# CENTRAL COMMERCIAL ZONE (C2)

Sections:



## 17.30.010 Uses permitted outright.

A. In a C2 zone, only the following uses and their accessory uses are permitted outright:

1. Automobile, boat or trailer sales.

2. Bakery.

3. Bank, loan company or similar financial institution.

4. Barber shop.

5. Beauty shop.

6. Bicycle shop.

7. Blueprinting, photostating or other reproduction.

8. Book or stationery store or newsstand.

9. Bookbindery.

10. Building supply with no outside storage.

11. Bus station.

12. Business machines, retail and service.

13. Catering establishment.

14. Church.

15. Clinic, except animal clinic.

16. Clothes cleaning or laundry agency.

17. Clothing store or tailor shop.

18. Club, lodge, union or fraternal organization.

19. Cocktail lounge or tavern.

20. Confectionery store, including soda fountain.

21. Curtain or drapery store.

22. Day care facility.

23. Dancing school or music studio.

24. Delicatessen.

25. Drug store, pharmacy.

26. Dry cleaning, or pressing, except those using highly volatile or combustible materials or using high pressure steam tanks or boilers.

27. Dry goods, millinery or dress shop.

28. Electrical supply store.

29. Feed and seed store.

30. Florist shop.

31. Floor covering sales and service.

32. Food store.

33. Frozen food lockers, retail only.

34. Furniture store.

35. Garden store.

36. Gift, hobby or art shop.

37. Grocery store.

38. Hardware store.

39. Health studio, physical therapist, reducing salon.

40. Hotel.

41. Jewelry store, including repairing.

42. Leather goods sales, including harness and saddle shop.

43. Locksmith.

44. Magazine or newspaper distribution agency.

45. Meat market, retail.

46. Newspaper publishing.

47. Notions or variety store.

48. Office, business or professional.

49. Office supplies.

50. Paint store, including related contractor shop.

51. Parking lot or garage.

52. Pawn shop.

53. Pet shop.

54. Printing plant.

55. Radio or television sales and service.

56. Residential uses, second story or multiple-family.

57. Residential uses as provided under ORS 197A.460.

587. Restaurant or hotel supply.

598. Restaurant or tearoom.

6059. Retail store.

610. Scientific or professional instrument sale or repair.

621. Secondhand store.

632. Self-service laundry.

643. Shoe store or shoe repair shop.

654. Storage building for household goods in conjunction with retail sales.

665. Studio: art, music and photography.

676. Telephone or telegraph building.

687. Theater, except drive-in theater.

698. Upholstery shop, but excluding operations in mattress and upholstery refinishing where cyanide or other highly toxic material is used.

7069. Wholesale office or show room with merchandise on the premises limited to small items and samples.

710. Museum, private or public

721. Brew pub, public house, microbrewery, winery, cider house, tasting room or similar use. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1037 § 1, 1997; Ord. 982 § 1, 1994; Ord. 950 § 34, 1991.]

**17.30.020 Development review.**

In the C2 zone, development review by the city administrator or designee shall be required to ensure compliance with JCMC 17.30.080.

A. Procedure. Development review is a nondiscretionary, administrative review conducted by the city administrator or designee. Development review shall follow JCMC 17.150.070(A)(1), Type I Procedure – Administrative Decision.

B. General Submission Requirements. The applicant shall submit an application on forms provided by the city administrator that shall:

1. Contain all the general information required;

2. Address the criteria in sufficient detail for review and action; and

3. Be filed with the required fee as established by the city council.

C. Development Review Information. An application for development review shall include a proposed site plan on a page size of 11 inches by 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.

2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.

3. The proposed development site, including boundaries, dimensions, and gross area.

4. Features that are proposed to remain on the site.

5. The location and dimensions of all existing and proposed structures, utilities, street lighting, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.

6. Landscape plan, including parking area landscaping if applicable.

7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, alleys and easements.

8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes and location and dimensions of vehicular and bicycle parking areas if applicable.

9. Architectural Drawings.

a. Building elevations which illustrate building orientation and building form design features including but not limited to building facade(s), entrance(s), windows, roof decoration, awnings and overhangs, building materials and paint colors.

b. Building plans that illustrate proposed amenities.

c. Signage, if applicable.

d. The name, address and phone number of the architect. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1116 § 1, 2003; Ord. 950 § 34A, 1991.]

**17.30.030 Conditional uses permitted.**

In a C2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 17.130 JCMC:

A. Auditorium, exhibition hall or other public assembly room.

B. Automobile service station including minor automobile repairs but excluding body and fender work, or painting.

C. Drive-in establishment offering goods or services to customers waiting in parked motor vehicles, except drive-in theater.

D. Motel.

E. Planned unit development.

F. Microwave receiver or transmission tower. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 950 § 35, 1991.]

**17.30.040 Lot requirements.**

None. Except where precluded to comply with other sections of this title, 100 percent lot coverage is permitted. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 36, 1991.]

**17.30.050 Setback requirements and yard regulations.**

All yard regulations are subject to compliance with vision clearance standards. The planning commission shall consider setback exceptions for installation of publicly oriented features such as a landscaped courtyard or sculpture display. Drought-tolerant, low-water-requiring or native landscaping materials are strongly encouraged.

A. Front Yard Setbacks. A new building shall establish a front yard setback of zero to five feet. To maintain street front continuity, the following exception to the yard requirements is authorized: if there are buildings on both abutting lots with yards of more than the required depth for the zone, the yard of the lot may equal but not exceed the average yard of the abutting buildings. If there is a building on one abutting lot with a yard of more than the required depth for the zone, the yard for the lot may equal but not exceed a depth halfway between the depth of the abutting yard and the required yard depth.

B. Side Yard Setbacks. A side yard facing a street shall have a setback of zero to five feet. The setback for a side yard not facing a street and for a rear yard shall be a minimum of zero feet, with no maximum.

C. Rear Yard Setbacks. The setback for a rear yard shall be a minimum of zero feet, with no maximum.

D. Allowed Extensions into the Public Right-of-Way. Eaves, second story bay windows, cornices, canopies, pergolas, and similar architectural features may encroach into a setback by no more than five feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 37, 1991.]

**17.30.060 Height of buildings.**

In a C2 zone within 100 feet of a residential zone, no building shall exceed three stories or 35 feet in height. A building on a corner lot is encouraged to be at least two stories in height. Multistory buildings with residential uses on the upper floor or floors are encouraged in the C2 zone. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 38, 1991.]

**17.30.070 Limitations on use.**

In a C2 zone, the following conditions and limitations shall apply:

A. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking and loading, drive-in windows, island service for motor vehicles and display of merchandise along the outside wall of the building not extending more than three feet from the wall once per calendar quarter, unless conducted as part of a special event and authorized by the city council.

B. All items produced or wares and merchandise handled shall be sold at retail on the premises except in the case of JCMC 17.30.010(A)(69).

C. Existing residential dwellings and their accessory uses may be maintained, expanded, constructed or reconstructed in conformance with the development standards as established in the R3 zone.

D. Ground floor spaces shall be used for commercial and retail uses. Upper floors of a building shall be used for commercial or residential uses. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 39, 1991.]

**17.30.080 Design standards.**

A. In the C2 zone, the following design standards shall apply. Applicants proposing construction or major exterior renovation of structures in the C2 zone will be required to comply with the following standards and shall be subject to site review as part of the development application process.

B. For purposes of this chapter, a “major exterior renovation” shall be defined as follows: where the building shell undergoes any structural repair, reconstruction or improvement and the cost of the repair or renovation equals or exceeds 35 percent of the assessed value of the structure either

before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. This includes:

1. Changes to the facade of a building;

2. Increases or decreases in floor area that result in changes to the exterior of a building;

3. Changes to exterior improvements.

Major exterior renovation does not include normal maintenance and repair or total demolition, nor does it include improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

C. A variance to this requirement may be requested in the event of a casualty (fire, flood, etc.) in which the portion of the building exterior visible from the primary street has not been affected. An applicant seeking a variance to this requirement must provide a description of the casualty and an explanation of why the applicant cannot comply with the standard.

D. For a major exterior renovation, the applicant shall submit a development schedule indicating the approximate dates when construction of the planned amenities and design elements are expected to be initiated and completed. All improvements required under this section shall be completed within three years of the date of approval of the proposed major exterior renovation.

1. Building Architecture. All new buildings and major exterior renovations shall provide architectural relief and interest to promote and enhance a comfortable pedestrian scale orientation. The use of building materials that require less maintenance and are longer lasting is encouraged.

a. Facades. Architectural emphasis shall be placed on the facade facing a public street, especially at the building entrance and along sidewalks. Blank walls shall be avoided unless structurally necessary. Any blank wall clearly visible from a public street shall include a combination of architectural elements and features such as offsets, entry treatments, varied materials and colors, division into bays, decorative murals, etc. A decorative mural should reflect the local human and natural history, and should not be used for advertising purposes.

b. Entrances. The primary entrance to a building, including on a corner lot, shall be located along the primary street, not the parking lot. For a building on a corner lot of two primary streets, the entrance may be oriented toward the intersection. A variance may be granted by the planning commission if this building orientation is not achievable due to site constraints.

c. Windows. A new building or major exterior renovation shall include large, regularly spaced and similarly shaped windows with trim. Windows shall cover between 50 to 80 percent of the ground floor facade area on the building side that faces the public street and includes the main building entrance. Windows shall begin 18 to 30 inches above the sidewalk. Second-story windows shall continue the vertical and horizontal character of the ground level windows. Transom or clerestory windows are encouraged above the building entrance.

d. Roof Decoration. A building with a flat roof shall include a decorative cornice or decorative moldings at the top. A building with a pitched roof shall include eaves.

e. Awnings and Overhangs. All new or renovated buildings may include overhangs or awnings. Overhangs and awnings extending into the public right-of-way may project to within two feet of the curb line and must be a minimum of eight feet in height over the sidewalk and/or ground surface. The design materials and colors of these features shall complement the architecture of the building. New lighted, plastic, or bubble awnings are not allowed. In the event that a street is widened, an awning or overhang that is not in compliance with this chapter will need to be removed.

f. Building Materials. Building materials should be compatible with the surrounding area and can include masonry, tile, stucco, split face (decorative) concrete block, or wood. A building may not be made of unadorned poured or tilt-up concrete or metal siding.

g. Paint Colors. Paint colors should be compatible with the surrounding area. No neon or fluorescent-colored paint shall be allowed.

2. Amenities. Every new building shall provide one or more of the alternatives listed below for each 4,000 square feet of building. Pedestrian amenities may be provided within a public right-of-way when approved by the planning commission. Amenities should be compatible with adjacent downtown development. The use of landscaping and building materials that require less maintenance and are longer lasting is encouraged.

a. A plaza, courtyard, or extra-wide sidewalk next to the building entrance;

b. Planters or hanging baskets;

c. Sitting space (e.g., dining area or benches);

d. Public art (e.g., fountain, sculpture, mural, etc.);

e. Special surfacing such as brick or tile. Surfacing must meet ADA standards.

3. Street Lighting. When street lighting is required to be installed under the requirements of this chapter or supporting ordinances or standards, street lighting shall be old-fashioned, ornamental, and compatible with street lighting in the C2 zone and along Ivy Street.

4. Parking and Access. The following requirements for parking in the C2 zone should minimize visual impacts on the downtown area. The use of paving and landscaping materials that require less maintenance and are longer lasting are encouraged.

a. Parking Area Location. Off-street parking shall be located to the rear or side of the building. On corner lots, the parking may not be located adjacent to the street corner. Use of a corner lot for parking is discouraged.

b. Parking Area Landscaping. Provided that minimum parking requirements are met, all parking lots shall include landscaping of not less than seven percent of the area devoted to outdoor parking facilities. Drought-tolerant, low-water-requiring or native landscaping materials are strongly

encouraged. Said landscaping shall be provided with underground irrigation and protective curbs or raised wood headers.

i. A parking area located adjacent to a road shall be buffered by a five-foot landscaped strip between the parking lot and road right-of-way and must include at least one deciduous street tree every 30 feet.

ii. For a corner lot with four or more off-street parking spaces as required under this code, off-street parking adjacent to a public street shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage along that street. Such landscaping shall consist of landscaped berms or shrubbery at least two feet in height, which shall be parallel to and adjacent to the street frontage as much as practical. Additionally, one tree, which will provide a canopy of at least 300 square feet upon maturity, shall be provided for each 50 lineal feet (or fraction thereof) of street frontage along that street.

If minimum parking requirements cannot be met, the highest percentage possible of landscaping shall be required, subject to planning commission approval.

c. Bicycle Parking. Bicycle parking shall be in accordance with the Junction City transportation system plan. If the bicycle parking requirement cannot be met due to site constraints, the bicycle parking may be located elsewhere in the C2 zone in a location to be determined by the planning commission.

d. Alley Paving. In conjunction with a building permit or with a change in use that will take access paved off-street parking from the alley, the developer shall pave the entire alley. This requirement may be waived by the planning commission if adjacent to residential development. Subsequent development or change of use will be subject to a latecomer's fee per Chapter 13.45 JCMC to reimburse the development cost for the portion of the alley not adjacent to the original development. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1116 § 1, 2003; Ord. 950 § 39A, 1991.]

**17.30.090 Utilities.**

All utilities on the development site shall be placed underground. Ground-mounted equipment such as transformers, utility pads, cable television and telephone boxes, cell tower equipment boxes, and similar utility services shall be placed underground whenever practicable. Where undergrounding is not practicable, equipment shall be screened from view from adjacent streets, sidewalks, and abutting residentially zoned properties with an evergreen hedge or solid fence or wall at least four feet in height and must be sited to comply with the vision clearance standards in JCMC 17.95.090. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1116 § 1, 2003; Ord. 950 § 39B, 1991.]

# Chapter 17.35
# GENERAL COMMERCIAL ZONE (GC)

Sections:



**17.35.010 Uses permitted outright.**

In a GC zone, only the following uses and their accessory uses are permitted outright:

A. A use permitted outright in a C2 zone.

B. Amusement enterprise, including pool hall, bowling, dancing hall, skating rink, when entirely enclosed in a building.

C. Auditorium, exhibition hall or other public assembly room or building.

D. Automobile, boat or trailer sales, rental, service and repair.

E. Automobile service station.

F. Automotive paint shop.

G. Car wash.

H. Motel.

I. Mortuary, undertaking or funeral parlor.

J. Taxidermy shop.

K. Tire sales and service shop, including tire recapping.

L. Small animal clinics and small animal hospitals, that board sick or injured animals, but do not board healthy animals.

M. Uses similar to those listed above. [Ord. 1116 § 1, 2003; Ord. 1051 § 1, 1998; Ord. 1037 § 1, 1997; Ord. 1025 § 1, 1996; Ord. 986 § 2, 1994; Ord. 982 § 1, 1994; Ord. 975 § 3, 1993; Ord. 950 § 40, 1991.]

**17.35.020 Conditional uses permitted.**

In a GC zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 17.130 JCMC:

A. Amusement enterprise not enclosed in a building including, but not limited to, "pitch and putt" golf course, archery range, and drive-in theater.

B. ~~Mobile home park (RV park)~~ Recreational vehicle park, subject to requirements of Chapter 17.105 JCMC.

C. Mini-storage; provided, that it is not located within 260 feet of the centerline of State Highway 99.

D. Day care home.

E. Day care facility. [Ord. 1116 § 1, 2003; Ord. 1051 § 2, 1998; Ord. 1037 § 1, 1997; Ord. 1025 § 2, 1996; Ord. 984 § 1, 1994; Ord. 950 § 41, 1991.]

**17.35.030 Development review.**

In a GC zone, development review by the city administrator or designee shall be required to ensure compliance regarding GC standards.

A. Procedure. Development review is a nondiscretionary, administrative review conducted by the city administrator or designee. Development review shall follow JCMC 17.150.070(A)(1), Type I Procedure – Administrative Decision.

B. General Submission Requirements. The applicant shall submit an application on forms provided by the city administrator that shall:

1. Contain all the general information required;

2. Address the criteria in sufficient detail for review and action; and

2. Be filed with the required fee as established by the city council.

C. Development Review Information. An application for development review shall include a proposed site plan, on a page size of 11 inches by 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.

2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.

3. The proposed development site, including boundaries, dimensions, and gross area.

4. Features which are proposed to remain on the site.

5. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.

6. Landscape plan if applicable.

7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.

8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes and location and dimensions of parking areas if applicable.

9. Architectural drawings:

a. Building elevations which illustrate windows and building form design features.

b. The name and address of the architect. [Ord. 1116 § 1, 2003; Ord. 950 § 41A, 1991.]

**17.35.040 Restrictions on use.**

A. Residential dwellings shall not be allowed on the ground floor of the GC zone. However, existing dwellings and their accessory uses that were legally established prior to the effective date of the ordinance codified in this chapter may be used for residential purposes, and may be maintained, expanded, constructed or reconstructed in conformance with the development standards as established in the R3 zone and the nonconforming use standards in Chapter 17.125 JCMC. Residential dwellings are encouraged for upper floors in multistory buildings in the GC zone that are located close to the downtown area.

B. Any outside storage shall be conducted entirely within a sight-obscuring fence a minimum of four feet in height when adjacent to a property used or zoned for residential use or when directly visible from a public street or sidewalk and must comply with the vision clearance standards in JCMC 17.95.090. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 986 § 1, 1994; Ord. 950 § 42, 1991.]

**17.35.050 Setback requirements.**

Except as provided in JCMC 17.95.060, in a GC zone the yards are measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area. Projections may include eaves, chimneys, bay windows, overhangs, and similar architectural features. Setbacks shall be as follows:

A. A minimum front (street-facing) setback is not required, except as necessary to comply with the vision clearance standards in JCMC 17.95.090. In the case of a corner lot, both street-facing sides of the lot shall be considered the front.

B. The side yard is not required except where the foundation of a structure abuts a residential zone, in which case it shall be a minimum of 10 feet.

C. A rear yard is not required except where the foundation of a structure abuts a residential zone, in which case it shall be a minimum of 15 feet. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 43, 1991.]

**17.35.060 Building orientation guideline.**

In order to create streets which are attractive to pedestrians, create a sense of enclosure, and provide activity and interest along the street edge of a building, the siting of new commercial buildings shall be close to the street rather than set back from the street behind large parking lots. Front (street-facing) setbacks between zero and 25 feet from the front property line are required where site size and configuration permit (see Appendix A, Diagram 10). [Ord. 1178 § 2, 2007; Ord. 1116 § 1, 2003; Ord. 950 § 43A, 1991.]

**17.35.070 Height of buildings.**

In a GC zone, no building shall exceed a height of 35 feet. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 44, 1991.]

**17.35.080 Parking.**

In a GC zone, parking lots shall comply with the following standards:

A. Off-street vehicle parking must comply with the landscaping, size, and pedestrian circulation standards specified in Chapter 17.90 JCMC.

B. Parking Lot Siting. To minimize the visual impact of parking areas, new commercial developments shall site off-street parking lots to the rear or side of the building where site size and configuration permit. [Ord. 1178 § 3, 2007; Ord. 1116 § 1, 2003; Ord. 950 § 44A, 1991.]

**17.35.090 Building entries.**

In a GC zone, new commercial buildings shall comply with the following building entry standards:

A. All commercial buildings must provide at least one customer entrance within 50 feet of an adjacent public sidewalk. Direct pedestrian access from the public sidewalk to the building entrance shall be provided and must be separated, raised, or protected from vehicular traffic and provide access for disabled persons in a manner that complies with applicable state and federal law. This standard does not apply to mini-storage, automobile paint shop, or car wash uses (see Appendix A, Diagram 12). [Ord. 1116 § 1, 2003; Ord. 950 § 44B, 1991.]

**17.35.100 Building form.**

In a GC zone, new commercial buildings shall comply with the following building form standards:

A. Building Articulation. Buildings with 10,000 square feet or greater of enclosed ground floor space shall have articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 40 feet of horizontal building length: primary entrances; weather protection (awnings, canopies, arbors, trellises); building

offsets or projections of a minimum of two feet in depth; changes in elevation or horizontal direction; sheltering roof terraces; a distinct pattern of division in surface materials; ornamentation; screening trees; small scale lighting (e.g., wall-mounted lighting or up-lighting); and similar features as generally shown in Appendix A, Diagram 11.

B. Windows. All street-facing building facades shall provide windows along a minimum of 50 percent of the length and 20 percent of the ground floor wall area (doorways may be used to help satisfy this standard). On corner lots, the general ground floor window standards must be met on one street frontage only. On the other street(s), the requirement is one-half of the general standard. This standard does not apply to mini-storage, automobile paint shop, or car wash uses (see Appendix A, Diagram 12). [Ord. 1178 § 4, 2007; Ord. 1116 § 1, 2003; Ord. 950 § 44C, 1991.]

**17.35.110 Trash receptacles.**

Trash receptacles shall be screened on all sides with an evergreen hedge or solid fence or wall of not less than six feet in height. No trash receptacle shall be located within required setbacks or within 25 feet of property lines abutting residential zones. [Ord. 1116 § 1, 2003; Ord. 950 § 44D, 1991.]

**17.35.120 Utilities.**

All utilities on the development site shall be placed underground. Ground-mounted equipment such as transformers, utility pads, cable television and telephone boxes, cell tower equipment boxes, and similar utility services shall be placed underground wherever practicable. Where undergrounding is not practicable, equipment shall be screened from view from adjacent streets, sidewalks, and abutting residentially zoned properties with an evergreen hedge or solid fence or wall at least four feet in height and must be sited to comply with the vision clearance standards in JCMC 17.95.090. [Ord. 1116 § 1, 2003; Ord. 950 § 44E, 1991.]

**17.35.130 Delivery and loading facilities.**

In a GC zone, new commercial buildings shall comply with the following delivery and loading facility standards:

A. Delivery and loading facilities are not permitted in required setback areas.

B. All loading spaces for commercial buildings and uses shall be off the street, shall be in addition to required off-street parking spaces, and shall be served by service drives and maneuvering areas so that no backward movement or other vehicle maneuvering within a street, other than an alley, will be required. [Ord. 1116 § 1, 2003; Ord. 950 § 44F, 1991.]

**17.35.140 Drive-through facilities.**

Drive-up and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) shall conform to all of the following standards:

A. A stacking lane a minimum of 80 feet in length shall be provided for cars waiting to access a drive-through window. The stacking lane must be contained entirely on private property between the public right-of-way and the drive-through window and shall not interfere with vehicle parking or circulation. [Ord. 1116 § 1, 2003; Ord. 950 § 44G, 1991.]

# Chapter 17.40
# COMMERCIAL/RESIDENTIAL ZONE (CR)

Sections:



**17.40.010 Uses permitted outright.**

In the CR zone, only the following uses and their accessory uses are permitted outright:

A. A use permitted in the R3 zone.

B. Neighborhood commercial uses as follows:

1. Retail goods and services;

2. Child care center (care for more than 12 children);

3. Food services, excluding automobile-oriented uses;

4. Medical and dental offices, clinics, and laboratories;

5. Professional and administrative offices;

6. Repair services, conducted entirely within the building; auto repair and similar uses not permitted;

7. Residential uses as provided under ORS 197A.460

87. Mixed use building (residential with other permitted uses);

98. Laundromats and dry cleaners;

109. Art, music, or photography studio;

110. Personal services (barber shops, salons, similar uses).

C. Uses similar to those listed above. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 1025 § 3, 1996; Ord. 975 § 3, 1993; Ord. 950 § 45, 1991.]

**17.40.020 Conditional uses.**

In the CR zone, uses allowed outright in the C2 zone and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 17.130 JCMC:

A. Dormitories.

B. Clubs, lodges, fraternal and religious associations. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 1021 § 2, 1996; Ord. 950 § 46, 1991.]

**17.40.030 Lot size.**

In a CR zone, the lot size shall be as follows:

A. The minimum lot area for commercial shall be 5,000 square feet.

B. The minimum lot area for two-family dwellings (duplexes) shall be 6,000 square feet.

C. For multiple-family dwellings, the minimum lot area shall be 7,500 square feet.

D. The minimum lot width at the front building line shall be 50 feet for an interior lot, and 35 feet for cul-de-sac lots.

E. There is no minimum lot depth.

F. The minimum lot area for townhomes (single-family attached or row houses) shall be 2,500 square feet per unit. The minimum lot width at the building front shall be 25 feet. [Ord. 1197 § 1, 2010; Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 47, 1991.]

**17.40.040 Setback requirements.**

Except as provided in JCMC 17.40.050 and 17.95.060, in a CR zone the yards, measured from the property line to the foundation of the building, shall be as follows:

A. A minimum front setback of 15 feet is required for multifamily dwellings, townhomes, and duplexes, except that a covered (but not enclosed) porch may be within 10 feet of the front line. A minimum front setback of 10 feet is required for nonresidential and mixed use buildings.

B. Each side yard setback shall be a minimum of six feet, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet. Townhomes shall have no setback requirement where they share common walls.

C. The back yard shall be a minimum of 15 feet.

D. In the case of a two-family (duplex) residential use on a corner lot where primary vehicular access is provided from two streets, then both yards abutting the street shall be considered the front yard. Setbacks for back yards are measured separately for each residential dwelling opposite the front yard (see Appendix A, Diagram 2).

E. No building shall encroach into a public utility easement or vision clearance area (JCMC 17.95.090). [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 48, 1991.]

**17.40.050 Setback exceptions.**

In a CR zone, the following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by up to three feet; provided, that the State Fire Code is met. Walls and fences may be placed on property lines, subject to the standards in JCMC 17.95.020. Walls and fences within front yards shall additionally comply with the vision clearance standards in JCMC 17.95.090. [Ord. 1116 § 1, 2003; Ord. 950 § 48A, 1991.]

**17.40.060 Height of buildings.**

No buildings shall exceed a height of 35 feet. Building height may be restricted according to requirements in JCMC 17.20.070, 17.20.090 and 17.40.090. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 49, 1991.]

**17.40.070 Lot coverage.**

In a CR zone, the buildings shall not occupy more than 60 percent of the lot area. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 50, 1991.]

**17.40.080 Residential standards.**

All new residential buildings in the CR zone shall comply with the development review, building height transition, building orientation, building form, and other standards listed in the R3 zone in JCMC 17.20.030, 17.20.090 through 17.20.120 and 17.20.140. [Ord. 1116 § 1, 2003; Ord. 950 § 50A, 1991.]

**17.40.090 Nonresidential standards.**

All new nonresidential buildings in the CR zone shall comply with the development review, building height transition, building orientation, building form, and other standards listed in the R3 zone in JCMC 17.20.030, 17.20.090 through 17.20.110 and 17.20.130 with the following exceptions:

A. Hours of operation are not limited.

B. There is no maximum floor area standard. [Ord. 1116 § 1, 2003; Ord. 950 § 50B, 1991.]

# Chapter 17.100
# ~~MOBILE~~ ~~HOME~~ MANUFACTURED DWELLING PARKS

Sections:

17.100.2~~7~~10 Park caretaker or manager's residence.

17.100.2~~8~~20 Development review.

17.100.2~~9~~30 Violation – Penalty.

~~**17.100.010 Definitions.**~~

~~The terms "trailer house" and "trailer coach" as used in this chapter shall include a trailer house, trailer coach, motor home, auto home, camp car, camp trailer, boat trailer, or camperette, and any unit used for living or sleeping purposes which is equipped with wheels or similar devices for the purpose of transporting said unit from place to place, by motor power or other means. [Ord. 745 § 1, 1978; Ord. 391 § 1, 1960.]~~

~~**17.100.020 Parking.**~~

~~No person shall use a trailer house for sleeping or living purposes or both sleeping and living purposes within the city of Junction City for any period exceeding 72 hours, except in a mobile home park or trailer park. [Ord. 1280 § 1 (Exh. A), 2023; Ord. 745 § 1, 1978; Ord. 491 § 2, 1966; Ord. 391 § 2, 1960.]~~

~~**17.100.030 Removal of wheels.**~~

~~The removal of the wheels for the setting of a trailer coach on posts or footings shall not be considered as removing said trailer coach from the regulations affecting trailer coaches. [Ord. 391 § 3, 1960.]~~

~~**17.100.040 Sewer connections.**~~

~~***Repealed by Ord. 1280.*** **[Ord. 391 § 4, 1960.]**~~

~~**17.100.050 Nonconforming uses.**~~

~~Any currently legally parked trailers that come into violation as a result of the passage of the ordinance codified in this chapter shall be and they are hereby permitted to remain in their present location for so long as the ownership of said trailer shall remain unchanged, or until such time as said trailer is moved to another location whether on the same lot or otherwise. [Ord. 391 § 5, 1960.]~~

~~**17.100.060 Compliance with regulations.**~~

~~There shall be no trailer park or camp established or operated within the city of Junction City unless the same shall have fully complied with all of the laws and regulations of the state of Oregon and ordinances of the city of Junction City pertaining to the establishment and operation of trailer parks and camps. [Ord. 391 § 6, 1960.]~~

**17.100.010~~070~~ Area.**

Minimum area one acre. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.020~~080~~ Access.**

Manufactured dwelling parks shall abut and have direct access to a public street outside of the park boundaries. No individual space within the manufactured dwelling park shall have direct access to a public street outside the park boundaries. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.030~~090~~ Streets.**

All streets within the manufactured dwelling park shall be constructed to city street standards for paving, gutters, and sidewalks unless otherwise approved by the planning commission. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.040~~100~~ Walkways.**

Walkways within the manufactured dwelling park shall provide safe, reasonably direct connections between dwelling units and parking areas, recreational facilities, storage areas, and common areas. All walkways must be separated, raised, or protected from vehicular traffic and provide access for disabled persons in a manner that complies with applicable state and federal law. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.050~~110~~ Screening.**

Except as required for vision clearance, the outer perimeter of each park shall be improved with one of the following:

A. Sight-obscuring fence or wall not less than five feet nor greater than six feet in height; except next to public streets where a fence no less than three and one-half feet nor greater than four feet in height shall be provided, unless otherwise approved by the planning commission when found to conform to the purpose of this chapter; or

B. Maintained evergreen landscaping that is at least five feet in depth, will mature within three years, and reach at least five feet height at maturity, and conform with the provisions of JCMC 17.100.150(C); or

C. Combination of subsections (A) and (B) of this section.

D. All walls and fences must conform to the vision clearance standards in JCMC 17.95.090. [Ord. 1116 § 1, 2003; Ord. 969 § 1, 1993; Ord. 950 Appx. A, 1991.]

**17.100.060~~120~~ Setbacks and building separation.**

The minimum setback between park structures and abutting properties is 10 feet. The minimum setback between park structures and public right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings except where a carport, garage, or storage structure is shared by adjoining spaces in which case the shared facilities may be attached at the space dividing line. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet from a street, sidewalk, or walkway contained within the manufactured home park. An accessory structure shall not be located closer than six feet to any other structure or dwelling. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.070~~130~~ Space.**

The minimum size of a space for each home is 2,500 square feet; provided, that the overall (gross) density of the park does not exceed 12 units per acre. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.080~~140~~ Pads.**

All areas covered by manufactured dwellings and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.090~~150~~ Landscaping.**

Landscaping shall be installed within the development to provide erosion control, visual interest, buffering, privacy, open space and pathway definition, and shading based on the following standards:

A. All shared/common open space areas shall be landscaped with a mix of vegetative ground cover, shrubbery, and trees. Trees, shrubs, and ground cover other than turf shall cover a minimum of 15 percent of the total shared/common open space area within the manufactured dwelling park. At the time of planting, trees shall be planted a minimum of two inches (dbh) in caliper and shrubbery a minimum of 18 inches in height. Bark mulch, rocks, and similar nonplant material may be used to complement the cover requirement, but shall not exceed 20 percent of the total planting area.

B. All manufactured dwelling spaces shall be landscaped within six months of legal occupancy. The installation and maintenance of such landscaping shall be the responsibility of the park owner unless, under terms of the space rental agreement, grading and materials are supplied by the park owner and labor is furnished by the renter or other arrangement approved by the city.

C. The use of native and/or drought-tolerant landscaping is encouraged. All landscaping shall be irrigated with a permanent irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation.

D. The park owner shall be responsible for the maintenance of all landscaping. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.100~~160~~ Patio.**

Each manufactured dwelling space shall be improved with one patio of concrete, brick pavers, or other similar hard surface having a minimum area of 150 square feet. Asphalt paving is prohibited. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.110~~170~~ Development fee.**

A parks development fee per dwelling unit, as established by the city council to be the same as established for other single-family dwelling units, shall be paid to the city upon issuance of a siting permit. [Ord. 1116 § 1, 2003; Ord. 982 § 3, 1994; Ord. 950 Appx. A, 1991.]

**17.100.120~~180~~ Common open space.**

Manufactured dwelling parks with more than 20 spaces shall provide shared open space within the park as follows:

A. A minimum area of 15 percent of the total site area (inclusive of required setback areas) shall be designated, and permanently reserved, as usable common open space. It may be located in more than one area within the park if each such area meets all city requirements. "Usable" means that no single common open space area shall be less than 200 square feet and shall have no outer dimension that is less than 10 feet. The site area is defined as the lot or parcel on which the development is planned after subtracting the required dedication of street right-of-way and other land for public purposes (e.g., public park). Lands that the city has designated as sensitive or natural, and jurisdictional wetlands identified by the Division of State Lands, may be counted toward this requirement, but cannot be counted toward the active recreational requirement listed in subsection (B) of this section.

B. The owner shall permanently designate and demarcate within the common open space a minimum of 250 square feet of active recreation area (e.g., children's play areas, play fields, swim pool, sports courts, etc.) for every 20 units or increments thereof. For example, a 50-unit development shall provide a minimum of 500 square feet for active recreation. Indoor or covered recreation space may be counted toward this requirement, but should not exceed 30 percent of the required common space area. It may be located in more than one area within the park if each such area meets all city requirements, is no less than 200 square feet, and has no outer dimension that is less than 10 feet. Designated sensitive lands and natural areas may not be counted toward this requirement. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.130~~190~~ Storage – Common.**

A storage area for boats, campers, camping trailers, other recreational vehicles, motorcycles, automobiles, and other similar items owned by residents of the park shall be provided in each manufactured home park. Such storage area shall contain a minimum of 160 square feet for each manufactured dwelling space and be enclosed by a sight-obscuring fence or wall a minimum of six feet in height that has a lockable gate. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.140~~200~~ Storage – Individual.**

A storage building and carport/garage shall be provided on each manufactured home space. Storage buildings shall have a minimum floor area of 32 square feet. Carports/garages shall not exceed 600 square feet in area unless designed to serve two adjacent manufactured dwelling spaces, in which case the maximum area is 1,200 square feet. All such structures shall be constructed in conformance to the applicable building codes. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.150~~210~~ Mailboxes.**

Mailboxes shall be provided, whether centrally or individually, for each manufactured dwelling space. Three off-street parking spaces shall be provided for all centralized mailbox areas unless on-street parking is provided adjacent to the mailboxes. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.160~~220~~ Utilities.**

All manufactured dwelling parks shall provide each lot or space with storm drainage, public sanitary sewer, electric, telephone, and public water, with easements dedicated where necessary to provide such services. All utilities, i.e., sewer, water, natural gas, electricity, telephone, and television cable, shall be underground in locations approved by the city community development director or designee. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.170~~230~~ Construction and safety standards.**

Prior to location of a manufactured dwelling in a manufactured dwelling park, the owner or occupant shall establish to the satisfaction of the building inspector that the manufactured dwelling is in a condition that conforms to manufactured dwelling construction and safety standards as established under Oregon Revised Statutes and Administrative Rules. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.180~~240~~ Perimeter enclosures.**

All manufactured dwellings shall be installed with an approved foundation siding/skirting enclosing the entire perimeter of the dwelling. Foundation siding/skirting and backup framing shall be weather-resistant materials, which blend with the exterior siding of the dwelling. Below grade level and for a minimum distance of eight inches above finish grade, the materials shall be resistant to decay or oxidation. The siding must be installed in accordance with the manufacturer's recommendations. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.190~~250~~ Fire hydrants.**

Hydrants must be provided within 250 feet, measured along a vehicular way, of any space or permanent structure within the park. Each hydrant within the park must be located on a vehicular way and conform in design and capacity to the public hydrants in the city. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.200~~260~~ Accessory structures and uses.**

Manufactured dwelling parks may contain community laundry, recreation facilities, and other common buildings for the exclusive use of park residents and their visitors. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.210~~270~~ Park caretaker or manager's residence.**

The park may contain one residence which may be other than a manufactured dwelling, for the use of a caretaker or manager responsible for maintaining or operating the property. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.220~~280~~ Development review.**

Development review by the city administrator or designee shall be required to ensure compliance with this chapter.

A. Procedure. Development review is a nondiscretionary, administrative review conducted by the city administrator or designee. Development review shall follow JCMC 17.150.070(A)(1), Type I Procedure – Administrative Decisions.

B. General Submission Requirements. The applicant shall submit an application on forms provided by the city administrator that shall:

1. Contain all the general information required;

2. Address the criteria in sufficient detail for review and action; and

3. Be filed with the required fee as established by the city council.

C. Development Review Information. An application for development review shall include a proposed site plan, on a page size of 11 inches by 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.

2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.

3. The proposed development site, including boundaries, dimensions, and gross area.

4. Features which are proposed to remain on the site.

5. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.

6. Landscape plan if applicable.

7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.

8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes and location and dimensions of parking areas if applicable.

9. Location and dimensions of common and private open spaces if applicable.

10. Location and dimensions of trash receptacles if applicable.

11. Detail drawings of site-obscuring fence. [Ord. 1116 § 1, 2003; Ord. 950 Appx. A, 1991.]

**17.100.230~~290~~ Violation – Penalty.**

Any person convicted of a violation of this chapter shall be fined not more than $200.00 and/or not more than 100 days in jail. Each day of violation shall constitute a separate offense. [Ord. 391 § 7, 1960.]

# Chapter 17.105
# RECREATIONAL VEHICLE PARK DEVELOPMENTS

Sections:



## 17.105.010 Regulations.

A. All such developments shall comply with OAR 918, Division 650, and all other applicable state building or specialty codes.

B. Seven sets of construction drawings and site plans shall be provided the city. The planning commission shall review and approve all site and construction plans prior to local government approval being issued by the city administrator.

C. All perimeters of the park shall be fenced or screened as determined by the planning commission. All street frontages shall provide a suitable fence three and one-half to four and one-half feet in height to restrict the passage of small children or animals. Fences adjacent to streets shall be set back 10 feet from the property line and the intervening area between the property line or sidewalk shall be landscaped. Such landscaping shall provide solid ground cover and at least one tree each 100 lineal feet which will provide a canopy of at least 300 square feet upon maturity.

D. All areas designed for parking or maneuvering of vehicles shall be covered with asphalt or cement.

E. Length of stay for all tenants shall be limited to no more than 45 days in any calendar quarter. The city administrator or designee shall be afforded the right to drive through the property, and review all registration documents.

F. Shower facilities shall be provided at the ratio of at least one shower for each sex for the first 20 spaces and for every 20 spaces thereafter, except when the recreational vehicle park is a facility for self-contained vehicles only. [Ord. 982 § 4, 1994; Ord. 953 § 1, 1991; Ord. 950 Appx. C, 1991.]

## 17.105.020 Parking.

No person shall use a recreational vehicle ~~trailer house~~ for sleeping or living purposes or both sleeping and living purposes within the city of Junction City for any period exceeding 72 hours, except in a ~~mobile home~~ recreational vehicle park ~~or trailer park~~. [Ord. 1280 § 1 (Exh. A), 2023; Ord. 745 § 1, 1978; Ord. 491 § 2, 1966; Ord. 391 § 2, 1960.]

## 17.105.030 Removal of wheels.

The removal of the wheels for the setting of a ~~trailer coach~~ recreational vehicle on posts or footings shall not be considered as removing said recreational vehicle ~~trailer coach~~ from the regulations affecting recreational vehicles ~~trailer coaches~~. [Ord. 391 § 3, 1960.]

## 17.105.040 Nonconforming uses.

Any currently legally parked recreational vehicles ~~trailers~~ that come into violation as a result of the passage of the ordinance codified in this chapter shall be and they are hereby permitted to remain in their present location for so long as the ownership of said recreational vehicle ~~trailer~~ shall remain unchanged, or until such time as said recreational vehicle ~~trailer~~ is moved to another location whether on the same lot or otherwise. [Ord. 391 § 5, 1960.]

**17.100.050 Compliance with regulations.**

There shall be no recreational vehicle park ~~trailer park or camp~~ established or operated within the city of Junction City unless the same shall have fully complied with all of the laws and regulations of the state of Oregon and ordinances of the city of Junction City pertaining to the establishment and operation of ~~trailer~~ recreational vehicles parks ~~and camps~~. [Ord. 391 § 6, 1960.]

**Chapter 17.150**
**ADMINISTRATION, ENFORCEMENT AND INTERPRETATION**

Sections:



**17.150.010 Scope of rules.**

These rules shall govern the conduct of hearings on all quasi-judicial land use matters. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1054 § 1, 1998; Ord. 742 § 1, 1978; Ord. 635 § 2, 1974.]

**17.150.020 Burden of persuasion.**

The burden of persuading the decision-making body is upon the proponent, applicant, or moving party. In the case of an appeal, the appellant has the burden of persuading the reviewing body that the previous decision was wrong. Decisions made in a quasi-judicial matter shall be based on reliable, probative, substantial evidence that establishes rights and responsibilities under applicable law in a manner necessary to meet the body's responsibility of deciding matters within its jurisdiction. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 864 § 5, 1984; Ord. 635 § 3, 1974.]

**17.150.030 Impartial tribunal.**

A. In the interest of avoiding bias, city council members and planning commission members should not discuss with the applicant for a specified land use, or others interested in the application, any request upon which they will vote; except that answering questions relating to time, place and general policies or procedures shall not be considered a violation of this rule. However, no decision or action of a city council or planning commission shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:

1. Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and

2. Has a public announcement of the content of the communication and of the party's right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

B. A communication between the city staff and the planning commission or members or council members shall not be considered an ex parte contact for the purposes of this section.
[Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 864 § 6, 1984; Ord. 635 § 4, 1974.]

**17.150.040 Opportunity to be heard – Conduct of the public meeting.**

A. Interested parties shall be afforded an opportunity to be heard and to present and rebut testimony. Within these limits, the actual conduct of the public hearing shall be established at the discretion of the presiding officer.

B. Interested parties may raise questions concerning the testimony presented. Such questions shall be addressed to the person presiding at the hearing.

C. The term "interested parties" includes applicants and members of the general public who either support, oppose or have questions concerning a specific proposal.

D. Prehearing and Ex Parte Contacts and Conflicts of Interest.

1. Prehearing or ex parte contacts which create an actual prejudice or bias in the mind of the member of the decision-making body, either for or against the issue to be decided, shall require the member to refrain from participating in the matter. The member shall announce the nature of the contact, as distinguished from its specific content, and shall then abstain at the beginning of the hearing and refrain from discussion of or voting upon the matter.

2. When a city councilmember or the mayor believes the matter dealt with at a hearing may result in his or her, or a member of his or her household's, private pecuniary benefit or detriment, the councilman or mayor shall announce publicly the nature of the potential conflict of interest prior to taking any official action thereon. The announcement must be made whether or not the member votes on the matter, and must be made at each meeting during which the matter is discussed or debated. The members of the council who do not have a conflict of interest shall immediately after the announcement vote on whether the councilman or mayor who has a conflict of interest may participate in the discussion, deliberation and voting on the matter.

3. A member of the planning commission shall not participate in any commission proceeding or action on a matter in which any of the following has a direct or substantial financial interest in the matter: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which he or she is then serving or has served within the previous two years, or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

E. Interested parties may represent themselves or have another person of their choosing represent them at the public hearing. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 805 § 1, 1980; Ord. 778 § 1, 1979; Ord. 635 § 5, 1974.]

**17.150.050 Record and findings.**

A. When a decision on a specific request has been made, that decision shall be supported by findings of fact.

B. When making findings of fact, the planning commission may adopt by reference the findings set forth in the staff notes; it may modify those findings based upon the public testimony presented; or it may issue new findings of fact.

C. When making findings of fact, the city council may adopt by reference the findings of the planning commission; it may modify those findings based upon the public testimony presented; or it may issue new findings of fact.

D. Records shall be kept of all hearings on specific zoning issues and shall consist of written minutes, findings of fact, and other material submitted, as well as a tape recording of the hearing. The tape of the hearing may be destroyed after six months, in the event no appeal has been lodged against the decision within that time. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 635 § 6, 1974.]

**17.150.060 Enforcement.**

The city administrator or a designee shall have the power and duty to enforce the provisions of this title. Any violation of this title or failure to comply with conditions of approval of a land use action may be deemed a nuisance, and may be abated in accordance with the provisions of Chapter 8.10 JCMC instead of, or in addition to, any penalties imposed pursuant to JCMC 17.150.160. Failure to comply with the conditions of approval of a land use action will be considered a nuisance. An appeal from a ruling of the city staff shall be made to the planning commission. No decision of the city shall be influenced by factors relating to race, religion, gender, age or physical disability. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1112 § 1, 2003; Ord. 950 § 111, 1991.]

**17.150.070 Procedures for development permit applications.**

A. Types of Procedures. Development permit applications subject to Junction City development ordinances shall be classified according to one of the following categories: Type I, Type II, Type III, or Type IV. These categories are defined below.

1. Type I Procedure – Administrative Decision.

a. This type of decision does not require interpretation or legal judgment in reviewing the proposed land use. Approval of a Type I application is not a land use decision as defined by ORS 197.015.

b. A public hearing or notice of action is not required. However, the applicant shall receive notice of the final decision.

c. The applicant may appeal a Type I decision in accordance with the requirements of JCMC 17.150.120.

d. Type I Administrator's Decisions. Actions that are processed by the city administrator or their designee as a Type I procedure include but are not limited to decisions related to:

i. Determination of the completeness of applications;

ii. Determination of the appropriate procedure for any application;

iii. Building permits for outright permitted uses requiring no planning commission action;

iv. Building permits after discretionary approvals become final;

v. Minor modifications to nonconforming uses as described in JCMC 17.125.030;

vi. Access permits as described in Chapter 17.85 JCMC for uses not requiring site plan review or when issued in conformance with an approved site plan;

vii. Development permits for property located partially or wholly within a flood hazard zone as described in Chapter 17.80 JCMC;

viii. Billboard permits as described in Chapter 17.115 JCMC;

ix. Sign permits as described in Chapter 17.115 JCMC;

x. Lot line adjustments; and

xi. Decisions on whether to support an application for annexation.

e. Type I Planning Commission Decisions. Actions that are processed by the planning commission as Type I procedures include but are not limited to:

i. Final subdivision plan and final partition plan plat approval; and

ii. Similar decisions that result in or are the final opportunity for review before a change in ownership of any real property subject to review under this title.

2. Type II Procedure – Limited Land Use Decision.

a. A Type II procedure is classified as a limited land use decision as defined in ORS ~~197.015~~197.195. This procedure allows for review of applications that involve discretionary standards for uses permitted outright by this title. The commission or designated staff shall follow the procedures specified in the acknowledged comprehensive plan, land use regulations, and other applicable legal requirements.

b. Notice of the proposed action shall be as provided in JCMC 17.150.080.

~~c. A public hearing may be requested on a proposed decision by the applicant, a member of the planning commission, or any party entitled to notice or who is affected by the proposal. If, after review of the application, the city administrator or designee determines that the request for a public hearing is necessary for a complete analysis of the application, the city administrator or designee shall schedule a public hearing at the next available planning commission meeting, and shall provide notice of the hearing to all persons entitled to receive the original notice of the application. Procedures at the public hearing shall be the same as for a Type III hearing, as found in this chapter.~~

c ~~d~~. Either after receiving all written comments, or after close of the record in the event of a public hearing, the planning commission or designated staff shall review all information received and make findings based on the applicable criteria. The decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision; and providing justification for the approval, conditional approval, or denial of the application. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions. The notice of decision must include an explanation of appeal rights. ~~The decision can be appealed in accordance with JCMC 17.150.120.~~

d. Upon appeal of a Limited Land Use Decision under this section, a public hearing at the planning commission shall be held. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with requirements of the Type III Quasi-judicial process of subsection A.3. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

e. Examples of Applications. Applications that are processed as a Type II procedure include but are not limited to:

i. Preliminary partition plans and replats;

ii. Preliminary subdivision plans and replats.

f. Expedited land divisions shall be administered in accordance with procedures outlined in ORS 197.360 through 197.380.

3. Type III Procedure – Quasi-Judicial.

a. In accordance with ORS 197.764, a Type III procedure requires a public hearing and may involve complex actions which require discretion on the part of the commission. Type III procedures will usually require decisions of a specific nature about discrete properties. Procedures for public hearings are set forth in this chapter.

b. Notice of the proposed action shall be as provided in JCMC 17.150.080.

c. After the close of the record in the public hearing, the planning commission or designated staff shall review all information received and make findings based on the applicable criteria. The decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision, and providing justification for the approval, conditional approval, or denial

of the application. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions. The decision can be appealed in accordance with JCMC 17.150.120.

d. Examples of Applications. Type III applications include but are not limited to the following:

i. Conditional uses;

ii. Temporary use permits;

iii. Variances (including variances to sign permits); and

iv. Planned unit developments.

4. Type IV Procedure – Legislative.

a. A Type IV procedure requires review by the commission and the council (except for withdrawals of property from special districts prior to annexations where only a review by the council is required). This type of decision may have significant or broad effects on various parties and properties in a large area.

b. Proposed amendments to this title, the comprehensive plan, or other land use regulations may be initiated by an application from a citizen, the planning commission, the city council or Lane County, if the requested change relates to the Junction City comprehensive plan.

c. Public notice shall be provided in accordance with JCMC 17.150.080.

d. A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications, except for withdrawals of property from special districts prior to annexations where only a review by the council is required. Procedures for these hearings are set forth in JCMC 17.150.090. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions.

e. The commission may submit recommendations and findings regarding the proposal to the city council. These recommendations and findings may include alterations from the original proposal or application. If the commission determines that the proposed change should not be recommended for approval by the council, as originally proposed or as modified by the commission, the commission may, but need not, submit the proposal to the city council. The council may enact, amend, or defeat all or portions of the proposal or may refer the matter back to the commission for further consideration.

f. If the council takes final action in the form of an ordinance, resolution, or amendment, then the applicable rules of the Department of Land Conservation and Development must be complied with. Any participants in the hearing shall receive notice of the final action including the effective date of the decision as well as appeal requirements.

g. Examples of Type IV applications include but are not limited to the following:

i. Amendments to the comprehensive plan;

ii. Amendments to this title;

iii. Changes to the zoning map;

iv. Withdrawal of property from special districts prior to annexations;

v. Annexation of property to the city; and

vi. Extraterritorial extensions of water, stormwater, or sewer.

5. Summary of Development Decisions/Permits by Type of Decision-Making Procedure. The following table lists land development application types, illustrating the types defined in subsections (A)(1) through (4) of this section. Examples listed in Table 17.150.070 are for informational purposes and are not exclusive.

**Table 17.150.070: Summary of Development Decisions/Permits by Type of Decision-Making Procedure**

| Development Decision/Permit | Category | Code Provisions | Review/Hearing |
|---|---|---|---|
| Access Permit (not requiring site plan review) | Type I | Chapter 17.85 JCMC | staff |
| Annexation | Type IV | Chapter 17.165 JCMC | PC/CC |
| Billboard Permit | Type I | Chapter 17.115 JCMC | staff |
| Building Permit (uses permitted outright) | Type I | Chapter 15.15 JCMC | staff |
| Code Interpretation | Type II | | staff |
| Code Amendment | Type IV | Chapter 17.145 JCMC | PC/CC |
| Comprehensive Plan Amendment | Type IV | Comprehensive Plan | PC/CC |
| Conditional Use Permit | Type III | Chapter 17.130 JCMC | PC |
| Conditional Uses Within Wetland Protection Areas | Type III | Chapter 17.130 JCMC | PC |
| Development Review | Type I | Chapter 16.05 JCMC | staff |
| Extraterritorial Extension of Water, Stormwater or Sewer | Type II/IV | Chapter 17.165 JCMC | staff, PC/CC |

**Table 17.150.070: Summary of Development Decisions/Permits by Type of Decision-Making Procedure**

| Development Decision/Permit | Category | Code Provisions | Review/Hearing |
|---|---|---|---|
| Flood Hazard Zone Development Permit | Type I | Chapter 17.80 JCMC | staff |
| Home Occupation Permit | Type I | | staff |
| Master Planned Development (PUD) | Type III | Chapter 17.65 JCMC | PC |
| Modification to Approval | Type II/III | | staff, PC |
| Land Use District Map Change<br>Quasi-Judicial (no plan amendment required)<br>Legislative (plan amendment required) | <br>Type III<br>Type IV | Chapter 17.145 JCMC | <br>PC<br>PC/CC |
| Lot Line Adjustment | Type I | | staff |
| Nonconforming Use or Development Confirmation | Type I | Chapter 17.125 JCMC | staff |
| Partition, Major or Minor | Type II | JCMC 16.05.030 and 16.05.040 | staff ~~PC~~ |
| Permitted Activities Within Wetland Protection Areas | Type I | Chapter 17.60 JCMC | staff |
| Sign Permit | Type I | Chapter 17.115 JCMC | staff |
| Subdivision | Type II | JCMC 16.05.040 | PC |
| Subdivision – Final Plat Approval | Type I | JCMC 16.05.040 | PC |
| Temporary Use Permit | Type III | Chapter 17.135 JCMC | PC |
| Temporary Use Permit – Mobile Food Unit | Type I | Chapter 17.135 JCMC | staff |

**Table 17.150.070: Summary of Development Decisions/Permits by Type of Decision-Making Procedure**

| Development Decision/Permit | Category | Code Provisions | Review/Hearing |
|---|---|---|---|
| Tree Removal | Type I/II | Chapter 12.35 JCMC | staff |
| Variance | Type III | JCMC 17.140.010 | PC |
| Variance Within Wetland Protection Areas | Type III | Chapter 17.60 JCMC and JCMC 17.140.010 | PC |
| Minor Variance (clear and objective standards, i.e., 10%) | Type I | JCMC 17.140.030 | staff |
| Wetland Resources Overlay District Map Corrections | Type I | Chapter 17.60 JCMC | staff |
| Withdrawal of Property From Special Districts After Annexation | Type IV | JCMC 17.165.140 | CC only |

Abbreviations:

LCLGBC = Lane County Local Government Boundary Commission, CC = City Council, PC = Planning Commission

B. Determining the Applicable Procedure.

1. If there is a question as to the appropriate procedure type, the city administrator or designee will determine the applicable type based upon the most similar land use application procedure specified herein or other established policy.

2. For an application containing two or more proposals for the same property, these applications may be processed collectively under the highest numbered procedure that is applicable to any of the proposals. Alternatively, the applications can be reviewed individually according to the corresponding procedure type.

C. Pre-Application Conference. An applicant may request an informal review of a proposal by the city administrator or by planning staff prior to application to determine the general feasibility of the proposal. This informal review does not constitute a land use decision and is not appealable.

D. Consolidation of Permits. Applicants shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. For purposes of this title, a consolidated permit process shall mean that the deciding body, to the greatest extent possible, applies concurrent notice, public hearing and decision-making procedures to the permits and zone changes which have been consolidated for review.

E. Time Limits. If an application for a permit or zone change is incomplete, the city shall notify the applicant 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 upon receipt of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the thirty-first day after the application was first received. If an applicant requests to opt in to new standards related to the development of housing that was adopted after the application was originally submitted, the application is automatically rendered incomplete and the city shall notify the applicant of exactly what information is missing within 30 days of receipt of the request.

F. Computation of Time. For any reference to time in this title, unless otherwise specified, the time within which an act is to be done is computed by excluding the first day and including the last unless the last day falls upon any legal holiday, Saturday, or Sunday in which case the last day is also excluded. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1212 § 3 (Exh. A), 2012; Ord. 1181 §§ 2, 3, 2008; Ord. 1112 § 1, 2003; Ord. 950 § 112, 1991.]

**17.150.080 Notice.**

The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the decision is made. The goal of this notice is to invite people to participate early in the decision-making process. Notice of a proposed Type II, III, or IV action shall be provided as follows:

A. Each notice of hearing authorized by this section shall be published in a newspaper of general circulation in the city at least 10 days prior to the date of the hearing.

B. For Type II applications, a notice shall be provided to owners of property within 100 feet of the entire contiguous site of the application. Additionally, notice for Type II applications shall:

1. Provide a 14-day period for submission of written comments;

2. State: “Issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.”;

3. List the applicable criteria from the ordinance and the plan, as well as other plans and laws that apply to the application at issue by commonly used citation;

4. Set forth the street address or other easily understood geographical reference to the subject property;

5. State the place, date, and time that comments are due;

6. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

7. Include the name of a local government representative to contact and the address and telephone number where additional information may be obtained;

8. Include a general explanation of the local decision making process for a limited land use decision being made.

CB. ~~With the exception of Type IV applications~~ For Type III applications, notice of hearing or contemplated land use action shall be mailed to the applicant and to all owners and abutting property owners, including owners of property which would be abutting if there were not intervening streets, of the property which is the subject of the notice. In addition, notice shall be provided to all owners of record of property on the most recent property tax assessment roll within 300 feet of the subject property. Notice shall be mailed at least 20 days before the date of the hearing or review.

DC. For Type IV applications:

1. Notice shall be mailed to each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of a property subject to comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment).

2. If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the city of Junction City, individual notice shall be prepared and mailed to those affected, including all persons within 300 feet of the affected property.

3. When a proposal to change the zone of property which includes all or part of a ~~mobile home~~ manufactured dwelling park is to be considered at a public hearing, notice shall be sent to each existing mailing address for tenants of the ~~mobile home~~ manufactured dwelling park.

4. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

ED. Notice shall be mailed to all recognized neighborhood groups or associations affected by the proposal whose boundaries include the site. A recognized neighborhood group or association is defined as an organization that has been formally acknowledged by the city council as representing a specific geographic area or group of citizens with respect to land use issues.

FE. Notice shall be provided to any person who submits a written request to receive a notice.

GF. Notice shall be provided to any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city, and to other affected agencies as appropriate. For Type IV applications, the Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received; otherwise notice to DLCD shall be provided at the discretion of the applicant.

HG. The city administrator or designee shall certify any mailing of notice or published notice.

IH. The notice provisions of this section shall not restrict the giving of notice by other means, including mail or posting on property.

JI. Notice of a hearing shall be reasonably calculated to give actual notice, and shall contain the following information:

1. Explain the nature of the application and the proposed use or uses which could be authorized. State number and title of the application file.

2. List the applicable criteria from the ordinance and the plan, as well as other plans and laws that apply to the application at issue by commonly used citation.

3. Set forth the street address or other easily understood geographical reference to the subject property.

4. State the date, time, and place of the hearing or the ending date for any opportunity to submit comments. ~~Notice for Type II applications shall provide a 14-day period for submitting written comments before a decision is made on the permit.~~

5. State: "Failure to raise an issue at this opportunity for comment or hearing, in person or by letter, or failure to provide statements or evidence related to an issue sufficient to afford the decision-maker an opportunity to respond to the issue, precludes reliance on that issue in any later appeal of the decision that will be made after consideration of statements and evidence submitted, including an appeal to the Oregon Land Use Board of Appeals based on that issue."

6. Include the name of a local government representative to contact and the address and telephone number where additional information may be obtained.

7. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings, and a statement that the hearing will be held under the rules of procedure adopted by the council and available at City Hall.

10. State: "Notice to mortgagee, lienholder, vendor, or seller: The Junction City Development Code requires that if you receive this notice, it shall be promptly forwarded to the purchaser."

KJ. A person whose name is not in the tax records at the time of filing of an application or of initiating other action not based on an application may only receive a notice if the person provides the planning commission with the necessary address(es). Any deficiency in the form of notice prescribed in this section or a failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this section for notice. In addition to persons receiving notice as required by the matter under consideration, the city administrator may provide notice to others he/she has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

LK. A notice of hearing shall be mailed:

1. At least 20 days, but no more than 40 days, before the evidentiary hearing. However, for the adoption or amendment of a comprehensive plan or land use regulation as part of periodic review, notice shall be mailed at least 30 days prior to the first hearing.

2. If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1112 § 1, 2003; Ord. 975 §§ 2, 3, 1993; Ord. 950 § 113, 1991.]

**17.150.090 Public hearing procedures.**

A. No less than one public hearing shall be held on all Type III land use applications, as described in JCMC 17.150.070(A)(3). This public hearing shall be held within 45 days of when the application has been deemed complete. The conduct of the hearing shall be consistent with this chapter. Two public hearings are required for Type IV land use applications, as described in JCMC 17.150.070(A)(4).

B. Any staff report used at the first hearing shall be available at least seven days prior to the hearing.

C. At the commencement of a quasi-judicial hearing required by this chapter, a statement shall be made to those in attendance that:

1. Lists the applicable substantive criteria.

2. States that testimony and evidence must be directed toward the applicable substantive criteria or other criteria believed to apply to the decision.

3. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue.

D. The planning commission may continue a public hearing. This hearing shall be continued to a date, time, and place at least seven days from the date of the initial evidentiary hearing.

E. Unless there is a continuance, if a participant so requests before the conclusion of the evidentiary hearing, the record shall remain open at least seven days after the hearing.

F. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 227.178 and 227.179.

G. When the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.

H. Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record but shall not include any new evidence. This seven-day time period is not subject to the limitations of ORS 227.178 and 227.179 (120-day time period). [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1112 § 1, 2003; Ord. 975 §§ 2, 3, 1993; Ord. 950 § 114, 1991.]

**17.150.100 Decision.**

A. Following the hearing procedure described in JCMC 17.150.090, the hearing body shall approve, table, or deny the application; or, if the hearing is in the nature of an appeal, either affirm, reverse, or remand the decision that is on appeal. A decision on a hearing or an application for a development permit may be continued for a reasonable period of time as determined by the hearing body, but not to exceed the requirements of subsection (B) of this section.

B. Except as provided in this subsection, the city shall take final action on an application for a permit or zone change, including resolution of all appeals, within 120 days after the application is deemed complete. Exceptions to the 120-day time limit are as follows:

1. The time limit may be extended for a reasonable period by the applicant;

2. The time limit only applies to decisions wholly within the authority and control of the city and does not apply if the parties have agreed to mediation to resolve the issue;

3. The time limit does not apply to an amendment to the comprehensive plan or land use regulations or to adoption of a new land use regulation that was forwarded to the State Department of Land Conservation and Development for post-acknowledgment review, nor does the time limit apply when the parties have agreed to mediation.

4. If the applicant for housing related development requests to opt in to new standards that were adopted after the application was submitted, the 120-day time limit shall reset from the time the application is deemed complete thereafter.

5. The 120-day time limit can be extended by no more than seven days for a decision of an application for the development of residential structures, where Junction City has tentatively approved the application in order to assure the sufficiency of its final order.

C. 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, 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. If an applicant of housing related development would like to opt in to be reviewed under new standards that were adopted after the application was submitted, a request shall be made by the applicant. In this case a second application fee shall not be charged, but additional costs for review may be incurred by the applicant.

D. When the city council approves an amendment of an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation, a copy of the adopted text of the provision or regulation together with the adopted findings shall be mailed or otherwise submitted to the director of the Department of Land Conservation and Development not later than five working days after the final decision. If the proposed amendment or new regulation that the director received notice under JCMC 17.150.070 and ORS 197.610 has been substantially amended, the local government shall specify the changes that have been made in the notice provided to the director. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail. Also within five days of the decision, the local government shall mail notice to persons who participated in the proceedings and to persons who requested in writing that they receive notice of the decision. This notice shall comply with ORS 197.615.

E. In rendering a decision, a local government may adopt an exception to a Statewide Planning Goal in accordance with ORS 197.732. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1112 § 1, 2003; Ord. 975 §§ 2, 3, 1993; Ord. 950 § 115, 1991.]

**17.150.110 Permit required.**

Prior to the erection, movement, reconstruction, extension, enlargement or alteration of a structure, necessary permit(s) for such erection, movement, reconstruction, extension, enlargement or alteration shall be obtained. The applicant shall pay a fee as established by the city council at the time the application is filed. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1112 § 1, 2003; Ord. 975 § 2, 1993; Ord. 950 § 116, 1991.]

**17.150.120 Appeal to city council.**

Any final action of the planning commission authorized by this title may be appealed to the city council within 12 days after notice has been mailed to all opponents indicating the planning commission's decision and right to appeal. Appeals may be made by filing written notice with the city and paying the fee equal to the average cost as prescribed by the city council, and cost of the written transcripts up to $500.00, plus one-half the cost over $500.00. If no appeal is taken within the 12-day period, the decision of the planning commission shall be final. If an appeal is filed, the city council shall receive a report and recommendation from the planning commission and shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city not less than five days nor more than 20 days prior to the date of the hearing. The appeal hearing before the city council shall be a de novo hearing held in accordance with this section and JCMC 17.150.130 and ORS 227.173. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1112 § 1, 2003; Ord. 975 § 2, 1993; Ord. 950 § 117, 1991.]

**17.150.130 Form of petitions, applications and appeals.**

All applications and appeals provided for in this title shall be made on forms provided for the purpose or as otherwise prescribed by the planning commission in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. All applications for permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact sizes and locations on the lot of the building and other structures, existing and proposed; and the existing and intended use of each building, structure or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine their conformance with the provisions of this title. Where multiple land use permits or zone changes are required, such hearings and applications may be applied for and conducted at one time. Final action on a permit or zone change application, including all appeals, shall occur within 120 days of submittal of a complete application. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 975 § 2, 1993; Ord. 950 § 118, 1991.]

**17.150.140 Time limit on approved plans and permits.**

All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, all land use approvals shall be void after one year if no substantial construction has taken place. However, the planning commission may grant two one-year extensions upon a determination that the applicant is pursuing the completion of the project and

that no material changes of surrounding land uses or designation have occurred. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 975 § 2, 1993; Ord. 950 § 119, 1991.]

**17.150.150 Interpretation.**

The provisions of this title shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 975 § 2, 1993; Ord. 950 § 120, 1991.]

**17.150.160 Penalty.**

The owner or owners of any buildings or premises, or part thereof, where anything in violation of this title shall be placed, or exist, or be maintained, and any architect, builder or contractor who shall assist in the commission of any such violation, and all persons or corporations who shall violate or maintain any violation of any of the provisions of this title, or who shall fail to comply with any order issued under this title, or with any requirements thereof, or who shall build in violation of any statement or plan submitted and approved under this title, shall for each and every violation or noncompliance be fined not more than $250.00. Each day that a violation of this title continues shall be considered a separate offense, commencing upon the date the city provides written notice to the property owner or occupant of the violation. [Ord. 1266 § 2 (Exh. B), 2021; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1186 § 2, 2008; Ord. 975 § 2, 1993; Ord. 950 § 121, 1991.]

# Enrolled
# House Bill 3395

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

CHAPTER .....

AN ACT

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

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

## RESIDENTIAL USE OF COMMERCIAL LANDS

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

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

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

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

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

**(3) Development under this section does not:**

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

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

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

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

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

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

**(i) Natural disasters and hazards; or**

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

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

## RESIDENTIAL APPROVAL PROCEDURES

**SECTION 3.** ORS 215.427 is amended to read:

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

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

(a) All of the missing information;

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

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

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

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

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

(a) All of the missing information;

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 4.** ORS 227.178 is amended to read:

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

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

(a) All of the missing information;

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

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

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

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

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

(a) All of the missing information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 5.** ORS 197.830 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The date of the decision.

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

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

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

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

**(B)** Prior to**:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**EMERGENCY SHELTER SITING**

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

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

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

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

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

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

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

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

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

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

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

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

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

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

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

(3) An emergency shelter approved under this section:

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

(A) Showering or bathing;

(B) Storage for personal property;

(C) Laundry facilities;

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

(E) Recreation areas for children and pets;

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

(G) Any other services incidental to shelter.

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

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

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

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

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

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

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

**SINGLE EXIT MULTIFAMILY DWELLINGS**

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

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

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

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

**PLANNED COMMUNITY ACT EXEMPTIONS**

**SECTION 9.** ORS 94.550 is amended to read:

94.550. As used in ORS 94.550 to 94.783:

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

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

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

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

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

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

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

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

(a) Is not a Class I planned community;

(b) Contains at least five lots; and

(c) Has an estimated annual assessment exceeding $1,000 for all lots based on:

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

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

(5) "Class III planned community" means a planned community that is not a Class I or II planned community.

(6) "Common expenses" means expenditures made by or financial liabilities incurred by the homeowners association and includes any allocations to the reserve account under ORS 94.595.

(7) "Common property" means any real property or interest in real property within a planned community which is owned, held or leased by the homeowners association or owned as tenants in common by the lot owners, or designated in the declaration or the plat for transfer to the association.

(8) "Condominium" means property submitted to the provisions of ORS chapter 100.

(9) "Declarant" means any person who creates a planned community under ORS 94.550 to 94.783.

(10) "Declarant control" means any special declarant right relating to administrative control of a homeowners association, including but not limited to:

(a) The right of the declarant or person designated by the declarant to appoint or remove an officer or a member of the board of directors;

(b) Any weighted vote or special voting right granted to a declarant or to units owned by the declarant so that the declarant will hold a majority of the voting rights in the association by virtue of such weighted vote or special voting right; and

(c) The right of the declarant to exercise powers and responsibilities otherwise assigned by the declaration or bylaws or by the provisions of ORS 94.550 to 94.783 to the association, officers of the association or board of directors of the association.

(11) "Declaration" means the instrument described in ORS 94.580 which establishes a planned community, and any amendments to the instrument.

(12) "Electric vehicle charging station" or "charging station" means a facility designed to deliver electrical current for the purpose of charging one or more electric motor vehicles.

(13) "Electronic meeting" means a meeting that is conducted through telephone, teleconference, video conference, web conference or any other live electronic means where at least one participant is not physically present.

(14) "Governing document" means articles of incorporation, bylaws, a declaration or a rule, regulation or resolution that was properly adopted by the homeowners association or any other instrument or plat relating to common ownership or common maintenance of a portion of a planned community that is binding upon lots within the planned community.

(15) "Governing entity" means an incorporated or unincorporated association, committee, person or any other entity that has authority under a governing document to maintain commonly maintained property, to impose assessments on lots or to act on matters of common concern on behalf of lot owners within the planned community.

(16) "Homeowners association" or "association" means the organization of owners of lots in a planned community, created under ORS 94.625, required by a governing document or formed under ORS 94.574.

(17) "Majority" or "majority of votes" or "majority of owners" means more than 50 percent of the votes in the planned community.

(18) "Mortgagee" means any person who is:

(a) A mortgagee under a mortgage;

(b) A beneficiary under a trust deed; or

(c) The vendor under a land sale contract.

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

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

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

(b) "Planned community" does not mean:

(A) A condominium under ORS chapter 100;

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

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

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

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

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

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

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

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

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

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

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

(c) Converting lots into common property;

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

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

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

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

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

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

## REGULATION OF CONDOMINIUMS

**SECTION 10.** ORS 100.015 is amended to read:

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

**SECTION 11.** ORS 100.022 is amended to read:

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

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

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

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

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

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

**(d) Any other requirements.**

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

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

**SECTION 12.** ORS 100.110 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 13.** ORS 100.115 is amended to read:

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

(a) Show the location of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) If any property is withdrawn:

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

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

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

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

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

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

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

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

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

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

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

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

(c) Determine that the following are consistent:

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

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

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

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

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

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

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

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

**SECTION 14.** ORS 100.105 is amended to read:

100.105. (1) A declaration must contain:

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

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

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

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

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

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NOTICE

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

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(f) A description of the general common elements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A statement:

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

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

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

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

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

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

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

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

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

(B) Seven years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SUBDIVIDING FOR DEVELOPMENT OF AFFORDABLE HOUSING

**SECTION 15.** ORS 92.090 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SINGLE ROOM OCCUPANCIES

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

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

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

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

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

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

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

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

(b) Government assisted housing;

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

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

(e) Agriculture workforce housing;

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

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

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

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

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

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

(b) Current housing underproduction;

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

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

(3) At the time Metro performs the analysis under subsection (2) of this section, Metro shall allocate a housing need for each city within Metro.

(4) In making an allocation under subsection (3) of this section, Metro shall consider:

(a) The forecasted population growth under ORS 195.033 or 195.036;

(b) The forecasted regional job growth;

(c) An equitable statewide distribution of housing for income levels described in section 2 (4)**, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

(d) The estimates made under subsection (2) of this section; and

(e) The purpose of the Oregon Housing Needs Analysis under section 1 (1)**, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

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

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

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

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

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

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

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

(b) Government assisted housing;

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

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

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

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

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

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

(b) Current housing underproduction;

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

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

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

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

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

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

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

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

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

(b) "Needed housing" includes the following housing types:

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

(B) Government assisted housing;

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

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

(E) Housing for agricultural workers;

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

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

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

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

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

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

(b) A county with a population of less than 15,000.

(3) At the time that a city is required to inventory its buildable lands under ORS 197.297 (1) or section 21 or 22**, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*], the city shall determine its needed housing under this section.

(4) In determining needed housing the city must demonstrate that the projected housing types, characteristics and locations are:

(a) Attainable for the allocated housing need by income, including consideration of publicly supported housing;

(b) Appropriately responsive to current and projected market trends; and

(c) Responsive to the factors in ORS 197.290 (2)(b) to (d).

**SITING DUPLEXES**

**SECTION 20.** ORS 197.758 is amended to read:

197.758. (1) As used in this section:

(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) "Middle housing" means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of [*more than 10,000*] **2,500 or greater** and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

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

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

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

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

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

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

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

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

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

(a) Waiving or deferring system development charges;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Defining the affected areas;

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

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

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

(e) Standards for evaluating applications; and

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

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

## REMOVING RECORDED DISCRIMINATORY PROVISIONS

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

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

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

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

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

---

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

**Pursuant to this section, the undersigned states:**

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

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

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

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

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

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

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

**_____**

**_____**

**Dated this _____ day of _____ 20_____.**

**Name: _____**
**President, _____ (association name)**
**Address: _____**
**_____**
**Phone No.: _____**

**Dated this _____ day of _____ 20_____.**

**Name: _____**
**Secretary, _____ (association name)**
**Address: _____**
**_____**
**Phone No.: _____**

**STATE OF OREGON )**
**) ss.**
**County of _____ )**

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

**_____**
**Notary Public for Oregon**
**My commission expires: _____**

---

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

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

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

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

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

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

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

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

---

**CERTIFICATION OF COMPLIANCE WITH ORS 93.270 (2).**

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

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

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

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

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

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

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

_____

_____

**Dated this _____ day of _____ 20_____.**

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

**Dated this _____ day of _____ 20_____.**

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

**STATE OF OREGON )**
**) ss.**
**County of _____ )**

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

**_____**
**Notary Public for Oregon**
**My commission expires: _____**

---

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

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

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

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

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

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

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

---

**CERTIFICATION OF COMPLIANCE WITH ORS 93.270 (2).**

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

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

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

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

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

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

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

_____

_____

**Dated this _____ day of _____ 20____.**

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

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

**STATE OF OREGON )**
**) ss.**
**County of _____ )**

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

_____
**Notary Public for Oregon**
**My commission expires: _____**

---

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

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

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

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

## AFFORDABLE HOUSING ON PUBLIC UTILITY LANDS

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

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

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

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

## HOUSING SUPPORT FOR LOW-INCOME COLLEGE STUDENTS

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

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

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

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

## COMMUNITY HOUSING SUPPORTING AGRICULTURAL EMPLOYEES

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

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

**(a) Is within an urban growth boundary;**

**(b) Is within 20 miles of significant agricultural employment as identified by the Housing and Community Services Department;**

**(c) Is promoted for residential use by agricultural employees and developed with amenities suitable for agricultural employees and their families;**

**(d) Consists of a multifamily dwelling or a cluster of buildings, including manufactured, prefabricated or modular housing, housing produced through a three-dimensional printing process or other housing developed using innovative construction types; and**

**(e)(A) Is subject to an affordable housing covenant requiring that the units are maintained for a period of no less than 60 years as affordable to rent for low income households, as described in ORS 456.270 to 456.295;**

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

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

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

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

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

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

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

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

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

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

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

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

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

## LOCAL GOVERNMENT HOUSING SUPPORT

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

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

**(a) Bridging any information gaps;**

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

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

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

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

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

## AFFORDABLE HOMEOWNERSHIP REVOLVING LOAN FUND

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

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

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

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

(3) Loans made from the loan fund must:

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

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

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

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

(B) 0.5 percent.

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

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

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

## AFFORDABLE HOUSING LOAN GUARANTEE FUND

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

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

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

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

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

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

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

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

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

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

**HOUSING AND COMMUNITY SERVICES DEPARTMENT ADMINISTRATION**

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

**EMERGENCY HOUSING ASSISTANCE FOR COMPANION ANIMALS**

**SECTION 48.** ORS 458.650 is amended to read:

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

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

(a) Persons who have experienced housing instability;

(b) Tribes;

(c) The Community Action Partnership of Oregon;

(d) Continuums of care, as defined in 24 C.F.R. part 578;

(e) Local governments;

(f) Nonprofit organizations;

(g) Homeless services providers;

(h) Culturally specific organizations;

(i) Housing providers;

(j) Veterans' services organizations; and

(k) Other entities identified by the department by rule.

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

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

(A) Emergency shelters and attendant services;

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

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

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

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

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

**(ii) Crates or kennels on-site or off-site that are easily accessible to the companion animal owners;**

**(iii) Basic veterinary services, including behavioral services; and**

**(iv) Rules of conduct and responsibility regarding companion animals and their owners; or**

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

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

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

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

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

(C) Engages with culturally specific organizations; and

(D) Supports local homelessness system planning efforts.

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

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

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

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

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

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

## UNIT CAPTIONS

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

## OPERATIVE AND EFFECTIVE DATES

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

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

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

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

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**Passed by House June 14, 2023**

**Repassed by House June 25, 2023**

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

.....
Dan Rayfield, Speaker of House

**Passed by Senate June 24, 2023**

.....
Rob Wagner, President of Senate

**Received by Governor:**

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

**Approved:**

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

.....
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

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

.....
Secretary of State

# Enrolled
# Senate Bill 1537

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

CHAPTER .....

AN ACT

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

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

## HOUSING ACCOUNTABILITY AND PRODUCTION OFFICE

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

**(2) The Housing Accountability and Production Office shall:**

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

**(A) Comply with housing laws;**

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

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

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

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

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

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

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

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

**(f) Coordinate agencies that are involved in the housing development process, including, but not limited to, the Department of Land Conservation and Development, Department of**

**Consumer and Business Services, Housing and Community Services Department and Oregon Business Development Department, to enable the agencies to support local governments and applicants for land use and building permits for residential development by identifying state agency technical and financial resources that can address identified housing development and feasibility barriers.**

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

**(3) The Land Conservation and Development Commission and the Department of Consumer and Business Services shall coordinate in adopting, amending or repealing rules for:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(3)(a) If the office has a reasonable basis to conclude that a violation was or is being committed, the office shall deliver written warning notice to the local government specifying**

**the violation and any authority under this section that the office intends to invoke if the violation continues or is not remedied. The notice must include an invitation to address or remedy the suspected violation through mediation, the execution of a compliance agreement to voluntarily remedy the situation, the adoption of suitable model codes developed by the office under section 1 (3)(b) of this 2024 Act or other remedies suitable to the specific violation.**

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

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

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

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

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

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

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

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

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

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

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

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

**(8) Nothing in this section:**

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

**(b) Creates a new cause of action; or**

**(c) Tolls or extends:**

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

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

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

**(2) Except as otherwise provided in this section, a request for an enforcement order by the office is subject to the applicable provisions of ORS 197.335 and ORS chapter 183 and is not subject to ORS 197.319, 197.324 or 197.328.**

**(3) The office shall make a request for an enforcement order under this section by delivering a notice to the local government that states the grounds for initiation and summarizes the procedures for the enforcement order proceeding along with a copy of the notice**

**to the Land Conservation and Development Commission. A decision of the office to initiate an enforcement order is not subject to appeal.**

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

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

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

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

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

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

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

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

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

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

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

**(A) Its next regularly scheduled meeting; or**

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

**(9) The commission shall affirm, affirm with modifications or reverse the proposed enforcement order. The commission shall issue a final order no later than 30 days after the meeting at which it considered the matter.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**(3) The Department of Land Conservation and Development and Department of Consumer and Business Services may take any action before the operative date specified in subsection (1) of this section that is necessary for the departments or the Housing Accountability and Production Office to exercise, on and after the operative date, all of the duties, functions and powers conferred by sections 1 to 5, 35, 39 and 46 of this 2024 Act.**

## OPTING IN TO AMENDED HOUSING REGULATIONS

**SECTION 8.** ORS 215.427 is amended to read:

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

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing

information. The application shall be deemed complete for the purpose of subsection (1) of this section and ORS 197A.470 upon receipt by the governing body or its designee of:

(a) All of the missing information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) All of the missing information;

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 9.** ORS 227.178 is amended to read:

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

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

(a) All of the missing information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) All of the missing information;

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

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

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

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

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

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

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

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

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

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit,

limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

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

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

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

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

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

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

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

## ATTORNEY FEES FOR NEEDED HOUSING CHALLENGES

**SECTION 10.** ORS 197.843 is amended to read:

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

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

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

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

**(2) For housing other than affordable housing, the attorney fees specified in subsection (1)(b) and (c) of this section apply only within urban growth boundaries.**

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

[*(3)*] **(4)** As used in this section:

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

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

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

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

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

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

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

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

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

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

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

## INFRASTRUCTURE SUPPORTING HOUSING PRODUCTION

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

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

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

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

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

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

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

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

**SECTION 16. Infrastructure recommendation and reporting. (1) On or before December 31, 2024, the Department of Land Conservation and Development, in consultation with the Housing and Community Services Department, the Oregon Business Development Department and other agencies that fund and support local infrastructure projects, shall submit a report to an appropriate interim committee of the Legislative Assembly in the manner provided in ORS 192.245 that includes a list of key considerations and metrics the Legislative Assembly could use to evaluate, screen and prioritize proposed local infrastructure projects that facilitate and support housing within an urban growth boundary.**

**(2) The Department of Land Conservation and Development shall facilitate an engagement process with local governments, tribal nations, the development community, housing advocates, conservation groups, property owners, community partners and other interested parties to inform the list of key considerations and metrics.**

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

## HOUSING PROJECT REVOLVING LOANS

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

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

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

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

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

**(b) Predevelopment costs;**

**(c) Construction costs; and**

**(d) Land write-downs.**

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

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

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

**(c) If rental property:**

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

**(ii) A multifamily dwelling;**

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

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

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

**(5) "Eligible housing project property" means the taxable real and personal property constituting the improvements of an eligible housing project.**

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

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

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

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

**(10) "Sponsoring jurisdiction" means:**

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

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

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

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

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

**(2) The ordinance or resolution shall set forth:**

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

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

**(3) A grant award:**

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

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

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

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

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

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

**(A) A description of the eligible housing project;**

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

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

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

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

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

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

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

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

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

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

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

**(3) The sponsoring jurisdiction shall:**

**(a) Review each application;**

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

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

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

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

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

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

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

**(C) Reject the application.**

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

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

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

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

**(B) Reject the provisionally approved application.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(b) Pay to the sponsoring jurisdiction the total amount set forth in paragraph (a) of this subsection out of the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.**

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

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

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

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

**(5) The Housing and Community Services Department may:**

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

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

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

**(2) The grant agreement shall:**

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

**(b) Contain terms that:**

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

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

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

**(a) A description of the eligible housing project;**

**(b) An itemized description of the eligible costs;**

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

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

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

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

**(5) The sponsoring jurisdiction shall forward to the tax officers of the county in which the eligible housing project is located a copy of the grant agreement, the ordinance or resolution and any other material the sponsoring jurisdiction considers necessary for the tax officers to perform their duties under sections 24 to 35 of this 2024 Act or the ordinance or resolution.**

**(6) Upon request, the department may assist the sponsoring jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this section.**

**SECTION 30. (1) Upon receipt of the copy of a grant agreement and ordinance or resolution from the sponsoring jurisdiction under section 29 (5) of this 2024 Act, the assessor of the county in which eligible housing project property is located shall:**

**(a) Exempt the eligible housing project property in accordance with this section;**

**(b) Assess and tax the nonexempt property in the tax account as other similar property is assessed and taxed; and**

**(c) Submit a written report to the sponsoring jurisdiction setting forth the assessor's estimate of the amount of:**

**(A) The real market value of the exempt eligible housing project property; and**

**(B) The property taxes on the exempt eligible housing project property that would have been collected if the property were not exempt.**

**(2)(a) The exemption shall first apply to the first property tax year that begins after completion of the eligible housing project to which the grant relates.**

**(b) The eligible housing project property shall be disqualified from the exemption on the earliest of:**

**(A) July 1 of the property tax year immediately succeeding the date on which the fee payment obligation under section 32 of this 2024 Act that relates to the eligible housing project is repaid in full;**

**(B) The date on which the annual fee imposed on the fee payer under section 32 of this 2024 Act becomes delinquent;**

**(C) The date on which foreclosure proceedings are commenced as provided by law for delinquent nonexempt taxes assessed with respect to the tax account that includes the eligible housing project; or**

**(D) The date on which a condition specified in section 33 (1) of this 2024 Act occurs.**

**(c) After the eligible housing project property has been disqualified from the exemption under this subsection, the property shall be assessed and taxed as other similar property is assessed and taxed.**

**(3) For each tax year that the eligible housing project property is exempt from taxation, the assessor shall enter a notation on the assessment roll stating:**

**(a) That the property is exempt under this section; and**

**(b) The presumptive number of property tax years for which the exemption is granted, which shall be the term of the loan agreement relating to the eligible housing project set under section 26 (3)(c) of this 2024 Act.**

**SECTION 31.** (1) Repayment of loans made under section 28 of this 2024 Act shall begin, in accordance with section 32 of this 2024 Act, after completion of the eligible housing project funded by the grant to which the loan relates.

(2)(a) The sponsoring jurisdiction shall determine the date of completion of an eligible housing project.

(b)(A) If an eligible housing project is completed before July 1 of the assessment year, repayment shall begin with the property tax year that begins on July 1 of the assessment year.

(B) If an eligible housing project is completed on or after July 1 of the assessment year, repayment shall begin with the property tax year that begins on July 1 of the succeeding assessment year.

(c) After determining the date of completion under paragraph (a) of this subsection, the sponsoring jurisdiction shall notify the Housing and Community Services Department and the county tax officers of the determination.

(3) A loan shall remain outstanding until repaid in full.

**SECTION 32.** (1) The fee payer for eligible housing project property that has been granted exemption under section 30 of this 2024 Act shall pay an annual fee for the term that shall be the presumptive number of years for which the property is granted exemption under section 30 (3)(b) of this 2024 Act.

(2)(a) The amount of the fee for the first property tax year in which repayment of the loan is due under section 31 (1) of this 2024 Act shall equal the total of:

(A) The portion of the increment determined under section 27 (1)(c) of this 2024 Act that is attributable to the eligible housing project property to which the fee relates; and

(B) The administrative costs described in section 28 (3) of this 2024 Act divided by the term of the grant agreement entered into under section 29 of this 2024 Act.

(b) For each subsequent property tax year, the amount of the fee shall be 103 percent of the amount of the fee for the preceding property tax year.

(3)(a) Not later than July 15 of each property tax year during the term of the fee obligation, the sponsoring jurisdiction shall certify to the assessor each fee amount that became due under this section on or after July 16 of the previous property tax year from fee payers with respect to eligible housing projects located in the sponsoring jurisdiction.

(b) The assessor shall place each fee amount on the assessment and tax rolls of the county and notify:

(A) The sponsoring jurisdiction of each fee amount and the aggregate of all fee amounts imposed with respect to eligible housing project property located in the sponsoring jurisdiction.

(B) The Housing and Community Services Department of each fee amount and the aggregate of all fee amounts with respect to all eligible housing project property located in the county.

(4)(a) The assessor shall include on the tax statement of each tax account that includes exempt eligible housing project property the amount of the fee imposed on the fee payer with respect to the eligible housing project property.

(b) The fee shall be collected and enforced in the same manner as ad valorem property taxes, including nonexempt taxes, are collected and enforced.

(5)(a) For each property tax year in which a fee is payable under this section, the treasurer shall:

(A) Estimate the amount of operating taxes as defined in ORS 310.055 and local option taxes as defined in ORS 310.202 levied by fire districts that would have been collected on eligible housing project property if the property were not exempt;

(B) Distribute out of the fee moneys the amounts determined under subparagraph (A) of this paragraph to the respective fire districts when other ad valorem property taxes are distributed under ORS 311.395; and

**(C) Transfer the net fee moneys to the Housing and Community Services Department for deposit in the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act in repayment of the loans to which the fees relate.**

**(b) Nonexempt taxes shall be distributed in the same manner as other ad valorem property taxes are distributed.**

**(6) Any person with an interest in the eligible housing project property on the date on which any fee amount becomes due shall be jointly and severally liable for payment of the fee amount.**

**(7) Any loan amounts that have not been repaid when the fee payer has discharged its obligations in full under this section remain the obligation of the sponsoring jurisdiction that obtained the loan from the department under section 28 of this 2024 Act.**

**(8) Any fee amounts collected in excess of the loan amount shall be distributed in the same manner as other ad valorem property taxes are distributed.**

**SECTION 33. (1)(a) A developer that received a grant award under section 29 of this 2024 Act shall become liable for immediate payment of any outstanding annual fee payments imposed under section 32 of this 2024 Act for the entire term of the fee if:**

**(A) The developer has not completed the eligible housing project within three years following the date on which the grant moneys were distributed to the developer;**

**(B) The eligible housing project changes substantially from the project for which the developer's application was approved such that the project would not have been eligible for the grant; or**

**(C) The developer has not complied with a requirement specified in the grant agreement.**

**(b) The sponsoring jurisdiction may, in its sole discretion, extend the date on which the eligible housing project must be completed.**

**(2) If the sponsoring jurisdiction discovers that a developer willfully made a false statement or misrepresentation or willfully failed to report a material fact to obtain a grant with respect to an eligible housing project, the sponsoring jurisdiction may impose on the developer a penalty not to exceed 20 percent of the amount of the grant so obtained, plus any applicable interest and fees associated with the costs of collection.**

**(3) Any amounts imposed under subsection (1) or (2) of this section shall be a lien on the eligible housing project property and the nonexempt property in the tax account.**

**(4) The sponsoring jurisdiction shall provide written notice of any amounts that become due under subsections (1) and (2) of this section to the county tax officers and the Housing and Community Services Department.**

**(5)(a) Any and all amounts required to be paid under this section shall be considered to be liquidated and delinquent, and the Housing and Community Services Department shall assign such amounts to the Department of Revenue for collection as provided in ORS 293.250.**

**(b) Amounts collected under this subsection shall be deposited, net of any collection charges, in the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.**

**SECTION 34. (1) Not later than June 30 of each year in which a grant agreement entered into under section 29 of this 2024 Act is in effect, a developer that is party to the agreement shall submit a report to the sponsoring jurisdiction in which the eligible housing project is located that contains:**

**(a) The status of the construction or conversion of the eligible housing project property, including an estimate of the date of completion;**

**(b) An itemized description of the uses of the grant moneys; and**

**(c) Any information the sponsoring jurisdiction considers important for evaluating the eligible housing project and the developer's performance under the terms of the grant agreement.**

**(2) Not later than August 15 of each year, each sponsoring jurisdiction shall submit to the Housing and Community Services Department a report containing such information re-**

**lating to eligible housing projects within the sponsoring jurisdiction as the department requires.**

**(3)(a) Not later than November 15 of each year, the department shall submit, in the manner required under ORS 192.245, a report to the interim committees of the Legislative Assembly related to housing.**

**(b) The report shall set forth in detail:**

**(A) The information received from sponsoring jurisdictions under subsection (2) of this section;**

**(B) The status of the repayment of all outstanding loans made under section 28 of this 2024 Act and of the payment of all fees imposed under section 32 of this 2024 Act and all amounts imposed under section 33 of this 2024 Act; and**

**(C) The cumulative experience of the program developed and implemented under sections 24 to 35 of this 2024 Act.**

**(c) The report may include recommendations for legislation.**

**SECTION 35. (1) The Housing Project Revolving Loan Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Housing Project Revolving Loan Fund shall be credited to the fund.**

**(2) Moneys in the fund may be invested as provided by ORS 293.701 to 293.857, and the earnings from the investments shall be credited to the fund.**

**(3) Moneys in the Housing Project Revolving Loan Fund shall consist of:**

**(a) Amounts appropriated or otherwise transferred or credited to the fund by the Legislative Assembly;**

**(b) Net fee moneys transferred under section 32 of this 2024 Act;**

**(c) Amounts deposited in the fund under section 33 of this 2024 Act;**

**(d) Interest and other earnings received on moneys in the fund; and**

**(e) Other moneys or proceeds of property from any public or private source that are transferred, donated or otherwise credited to the fund.**

**(4) Moneys in the Housing Project Revolving Loan Fund are continuously appropriated to the Housing and Community Services Department for the purpose of paying amounts determined under section 28 of this 2024 Act.**

**(5) Moneys in the Housing Project Revolving Loan Fund at the end of a biennium shall be retained in the fund and used for the purposes set forth in subsection (4) of this section.**

**SECTION 36. (1) The Housing and Community Services Department shall have developed and begun operating the loan program that the department is required to develop under section 28 of this 2024 Act, including regional trainings and outreach for jurisdictional partners, no later than June 30, 2025.**

**(2) In the first two years in which the loan program is operating, the department may not expend an amount in excess of two-thirds of the moneys appropriated to the department for the purpose under section 62 of this 2024 Act.**

## HOUSING LAND USE ADJUSTMENTS

**SECTION 37. Sections 38 to 41 of this 2024 Act are added to and made a part of ORS chapter 197A.**

**SECTION 38. Mandatory adjustment to housing development standards. (1) As used in sections 38 to 41 of this 2024 Act:**

**(a) "Adjustment" means a deviation from an existing land use regulation.**

**(b) "Adjustment" does not include:**

**(A) A request to allow a use of property not otherwise permissible under applicable zoning requirements;**

**(B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site**

**clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources;**

**(C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or**

**(D) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.**

**(2) Except as provided in section 39 of this 2024 Act, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section. An application qualifies for an adjustment under this section only if the following conditions are met:**

**(a) The application is for a building permit or a quasi-judicial, limited or ministerial land use decision;**

**(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;**

**(c) The residential development is for densities not less than those required under section 55 (3)(a)(C) of this 2024 Act;**

**(d) The development is within an urban growth boundary, not including lands that have not been annexed by a city;**

**(e) The development is of net new housing units in new construction projects, including:**

**(A) Single-family or multifamily;**

**(B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses;**

**(C) Manufactured dwelling parks;**

**(D) Accessory dwelling units; or**

**(E) Middle housing as defined in ORS 197A.420;**

**(f) The application requests not more than 10 distinct adjustments to development standards as provided in this section. A "distinct adjustment" means:**

**(A) An adjustment to one of the development standards listed in subsection (4) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; or**

**(B) An adjustment to one of the development standards listed in subsection (5) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; and**

**(g) The application states how at least one of the following criteria apply:**

**(A) The adjustments will enable development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;**

**(B) The adjustments will enable development of housing that reduces the sale or rental prices per residential unit;**

**(C) The adjustments will increase the number of housing units within the application;**

**(D) All of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30 years;**

**(E) At least 20 percent of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to low income households as defined in ORS 456.270 for a minimum of 60 years;**

**(F) The adjustments will enable the provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or**

**(G) All of the units in the application are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land**

**trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.**

**(3) A decision on an application for an adjustment made under this section is a limited land use decision. Only the applicant may appeal the decision. No notice of the decision is required if the application is denied, other than notice to the applicant. In implementing this subsection, a local government may:**

**(a) Use an existing process, or develop and apply a new process, that complies with the requirements of this subsection; or**

**(b) Directly apply the process set forth in this subsection.**

**(4) A local government shall grant an adjustment to the following development standards:**

**(a) Side or rear setbacks, for an adjustment of not more than 10 percent.**

**(b) For an individual development project, the common area, open space or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent.**

**(c) Parking minimums.**

**(d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths.**

**(e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:**

**(A) More dwelling units than would be allowed without the adjustment; and**

**(B) No reduction in density below the minimum applicable density.**

**(f) Building lot coverage requirements for up to a 10 percent adjustment.**

**(g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing and mixed-use residential housing:**

**(A) Requirements for bicycle parking that establish:**

**(i) The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; or**

**(ii) The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development;**

**(B) For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:**

**(i) Are in addition to existing applicable height bonuses, if any; and**

**(ii) Are not more than an increase of the greater of:**

**(I) One story; or**

**(II) A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;**

**(C) Unit density maximums, not more than an amount necessary to account for other adjustments under this section; and**

**(D) Prohibitions, for the ground floor of a mixed-use building, against:**

**(i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and**

**(ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.**

**(5) A local government shall grant an adjustment to design standards that regulate:**

**(a) Facade materials, color or pattern.**

**(b) Facade articulation.**

**(c) Roof forms and materials.**

**(d) Entry and garage door materials.**

**(e) Garage door orientation, unless the building is adjacent to or across from a school or public park.**

**(f) Window materials, except for bird-safe glazing requirements.**

**(g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.**

**(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential:**

**(A) Building orientation requirements, not including transit street orientation requirements.**

**(B) Building height transition requirements, not more than a 50 percent adjustment from the base zone.**

**(C) Requirements for balconies and porches.**

**(D) Requirements for recesses and offsets.**

**SECTION 39. Mandatory adjustments exemption process. (1) A local government may apply to the Housing Accountability and Production Office for an exemption to section 38 of this 2024 Act only as provided in this section. After the application is made, section 38 of this 2024 Act does not apply to the applicant until the office denies the application or revokes the exemption.**

**(2) To qualify for an exemption under this section, the local government must demonstrate that:**

**(a) The local government reviews requested design and development adjustments for all applications for the development of housing that are under the jurisdiction of that local government;**

**(b) All listed development and design adjustments under section 38 (4) and (5) of this 2024 Act are eligible for an adjustment under the local government's process; and**

**(c)(A) Within the previous 5 years the city has approved 90 percent of received adjustment requests; or**

**(B) The adjustment process is flexible and accommodates project needs as demonstrated by testimonials of housing developers who have utilized the adjustment process within the previous five years.**

**(3) Upon receipt of an application under this section, the office shall allow for public comment on the application for a period of no less than 45 days. The office shall enter a final order on the adjustment exemption within 120 days of receiving the application. The approval of an application may not be appealed.**

**(4) In approving an exemption, the office may establish conditions of approval requiring that the city demonstrate that it continues to meet the criteria under subsection (2) of this section.**

**(5) Local governments with an approved or pending exemption under this section shall clearly and consistently notify applicants, including prospective applicants seeking to request an adjustment, that are engaged in housing development:**

**(a) That the local government is employing a local process in lieu of section 38 of this 2024 Act;**

**(b) Of the development and design standards for which an applicant may request an adjustment in a housing development application; and**

**(c) Of the applicable criteria for the adjustment application.**

**(6) In response to a complaint and following an investigation, the office may issue an order revoking an exemption issued under this section if the office determines that the local government is:**

**(a) Not approving adjustments as required by the local process or the terms of the exemption;**

**(b) Engaging in a pattern or practice of violating housing-related statutes or implementing policies that create unreasonable cost or delays to housing production under ORS 197.320 (13)(a); or**

**(c) Failing to comply with conditions of approval adopted under subsection (4) of this section.**

**SECTION 40. Temporary exemption authority. Before January 1, 2025, notwithstanding section 39 of this 2024 Act:**

**(1) Cities may deliver applications for exemption under section 39 of this 2024 Act to the Department of Land Conservation and Development; and**

**(2) The Department of Land Conservation and Development may perform any action that the Housing Accountability and Production Office may take under section 39 of this 2024 Act. Decisions and actions of the department under this section are binding on the office.**

**SECTION 41. Reporting. (1) A city required to provide a report under ORS 197A.110 shall include as part of that report information reasonably requested from the Department of Land Conservation and Development on residential development produced through approvals of adjustments granted under section 38 of this 2024 Act. The department may not develop a separate process for collecting this data or otherwise place an undue burden on local governments.**

**(2) On or before September 15 of each even-numbered year, the department shall provide a report to an interim committee of the Legislative Assembly related to housing in the manner provided in ORS 192.245 on the data collected under subsection (1) of this section. The committee shall invite the League of Oregon Cities to provide feedback on the report and the efficacy of section 38 of this 2024 Act.**

**SECTION 42. Operative date. Sections 38 to 41 of this 2024 Act become operative on January 1, 2025.**

**SECTION 43. Sunset. Sections 38 to 41 of this 2024 Act are repealed on January 2, 2032.**

## LIMITED LAND USE DECISIONS

**SECTION 44.** ORS 197.015 is amended to read:

197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the context requires otherwise:

(1) "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals.

(2) "Board" means the Land Use Board of Appeals.

(3) "Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

(4) "Commission" means the Land Conservation and Development Commission.

(5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

(6) "Department" means the Department of Land Conservation and Development.

(7) "Director" means the Director of the Department of Land Conservation and Development.

(8) "Goals" means the mandatory statewide land use planning standards adopted by the commission pursuant to ORS chapters 195, 196, 197 and 197A.

(9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines are advisory and do not limit state agencies, cities, counties and special districts to a single approach.

(10) "Land use decision":

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

(i) The goals;

(ii) A comprehensive plan provision;

(iii) A land use regulation; or

(iv) A new land use regulation;

(B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; or

(C) A decision of a county planning commission made under ORS 433.763;

(b) Does not include a decision of a local government:

(A) That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;

(B) That approves or denies a building permit issued under clear and objective land use standards;

(C) That is a limited land use decision;

(D) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;

(E) That is an expedited land division as described in ORS 197.360;

(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;

(G) That approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan; or

(H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the acknowledged comprehensive plan and land use regulations implementing the plan, if:

(i) The local government has already made a land use decision authorizing a use or activity that encompasses the proposed state agency action;

(ii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan; or

(iii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action requires a future land use review under the acknowledged comprehensive plan and land use regulations implementing the plan;

(c) Does not include a decision by a school district to close a school;

(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

(e) Does not include:

(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;

(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

(C) A state agency action subject to ORS 197.180 (1), if:

(i) The local government with land use jurisdiction over a use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action has already made a land use decision approving the use or activity; or

(ii) A use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan.

(11) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

(12)**(a)** "Limited land use decision"[*:*]

[*(a)*] means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).

(B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

**(C) The approval or denial of an application for a replat.**

**(D) The approval or denial of an application for a property line adjustment.**

**(E) The approval or denial of an application for an extension, alteration or expansion of a nonconforming use.**

(b) **"Limited land use decision"** does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

(13) "Local government" means any city, county or Metro or an association of local governments performing land use planning functions under ORS 195.025.

(14) "Metro" means a metropolitan service district organized under ORS chapter 268.

(15) "Metro planning goals and objectives" means the land use goals and objectives that Metro may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive plan.

(16) "Metro regional framework plan" means the regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan.

(17) "New land use regulation" means a land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land regulations acknowledged under ORS 197.251.

(18) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. The Land Conservation and Development Commission or its designee is considered a person for purposes of appeal under ORS chapters 195, 197 and 197A.

(19) "Special district" means any unit of local government, other than a city, county, Metro or an association of local governments performing land use planning functions under ORS 195.025, authorized and regulated by statute and includes but is not limited to water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

(20) "Urban growth boundary" means an acknowledged urban growth boundary contained in a city or county comprehensive plan or adopted by Metro under ORS 268.390 (3).

(21) "Urban unincorporated community" means an area designated in a county's acknowledged comprehensive plan as an urban unincorporated community after December 5, 1994.

(22) "Voluntary association of local governments" means a regional planning agency in this state officially designated by the Governor pursuant to the federal Office of Management and Budget Circular A-95 as a regional clearinghouse.

(23) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**SECTION 45.** ORS 197.195 is amended to read:

197.195. (1) A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

(2) A limited land use decision is not subject to the requirements of ORS 197.797.

(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection.

(a) In making a limited land use decision, the local government shall follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(c) The notice and procedures used by local government shall:

(A) Provide a 14-day period for submission of written comments prior to the decision;

(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(C) List, by commonly used citation, the applicable criteria for the decision;

(D) Set forth the street address or other easily understood geographical reference to the subject property;

(E) State the place, date and time that comments are due;

(F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

(G) Include the name and phone number of a local government contact person;

(H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and

(I) Briefly summarize the local decision making process for the limited land use decision being made.

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(5) A local government may provide for a hearing before the local government on appeal of a limited land use decision under this section. The hearing may be limited to the record developed pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction

of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with the requirements of ORS 197.797. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

**(6) A city shall apply the procedures in this section, and only the procedures in this section, to a limited land use decision, even if the city has not incorporated limited land use decisions into land use regulations, as required by ORS 197.646 (3), except that a limited land use decision that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment may be made by city staff using a ministerial process.**

**SECTION 45a. Section 46 of this 2024 Act is added to and made a part of ORS chapter 197.**

**SECTION 46. Applicability of limited land use decision to housing development. (1) The Housing Accountability and Production Office may approve a hardship exemption or time extension to ORS 197.195 (6), during which time ORS 197.195 (6) does not apply to decisions by a local government.**

**(2) The office may grant an exemption or time extension only if the local government demonstrates that a substantial hardship would result from the increased costs or staff capacity needed to implement procedures as required under ORS 197.195 (6).**

**(3) The office shall review exemption or time extension requests under the deadlines provided in section 39 (3) of this 2024 Act.**

**SECTION 47. Sunset. Section 46 of this 2024 Act is repealed on January 2, 2032.**

**SECTION 47a. Operative date. Section 46 of this 2024 Act and the amendments to ORS 197.015 and 197.195 by sections 44 and 45 of this 2024 Act become operative on January 1, 2025.**

## ONE-TIME SITE ADDITIONS TO URBAN GROWTH BOUNDARIES

**SECTION 48. Sections 49 to 59 of this 2024 Act are added to and made a part of ORS chapter 197A.**

**SECTION 49. Definitions. As used in sections 49 to 59 of this 2024 Act:**

**(1) "Net residential acre" means an acre of residentially designated buildable land, not including rights of way for streets, roads or utilities or areas not designated for development due to natural resource protections or environmental constraints.**

**(2) "Site" means a lot or parcel or contiguous lots or parcels, or both, with or without common ownership.**

**SECTION 50. City addition of sites outside of Metro. (1) Notwithstanding any other provision of ORS chapter 197A, a city outside of Metro may add a site to the city's urban growth boundary under sections 49 to 59 of this 2024 Act, if:**

**(a) The site is adjacent to the existing urban growth boundary of the city or is separated from the existing urban growth boundary by only a street or road;**

**(b) The site is:**

**(A) Designated as an urban reserve under ORS 197A.230 to 197A.250, including a site whose designation is adopted under ORS 197.652 to 197.658;**

**(B) Designated as nonresource land; or**

**(C) Subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland;**

**(c) The city has not previously adopted an urban growth boundary amendment or exchange under sections 49 to 59 of this 2024 Act;**

**(d) The city has demonstrated a need for the addition under section 52 of this 2024 Act;**

**(e) The city has requested and received an application as required under sections 53 and 54 of this 2024 Act;**

**(f) The total acreage of the site:**

**(A) For a city with a population of 25,000 or greater, does not exceed 100 net residential acres; or**

**(B) For a city with a population of less than 25,000, does not exceed 50 net residential acres; and**

**(g)(A) The city has adopted a binding conceptual plan for the site that satisfies the requirements of section 55 of this 2024 Act; or**

**(B) The added site does not exceed 15 net residential acres and satisfies the requirements of section 56 of this 2024 Act.**

**(2) A county shall approve an amendment to an urban growth boundary made under this section that complies with sections 49 to 59 of this 2024 Act and shall cooperate with a city to facilitate the coordination of functions under ORS 195.020 to facilitate the city's annexation and the development of the site. The county's decision is not a land use decision.**

**(3) Notwithstanding ORS 197.626, an action by a local government under sections 49 to 59 of this 2024 Act is not a land use decision as defined in ORS 197.015.**

**SECTION 51. Petition for additions of sites to Metro urban growth boundary. (1) A city within Metro may petition Metro to add a site within the Metro urban growth boundary if the site:**

**(a) Satisfies the requirements of section 50 (1) of this 2024 Act; and**

**(b) Is designated as an urban reserve.**

**(2)(a) Within 120 days of receiving a petition under this section, Metro shall determine whether the site would substantially comply with the applicable provisions of sections 49 to 59 of this 2024 Act.**

**(b) If Metro determines that a petition does not substantially comply, Metro shall:**

**(A) Notify the city of deficiencies in the petition, specifying sufficient detail to allow the city to remedy any deficiency in a subsequent resubmittal; and**

**(B) Allow the city to amend its conceptual plan and resubmit it as a petition to Metro under this section.**

**(c) If Metro determines that a petition does comply, notwithstanding any other provision of ORS chapter 197A, Metro shall adopt amendments to its urban growth boundary to include the site in the petition, unless the amendment would result in more than 300 total net residential acres added under this subsection.**

**(3) If the net residential acres included in petitions that Metro determines are in compliance on or before July 1, 2025, total less than 300 net residential acres, Metro shall adopt amendments to its urban growth boundary under subsection (2)(c) of this section:**

**(a) On or before November 1, 2025, for all petitions deemed compliant on or before July 1, 2025; or**

**(b) Within 120 days after a petition is deemed compliant after July 1, 2025, in the order in which the petitions are received.**

**(4) If the net residential acres included in petitions that Metro determines are in compliance on or before July 1, 2025, total 300 or more net residential acres, on or before January 1, 2027, Metro shall adopt amendments to its urban growth boundary under subsection (2)(c) of this section to include the sites in those petitions that Metro determines will:**

**(a) Best comply with the provisions of section 55 of this 2024 Act; and**

**(b) Maximize the development of needed housing.**

**(5) Metro may not conduct a hearing to review or select petitions or adopt amendments to its urban growth boundary under this section.**

**SECTION 52. City demonstration of need. A city may not add, or petition to add, a site under sections 49 to 59 of this 2024 Act, unless:**

**(1) The city has demonstrated a need for additional land based on the following factors:**

**(a)(A) In the previous 20 years there have been no urban growth boundary expansions for residential use adopted by a city or by Metro in a location adjacent to the city; and**

**(B) The city does not have within the existing urban growth boundary an undeveloped, contiguous tract that is zoned for residential use that is larger than 20 net residential acres; or**

**(b) Within urban growth boundary expansion areas for residential use adopted by the city over the previous 20 years, or by Metro in locations adjacent to the city, 75 percent of the lands either:**

**(A) Are developed; or**

**(B) Have an acknowledged comprehensive plan with land use designations in preparation for annexation and have a public facilities plan and associated financing plan.**

**(2) The city has demonstrated a need for affordable housing, based on:**

**(a) Having a greater percentage of severely cost-burdened households than the average for this state based on the Comprehensive Housing Affordability Strategy data from the United States Department of Housing and Urban Development; or**

**(b) At least 25 percent of the renter households in the city being severely rent burdened as indicated under the most recent housing equity indicator data under ORS 456.602 (2)(g).**

**SECTION 53. City solicitation of site applications. (1) Before a city may select a site for inclusion within the city's or Metro's urban growth boundary under sections 49 to 59 of this 2024 Act, a city must provide public notice that includes:**

**(a) The city's intention to select a site for inclusion within the city's urban growth boundary.**

**(b) Each basis under which the city has determined that it qualifies to include a site under section 52 of this section.**

**(c) A deadline for submission of applications under this section that is at least 45 days following the date of the notice.**

**(d) A description of the information, form and format required of an application, including the requirements of section 55 (2) of this 2024 Act.**

**(2) A copy of the notice of intent under this section must be provided to:**

**(a) Each county in which the city resides;**

**(b) Each special district providing urban services within the city's urban growth boundary;**

**(c) The Department of Land Conservation and Development; and**

**(d) Metro, if the city is within Metro.**

**SECTION 54. City review of site applications. (1) After the deadline for submission of applications established under section 55 of this 2024 Act, the city shall:**

**(a) Review applications filed for compliance with sections 49 to 59 of this 2024 Act.**

**(b) For each completed application that complies with sections 49 to 59 of this 2024 Act, provide notice to the residents of the proposed site area who were not signatories to the application.**

**(c) Provide opportunities for public participation in selecting a site, including, at least:**

**(A) One public comment period;**

**(B)(i) One meeting of the city's planning commission at which public testimony is considered;**

**(ii) One meeting of the city's council at which public testimony is considered; or**

**(iii) One public open house; and**

**(C) Notice on the city's website or published in a paper of record at least 14 days before:**

**(i) A meeting under subparagraph (B) of this paragraph; and**

**(ii) The beginning of a comment period under subparagraph (A) of this paragraph.**

**(d) Consult with, request necessary information from and provide the opportunity for written comment from:**

**(A) The owners of each lot or parcel within the site;**

**(B) If the city does not currently exercise land use jurisdiction over the entire site, the governing body of each county with land use jurisdiction over the site;**

**(C) Any special district that provides urban services to the site; and**

**(D) Any public or private utility that provides utilities to the site.**

**(2) An application filed under this section must:**

**(a) Be completed for each property owner or group of property owners that are proposing an urban growth boundary amendment under sections 49 to 59 of this 2024 Act;**

**(b) Be in writing in a form and format as required by the city;**

**(c) Specify the lots or parcels that are the subject of the application;**

**(d) Be signed by all owners of lots or parcels included within the application; and**

**(e) Include each owner's signed consent to annexation of the properties if the site is added to the urban growth boundary.**

**(3) If the city has received approval from all property owners of such lands, in writing in a form and format specified by the city, the governing body of the city may select an application and the city shall adopt a conceptual plan as described in section 55 of this 2024 Act for all or a portion of the lands contained within the application.**

**(4) A conceptual plan adopted under subsection (3) of this section must include findings identifying reasons for inclusion of lands within the conceptual plan and reasons why lands, if any, submitted as part of an application that was partially approved were not included within the conceptual plan.**

**SECTION 55. Conceptual plan for added sites. (1) As used in this section:**

**(a) "Affordable units" means residential units described in subsection (3)(f)(A) or (4) of this section.**

**(b) "Market rate units" means residential units other than affordable units.**

**(2) Before adopting an urban growth boundary amendment under section 50 of this 2024 Act or petitioning Metro under section 51 of this 2024 Act, for a site larger than 15 net residential acres, a city shall adopt a binding conceptual plan as an amendment to its comprehensive plan.**

**(3) The conceptual plan must:**

**(a) Establish the total net residential acres within the site and must require for those residential areas:**

**(A) A diversity of housing types and sizes, including middle housing, accessible housing and other needed housing;**

**(B) That the development will be on lands zoned for residential or mixed-use residential uses; and**

**(C) The development will be built at net residential densities not less than:**

**(i) Seventeen dwelling units per net residential acre if sited within the Metro urban growth boundary;**

**(ii) Ten units per net residential acre if sited in a city with a population of 30,000 or greater;**

**(iii) Six units per net residential acre if sited in a city with a population of 2,500 or greater and less than 30,000; or**

**(iv) Five units per net residential acre if sited in a city with a population less than 2,500;**

**(b) Designate within the site:**

**(A) Recreation and open space lands; and**

**(B) Lands for commercial uses, either separate or as a mixed use, that:**

**(i) Primarily serve the immediate surrounding housing;**

**(ii) Provide goods and services at a smaller scale than provided on typical lands zoned for commercial use; and**

**(iii) Are provided at the minimum amount necessary to support and integrate viable commercial and residential uses;**

**(c) If the city has a population of 5,000 or greater, include a transportation network for the site that provides diverse transportation options, including walking, bicycling and transit use if public transit services are available, as well as sufficient connectivity to existing and**

**planned transportation network facilities as shown in the local government's transportation system plan as defined in Land Conservation and Development Commission rules;**

**(d) Demonstrate that protective measures will be applied to the site consistent with the statewide land use planning goals for:**

**(A) Open spaces, scenic and historic areas or natural resources;**

**(B) Air, water and land resources quality;**

**(C) Areas subject to natural hazards;**

**(D) The Willamette River Greenway;**

**(E) Estuarine resources;**

**(F) Coast shorelands; or**

**(G) Beaches and dunes;**

**(e) Include a binding agreement among the city, each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts that the site will be served with all necessary urban services as defined in ORS 195.065, or an equivalent assurance; and**

**(f) Include requirements that ensure that:**

**(A) At least 30 percent of the residential units are subject to affordability restrictions, including but not limited to affordable housing covenants, as described in ORS 456.270 to 456.295, that require for a period of not less than 60 years that the units be:**

**(i) Available for rent, with or without government assistance, by households with an income of 80 percent or less of the area median income as defined in ORS 456.270; or**

**(ii) Available for purchase, with or without government assistance, by households with an income of 130 percent or less of the area median income;**

**(B) The construction of all affordable units has commenced before the city issues certificates of occupancy to the last 15 percent of market rate units;**

**(C) All common areas and amenities are equally available to residents of affordable units and of market rate units and properties designated for affordable units are dispersed throughout the site; and**

**(D) The requirement for affordable housing units is recorded before the building permits are issued for any property within the site, and the requirements contain financial penalties for noncompliance.**

**(4) A city may require greater affordability requirements for residential units than are required under subsection (3)(f)(A) of this section, provided that the city significantly and proportionally offsets development costs related to:**

**(a) Permits or fees;**

**(b) System development charges;**

**(c) Property taxes; or**

**(d) Land acquisition and predevelopment costs.**

**SECTION 56. Alternative for small additions. (1) A city that intends to add 15 net residential acres or less is not required to adopt a conceptual plan under section 55 of this 2024 Act if the city has entered into:**

**(a) Enforceable and recordable agreements with each landowner of a property within the site to ensure that the site will comply with the affordability requirements described in section 55 (3)(f) of this 2024 Act; and**

**(b) A binding agreement with each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts to ensure that the site will be served with all necessary urban services as defined in ORS 195.065.**

**(2) This section does not apply to a city within Metro.**

**SECTION 57. Department approval of site additions. (1) Within 21 days after the adoption of an amendment to an urban growth boundary or the adoption or amendment of a conceptual plan under sections 49 to 59 of this 2024 Act, and the approval by a county if required**

**under section 50 (2) of this 2024 Act, the conceptual plan or amendment must be submitted to the Department of Land Conservation and Development for review. The submission must be made by:**

**(a) The city, for an amendment under section 50 or 58 of this 2024 Act; or**

**(b) Metro, for an amendment under section 51 or 58 of this 2024 Act.**

**(2) Within 60 days after receiving a submittal under subsection (1) of this section, the department shall:**

**(a) Review the submittal for compliance with the provisions of sections 49 to 59 of this 2024 Act.**

**(b)(A) If the submittal substantially complies with the provisions of sections 49 to 59 of this 2024 Act, issue an order approving the submittal; or**

**(B) If the submittal does not substantially comply with the provisions of sections 49 to 59 of this 2024 Act, issue an order remanding the submittal to the city or to Metro with a specific determination of deficiencies in the submittal and with sufficient detail to identify a specific remedy for any deficiency in a subsequent resubmittal.**

**(3) If a conceptual plan is remanded to Metro under subsection (2)(b) of this section:**

**(a) The department shall notify the city; and**

**(b) The city may amend its conceptual plan and resubmit a petition to Metro under section 51 of this 2024 Act.**

**(4) Judicial review of the department's order:**

**(a) Must be as a review of orders other than a contested case under ORS 183.484; and**

**(b) May be initiated only by the city or an owner of a proposed site.**

**(5) Following the approval of a submittal under this section, a local government must include the added lands in any future inventory of buildable lands or determination of housing capacity under ORS 197A.270, 197A.280, 197A.335 or 197A.350.**

**SECTION 58. Alternative urban growth boundary land exchange. (1) In lieu of amending its urban growth boundary under any other process provided by sections 49 to 59 of this 2024 Act, Metro or a city outside of Metro may amend its urban growth boundary to add one or more sites described in section 51 (1)(a) and (b) of this 2024 Act to the urban growth boundary and to remove one or more tracts of land from the urban growth boundary as provided in this section.**

**(2) The acreage of the added site and removed lands must be roughly equivalent.**

**(3) The removed lands must have been zoned for residential uses.**

**(4) The added site must be zoned for residential uses at the same or greater density than the removed lands.**

**(5)(a) Except as provided in paragraph (b) of this subsection, land may be removed from an urban growth boundary under this section without landowner consent.**

**(b) A landowner may not appeal the removal of the landowner's land from an urban growth boundary under this section unless the landowner agrees to enter into a recorded agreement with Metro or the city in which the landowner would consent to annexation and development of the land within 20 years if the land remains in the urban growth boundary.**

**(6) Review of an exchange of lands made under this section may only be made by:**

**(a) For cities outside of Metro, the county as provided in section 50 (2) of this 2024 Act and by the Department of Land Conservation and Development, subject to judicial review, as provided in section 57 of this 2024 Act; or**

**(b) For Metro, the Department of Land Conservation and Development, subject to judicial review, as provided in section 57 of this 2024 Act.**

**(7) Sections 50 (1)(d) to (g), 52, 53, 54, 55 and 56 of this 2024 Act do not apply to a site addition made under this section.**

**SECTION 59. Reporting on added sites. A city for which an amendment was made to an urban growth boundary and approved under sections 49 to 59 of this 2024 Act shall submit a**

**report describing the status of development within the included area to the Department of Land Conservation and Development every two years until:**

**(1) January 2, 2033; or**

**(2) The city determines that development consistent with the acknowledged conceptual plan is deemed complete.**

**SECTION 60. Sunset. Sections 49 to 59 of this 2024 Act are repealed on January 2, 2033.**

## APPROPRIATIONS

**SECTION 61. Appropriation and expenditure limitation to Department of Land Conservation and Development. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium ending June 30, 2025, out of the General Fund, the amount of $5,629,017, for deposit into the Housing Accountability and Production Office Fund, established under section 4 of this 2024 Act, to take any action to implement sections 1 to 5, 16, 38 to 41, 46 and 49 to 59 of this 2024 Act and the amendments to ORS 183.471, 197.015, 197.195, 197.335, 215.427 and 227.178 by sections 8, 9, 44, 45, 64 and 65 of this 2024 Act.**

**(2) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium ending June 30, 2025, out of the General Fund, the amount of $5,000,000, for deposit into the Housing Accountability and Production Office Fund, established under section 4 of this 2024 Act, for the Housing Accountability and Production Office, established under section 1 of this 2024 Act, to provide technical assistance, including grants, under section 1 (2) of this 2024 Act and to provide required studies under section 5 of this 2024 Act.**

**(3) Notwithstanding any other law limiting expenditures, the amount of $10,629,017 is established for the biennium ending June 30, 2025, as the maximum amount for payment of expenses by the Department of Land Conservation and Development from the Housing Accountability and Production Office Fund established under section 4 of this 2024 Act.**

**SECTION 62. Appropriation and expenditure limitation to Housing and Community Services Department. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium ending June 30, 2025, out of the General Fund, the amount of $75,000,000, for deposit into the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.**

**(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 1, chapter 390, Oregon Laws 2023, for the biennium ending June 30, 2025, is increased by $878,071 for administrative expenses related to the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.**

**(3) Notwithstanding any other law limiting expenditures, the amount of $24,750,000 is established for the biennium ending June 30, 2025, as the maximum amount for payment of expenses by the Housing and Community Services Department from the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.**

**SECTION 63. Appropriation and expenditure limitation to Oregon Business Development Department. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Business Development Department, for the biennium ending June 30, 2025, out of the General Fund, the amount of $3,000,000, for deposit into the Housing Infrastructure Support Fund established under section 14 of this 2024 Act.**

**(2) Notwithstanding any other law limiting expenditures, the amount of $3,000,000 is established for the biennium ending June 30, 2025, as the maximum amount for payment of expenses by the Oregon Business Development Department from the Housing Infrastructure Support Fund established under section 14 of this 2024 Act.**

**SECTION 63a. Expenditure limitation to Department of Consumer and Business Services. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (6), chapter 354, Oregon Laws 2023, for the biennium ending June 30, 2025, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Consumer and Business Services, for Building Codes Division, is increased by $296,944, to support operations of the Housing Accountability and Production Office established under section 1 of this 2024 Act.**

**CONFORMING AMENDMENTS**

**SECTION 64.** ORS 197.335, as amended by section 17, chapter 13, Oregon Laws 2023, is amended to read:

197.335. (1) [*An order issued under ORS 197.328 and the copy of the order mailed*] **The Land Conservation and Development Commission shall mail a copy of an enforcement order** to the local government, state agency or special district**. An order** must set forth:

(a) The nature of the noncompliance, including, but not limited to, the contents of the comprehensive plan or land use regulation, if any, of a local government that do not comply with the goals or the contents of a plan, program or regulation affecting land use adopted by a state agency or special district that do not comply with the goals. In the case of a pattern or practice of decision-making, the order must specify the decision-making that constitutes the pattern or practice, including specific provisions the [*Land Conservation and Development*] commission believes are being misapplied.

(b) The specific lands, if any, within a local government for which the existing plan or land use regulation, if any, does not comply with the goals.

(c) The corrective action decided upon by the commission, including the specific requirements, with which the local government, state agency or special district must comply. In the case of a pattern or practice of decision-making, the commission may require revisions to the comprehensive plan, land use regulations or local procedures which the commission believes are necessary to correct the pattern or practice. Notwithstanding the provisions of this section, except as provided in subsection (3)(c) of this section, an enforcement order does not affect:

(A) Land use applications filed with a local government prior to the date of adoption of the enforcement order unless specifically identified by the order;

(B) Land use approvals issued by a local government prior to the date of adoption of the enforcement order; or

(C) The time limit for exercising land use approvals issued by a local government prior to the date of adoption of the enforcement order.

(2) Judicial review of a final order of the commission is governed by the provisions of ORS chapter 183 applicable to contested cases except as otherwise stated in this section. The commission's final order must include a clear statement of findings which set forth the basis for the order. Where a petition to review the order has been filed in the Court of Appeals, the commission shall transmit to the court the entire administrative record of the proceeding under review. Notwithstanding ORS 183.482 (3) relating to a stay of enforcement of an agency order, an appellate court, before it may stay an order of the commission, shall give due consideration to the public interest in the continued enforcement of the commission's order and may consider testimony or affidavits thereon. Upon review, an appellate court may affirm, reverse, modify or remand the order. The court shall reverse, modify or remand the order only if it finds:

(a) The order to be unlawful in substance or procedure, but an error in procedure is not cause for reversal, modification or remand unless the court finds that substantial rights of any party were prejudiced thereby;

(b) The order to be unconstitutional;

(c) The order is invalid because it exceeds the statutory authority of the agency; or

(d) The order is not supported by substantial evidence in the whole record.

(3)(a) If the commission finds that in the interim period during which a local government, state agency or special district would be bringing itself into compliance with the commission's order [*under ORS 197.320 or subsection (2) of this section*] it would be contrary to the public interest in the conservation or sound development of land to allow the continuation of some or all categories of land use decisions or limited land use decisions, it shall, as part of its order, limit, prohibit or require the approval by the local government of applications for subdivisions, partitions, building permits, limited land use decisions or land use decisions until the plan, land use regulation or subsequent land use decisions and limited land use decisions are brought into compliance. The commission may issue an order that requires review of local decisions by a hearings officer or the Department of Land Conservation and Development before the local decision becomes final.

(b) Any requirement under this subsection may be imposed only if the commission finds that the activity, if continued, aggravates the goal, comprehensive plan or land use regulation violation and that the requirement is necessary to correct the violation.

(c) The limitations on enforcement orders under subsection (1)(c)(B) of this section do not affect the commission's authority to limit, prohibit or require application of specified criteria to subsequent land use decisions involving land use approvals issued by a local government prior to the date of adoption of the enforcement order.

(4) As part of its order [*under ORS 197.320 or subsection (2) of this section*], the commission may withhold grant funds from the local government to which the order is directed. As part of an order issued under this section, the commission may notify the officer responsible for disbursing state-shared revenues to withhold that portion of state-shared revenues to which the local government is entitled under ORS 221.770, 323.455, 366.762 and 366.800 and ORS chapter 471 which represents the amount of state planning grant moneys previously provided the local government by the commission. The officer responsible for disbursing state-shared revenues shall withhold state-shared revenues as outlined in this section and shall release funds to the local government or department when notified to so do by the commission or its designee. The commission may retain a portion of the withheld revenues to cover costs of providing services incurred under the order, including use of a hearings officer or staff resources to monitor land use decisions and limited land use decisions or conduct hearings. The remainder of the funds withheld under this provision shall be released to the local government upon completion of requirements of the [*commission*] **enforcement** order.

(5)(a) As part of its order under this section, the commission may notify the officer responsible for disbursing funds from any grant or loan made by a state agency to withhold such funds from a special district to which the order is directed. The officer responsible for disbursing funds shall withhold funds as outlined in this section and shall release funds to the special district or department when notified to do so by the commission.

(b) The commission may retain a portion of the funds withheld to cover costs of providing services incurred under the order, including use of a hearings officer or staff resources to monitor land use decisions and limited land use decisions or conduct hearings. The remainder of the funds withheld under this provision shall be released to the special district upon completion of the requirements of the commission order.

(6) As part of its order under this section, upon finding a city failed to comply with ORS 197.320 (13), the commission may, consistent with the principles in ORS 197A.130 (1), require the city to:

(a) Comply with the housing acceleration agreement under ORS 197A.130 (6).

(b) Take specific actions that are part of the city's housing production strategy under ORS 197A.100.

(c) Impose appropriate models that have been developed by department, including model ordinances, procedures, actions or anti-displacement measures.

(d) Reduce maximum timelines for review of needed housing or specific types of housing or affordability levels, [*including*] through ministerial approval or any other expedited existing approval process.

(e) Take specific actions to waive or amend local ordinances.

(f) Forfeit grant funds under subsection (4) of this section.

(7) The commission may institute actions or proceedings for legal or equitable remedies in the Circuit Court for Marion County or in the circuit court for the county to which the [*commission's*] order is directed or within which all or a portion of the applicable city is located to enforce compliance with the provisions of any order issued under this section or to restrain violations thereof. Such actions or proceedings may be instituted without the necessity of prior agency notice, hearing [*and*] **or** order on an alleged violation.

**(8) As used in this section, "enforcement order" or "order" means an order issued under ORS 197.320 or section 3 of this 2024 Act as may be modified on appeal under subsection (2) of this section.**

**SECTION 65.** ORS 183.471 is amended to read:

183.471. (1) When an agency issues a final order in a contested case, the agency shall maintain the final order in a digital format that:

(a) Identifies the final order by the date it was issued;

(b) Is suitable for indexing and searching; and

(c) Preserves the textual attributes of the document, including the manner in which the document is paginated and any boldfaced, italicized or underlined writing in the document.

(2) The Oregon State Bar may request that an agency provide the Oregon State Bar, or its designee, with electronic copies of final orders issued by the agency in contested cases. The request must be in writing. No later than 30 days after receiving the request, the agency, subject to ORS 192.338, 192.345 and 192.355, shall provide the Oregon State Bar, or its designee, with an electronic copy of all final orders identified in the request.

(3) Notwithstanding ORS 192.324, an agency may not charge a fee for the first two requests submitted under this section in a calendar year. For any subsequent request, an agency may impose a fee in accordance with ORS 192.324 to reimburse the agency for the actual costs of complying with the request.

(4) For purposes of this section, a final order entered in a contested case by an administrative law judge under ORS 183.625 (3) is a final order issued by the agency that authorized the administrative law judge to conduct the hearing.

(5) This section does not apply to final orders by default issued under ORS 183.417 (3) or to final orders issued in contested cases by:

(a) The Department of Revenue;

(b) The State Board of Parole and Post-Prison Supervision;

(c) The Department of Corrections;

(d) The Employment Relations Board;

(e) The Public Utility Commission of Oregon;

(f) The Oregon Health Authority;

(g) The Land Conservation and Development Commission**, except for enforcement orders under section 3 of this 2024 Act**;

(h) The Land Use Board of Appeals;

(i) The Division of Child Support of the Department of Justice;

(j) The Department of Transportation, if the final order relates to the suspension, revocation or cancellation of identification cards, vehicle registrations, vehicle titles or driving privileges or to the assessment of taxes or stipulated settlements in the regulation of vehicle related businesses;

(k) The Employment Department or the Employment Appeals Board, if the final order relates to benefits as defined in ORS 657.010;

(L) The Employment Department, if the final order relates to an assessment of unemployment tax for which a hearing was not held;

(m) The Employment Department, if the final order relates to:

(A) Benefits, as defined in ORS 657B.010;

(B) Employer and employee contributions under ORS 657B.150 for which a hearing was not held;

(C) Employer-offered benefit plans approved under ORS 657B.210 or terminated under ORS 657B.220; or

(D) Employer assistance grants under ORS 657B.200; or

(n) The Department of Human Services, if the final order was not related to licensing or certification.

**SECTION 66.** ORS 455.770 is amended to read:

455.770. (1) In addition to any other authority and power granted to the Director of the Department of Consumer and Business Services under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and 693 **and sections 1 to 5 of this 2024 Act**, with respect to municipalities, building officials and inspectors, if the director has reason to believe that there is a failure to enforce or a violation of any provision of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes, the director may:

(a) Examine building code activities of the municipality;

(b) Take sworn testimony; and

(c) With the authorization of the Office of the Attorney General, subpoena persons and records to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise subject to public inspection under ORS 192.311 to 192.478.

(2) The investigative authority authorized in subsection (1) of this section covers the violation or omission by a municipality related to enforcement of codes or administrative rules, certification of inspectors or financial transactions dealing with permit fees and surcharges under any of the following circumstances when:

(a) The duties are clearly established by law, rule or agreement;

(b) The duty involves procedures for which the means and methods are clearly established by law, rule or agreement; or

(c) The duty is described by clear performance standards.

(3) Prior to starting an investigation under subsection (1) of this section, the director shall notify the municipality in writing setting forth the allegation and the rules or statutes pertaining to the allegation and give the municipality 30 days to respond to the allegation. If the municipality does not satisfy the director's concerns, the director may then commence an investigation.

(4) If the Department of Consumer and Business Services or the director directs corrective action[*, the following shall be done*]:

(a) The corrective action [*shall*] **must** be in writing and served on the building official and the chief executive officers of all municipalities affected;

(b) The corrective action [*shall*] **must** identify the facts and law relied upon for the required action; and

(c) A reasonable time [*shall*] **must** be provided to the municipality for compliance.

(5) The director may revoke any authority of the municipality to administer any part of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes if the director determines after a hearing conducted under ORS 183.413 to 183.497 that:

(a) All of the requirements of this section and ORS 455.775 and 455.895 were met; and

(b) The municipality did not comply with the corrective action required.

## CAPTIONS

**SECTION 67. The unit and section captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.**

## EFFECTIVE DATE

**SECTION 68. This 2024 Act takes effect on the 91st day after the date on which the 2024 regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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**Passed by Senate February 29, 2024**

.....
Obadiah Rutledge, Secretary of Senate

.....
Rob Wagner, President of Senate

**Passed by House March 4, 2024**

.....
Dan Rayfield, Speaker of House

**Received by Governor:**

.....M.,....., 2024

**Approved:**

.....M.,....., 2024

.....
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2024

.....
LaVonne Griffin-Valade, Secretary of State

# Enrolled
# House Bill 4064

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Housing for Representative Pam Marsh)

CHAPTER .....

AN ACT

Relating to manufactured structures; creating new provisions; amending ORS 62.803, 90.230, 174.101, 197.286, 197.307, 197.312, 197.314, 197.485, 197.492, 215.010, 307.651, 446.003, 458.352, 458.356 and 458.358 and section 18, chapter 401, Oregon Laws 2019; repealing ORS 446.007; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

## SITING MANUFACTURED HOMES AND PREFABRICATED STRUCTURES

**SECTION 1.** ORS 197.314 is amended to read:

197.314. (1) [*Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003. A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (8).*] **Notwithstanding any other provision in ORS 197.286 to 197.314, within an urban growth boundary, a local government shall allow the siting of manufactured homes and prefabricated structures on all land zoned to allow the development of single-family dwellings.**

[*(2) Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS 197.610 to 197.651.*]

[*(3)*] **(2)** [*Subsection (1) of*] This section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

[*(4) Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.*]

**(3) Manufactured homes and prefabricated structures allowed under this section are in addition to manufactured dwellings or prefabricated structures allowed within designated manufactured dwelling subdivisions.**

**(4) A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except:**

**(a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or**

**(b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.**

(5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county [*shall*] **may** not adopt[*, by charter or ordinance,*] a minimum lot size for a manufactured dwelling park that is larger than one acre.

[*(6) A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:*]

[*(a) 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.*]

[*(b) The manufactured home shall have exterior siding and roofing that, in color, material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.*]

[*(7)*] **(6)** This section [*shall*] **may** not be construed as abrogating a recorded restrictive covenant.

**SECTION 2.** ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, 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 statewide 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 housing, including needed housing. 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, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.*]

**SECTION 3.** ORS 197.485 is amended to read:

197.485. (1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

(2) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, on a buildable lot or parcel located outside urban growth boundaries or on a space in a mobile home or manufactured dwelling park, if the manufactured dwelling is being relocated due to the closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manufactured dwelling park.

**(3) A jurisdiction may not prohibit the placement of a prefabricated structure in a mobile home or manufactured dwelling park.**

[*(3)*] **(4)** A jurisdiction may impose reasonable safety and inspection requirements for homes that were not constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403).

**SECTION 4.** ORS 197.312 is amended to read:

197.312. (1) A [*city or county*] **local government** 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 **or prefabricated structures**. 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 within the urban growth boundary that are 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:

(A) "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.

(B) "Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

**SECTION 5.** ORS 197.286 is amended to read:

197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

(1) "Buildable lands" means lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. "Buildable lands" includes both vacant land and developed land likely to be redeveloped.

[*(2) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.*]

[*(3)*] **(2)** "Government assisted housing" means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

**(3) "Manufactured dwelling," "manufactured dwelling park," "manufactured home" and "mobile home park" have the meanings given those terms in ORS 446.003.**

[*(4) "Manufactured homes" has the meaning given that term in ORS 446.003.*]

[*(5) "Mobile home park" has the meaning given that term in ORS 446.007.*]

[*(6)*] **(4)** "Periodic review" means the process and procedures as set forth in ORS 197.628 to 197.651.

**(5) "Prefabricated structure" means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.**

[*(7)*] **(6)** "Urban growth boundary" means an urban growth boundary included or referenced in a comprehensive plan.

**SECTION 6.** Section 18, chapter 401, Oregon Laws 2019, as amended by section 1c, chapter 422, Oregon Laws 2019, is amended to read:

**Sec. 18.** [*Section 9, chapter 401, Oregon Laws 2019,*] **ORS 455.616,** the amendments to ORS [*197.307,*] 446.003, 455.010, 455.135, 455.156 and 455.610 by sections 10 to [*14*] **13**, chapter 401, Oregon Laws 2019, and section 1b**, chapter 422, Oregon Laws 2019,** [*of this 2019 Act,*] and the repeal of section 2, chapter 401, Oregon Laws 2019, by section 17, chapter 401, Oregon Laws 2019, become operative on January 2, 2026.

**NOTE:** Sections 7 and 8 were deleted by amendment. Subsequent sections were not renumbered.

**MANUFACTURED DWELLING REPLACEMENT PROGRAM**

**SECTION 9.** ORS 458.356 is amended to read:

458.356. **(1) As used in ORS 458.356 to 458.362:**

**(a) "Manufactured dwelling" means:**

**(A) A manufactured dwelling, as defined in ORS 446.003; or**

**(B) A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.**

**(b) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.**

[*(1)*] **(2)** The Housing and Community Services Department shall establish a program to provide loans to individuals to buy and site manufactured dwellings that replace older and less energy efficient manufactured dwellings, or manufactured dwellings destroyed by a natural disaster. The department may contract with local governments or public or private housing sponsors to carry out the department's responsibilities under this program.

[*(2)*] **(3)** The department may make loans under the program only to individual borrowers who:

(a) Are members of households with income that complies with income restrictions determined at the advice and consent of the Oregon Housing Stability Council, but not to exceed the greater of 100 percent of the statewide or local area median income adjusted for household size as determined annually by the Housing and Community Services Department using United States Department of Housing and Urban Development information; and

(b) Will purchase a manufactured dwelling that:

(A) Meets energy efficiency standards as prescribed by the Housing and Community Services Department;

[*(B)(i) Will be sited in a manufactured dwelling park that has registered with the department and either has entered into a regulatory agreement with the department or is negotiating a regulatory agreement that is at least partially conditioned upon the replacement of the dwelling;*]

[*(ii) Will be sited on land owned or purchased under a land sale contract by the individual borrower; or*]

[*(iii) Will be sited in a manufactured dwelling park that has been affected by a natural disaster and the department has, pursuant to rule, provided the borrower with a waiver of the requirement that the park enter into an agreement under sub-subparagraph (i) of this subparagraph; and*]

**(B) Will be sited as required under subsection (4) of this section; and**

(C) Will be the primary residence of the borrower throughout the term of the loan.

**(4) To be eligible for a loan under this section, the borrower must site the replacement manufactured dwelling on land that is:**

**(a) Owned by the borrower or being purchased by the borrower under a land sale contract;**

**(b) In a manufactured dwelling park that has registered with the department and either has entered into a regulatory agreement with the department or is negotiating a regulatory agreement that is at least partially conditioned upon the replacement of the dwelling; or**

**(c) In any location, provided that the borrower has obtained a waiver from the department and is replacing a manufactured dwelling that was destroyed by a natural disaster.**

[*(3)*] **(5)** The department shall prescribe by rule the maximum loan amount per individual, lending requirements and terms for loans made under this program, including:

(a) Interest rates charged to borrowers, if any;

(b) Repayment requirements, if any;

(c) Loan forgiveness opportunities, if any;

(d) Affordability requirements; and

(e) Remedies upon transfer or default.

[*(4)*] **(6)** In servicing loans under the program, the department shall deposit all moneys received into the Manufactured Home Preservation Fund established in ORS 458.366.

[*(5)*] **(7)** The council may establish priorities for evaluating loan applications and shall give consideration to prioritizing loans to borrowers who are:

(a) From low income households; and

(b) Decommissioning and replacing manufactured dwellings that are older or less resource or energy efficient.

**STANDARDIZING DEFINITIONS**

**SECTION 10.** ORS 62.803 is amended to read:

62.803. As used in ORS 62.800 to 62.815, unless the context requires otherwise:

(1) "Lienholder" means the holder of a manufactured dwelling lien:

(a) That is recorded in the deed records of the county in which the manufactured dwelling is located;

(b) That is perfected with the Department of Consumer and Business Services pursuant to ORS 446.611; or

(c) Of which a manufactured dwelling park nonprofit cooperative has actual knowledge.

(2) "Manufactured dwelling" [*has the meaning given that term in ORS 446.003*] **means:**

**(a) A manufactured dwelling, as defined in ORS 446.003; or**

**(b) A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling**.

(3) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.

(4) "Manufactured dwelling park nonprofit cooperative" means a cooperative corporation that:

(a) Is organized to acquire or develop, and to own, an interest in one or more manufactured dwelling parks that are primarily used for the siting of manufactured dwellings owned and occupied by members of the cooperative;

(b) Limits the use of all income and earnings to use by the cooperative and not for the benefit or profit of any individual; and

(c) Elects to be governed by ORS 62.800 to 62.815.

**SECTION 11.** ORS 90.230 is amended to read:

90.230. (1) If a tenancy is for the occupancy of a recreational vehicle in a manufactured dwelling park[,] **or** mobile home park**, as defined in ORS 446.003,** or recreational vehicle park, [*all*] as defined in ORS 197.492, the landlord shall provide a written rental agreement for a month-to-month, week-to-week or fixed-term tenancy. The rental agreement must state:

(a) If applicable, that the tenancy may be terminated by the landlord under ORS 90.427 without cause upon 30 or 60 days' written notice for a month-to-month tenancy or upon 10 days' written notice for a week-to-week tenancy.

(b) That any accessory building or structure paid for or provided by the tenant belongs to the tenant and is subject to a demand by the landlord that the tenant remove the building or structure upon termination of the tenancy.

(c) That the tenancy is subject to the requirements of ORS 197.493 (1) for exemption from placement and occupancy restrictions.

(2) If a tenant described in subsection (1) of this section moves following termination of the tenancy by the landlord under ORS 90.427, and the landlord failed to provide the required written

rental agreement before the beginning of the tenancy, the tenant may recover the tenant's actual damages or twice the periodic rent, whichever is greater.

(3) If the occupancy fails at any time to comply with the requirements of ORS 197.493 (1) for exemption from placement and occupancy restrictions, and a state agency or local government requires the tenant to move as a result of the noncompliance, the tenant may recover the tenant's actual damages or twice the periodic rent, whichever is greater. This subsection does not apply if the noncompliance was caused by the tenant.

(4) This section does not apply to a vacation occupancy.

**SECTION 12.** ORS 174.101 is amended to read:

174.101. (1) As used in the statutes of this state, "manufactured structure" has the meaning given that term in this section only if the statute using "manufactured structure" makes specific reference to this section and indicates that the term used has the meaning given in this section. As used in the statutes of this state, "recreational vehicle" has the meaning given that term in this section only if the statute using "recreational vehicle" makes specific reference to this section [*or ORS 446.007*] and thereby indicates that the term used has the meaning given in this section.

(2) "Manufactured structure" means a manufactured dwelling, as defined in ORS 446.003, or a recreational vehicle, as defined in this section.

(3) "Recreational vehicle" means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation.

**SECTION 13. ORS 197.492 and 197.493 are added to and made a part of ORS 197.475 to 197.490.**

**SECTION 14.** ORS 197.492 is amended to read:

197.492. As used in this section and ORS 197.493:

[*(1) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.*]

[*(2) "Mobile home park" and "recreational vehicle" have the meanings given those terms in ORS 446.007.*]

**(1) "Recreational vehicle" has the meaning given that term in ORS 174.101.**

[*(3)*] **(2)** "Recreational vehicle park":

(a) Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

(A) The renting of space and related facilities for a charge or fee; or

(B) The provision of space for free in connection with securing the patronage of a person.

(b) Does not mean:

(A) An area designated only for picnicking or overnight camping; or

(B) A manufactured dwelling park or mobile home park.

**SECTION 15.** ORS 215.010 is amended to read:

215.010. As used in this chapter:

(1) The terms defined in ORS 92.010 shall have the meanings given therein, except that "parcel":

(a) Includes a unit of land created:

(A) By partitioning land as defined in ORS 92.010;

(B) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or

(C) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

(b) Does not include a unit of land created solely to establish a separate tax account.

(2) "Tract" means one or more contiguous lots or parcels under the same ownership.

(3) The terms defined in ORS chapter 197 shall have the meanings given therein.

(4) "Farm use" has the meaning given that term in ORS 215.203.

**(5) "Recreational structure" means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include**

**yurts, cabins, fabric structures or similar structures as further defined, by rule, by the Director of the Department of Consumer and Business Services.**

[*(5)*] **(6)** "Recreational vehicle" has the meaning given that term in ORS 174.101.

[*(6)*] **(7)** "The Willamette Valley" is Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and the portion of Benton and Lane Counties lying east of the summit of the Coast Range.

**SECTION 16.** ORS 307.651 is amended to read:

307.651. As used in ORS 307.651 to 307.687, unless the context requires otherwise:

(1) "Governing body" means the city legislative body having jurisdiction over the property for which an exemption may be applied for under ORS 307.651 to 307.687.

(2) "Qualified dwelling unit" means a dwelling unit that, at the time an application is filed pursuant to ORS 307.667, has a market value for the land and improvements of no more than 120 percent, or a lesser percentage as adopted by the governing body by resolution, of the median sales price of dwelling units located within the city.

(3) "Single-unit housing" means a structure having one or more dwelling units that:

(a) Is, or will be, upon purchase, rehabilitation or completion of construction, in conformance with all local plans and planning regulations, including special or district-wide plans developed and adopted pursuant to ORS chapters 195, 196, 197 and 227.

(b) If newly constructed, is completed within two years after application for exemption is approved under ORS 307.674.

(c) Is designed for each dwelling unit within the structure to be purchased by and lived in by one person or one family.

(d) Has one or more qualified dwelling units within the single-unit housing.

(e) Is not a floating home, as defined in ORS 830.700, or a manufactured structure, other than a manufactured home described in ORS 197.307 (8)(a) to (f) **(2021 Edition)**.

(4) "Structure" does not include the land or any site development made to the land, as those terms are defined in ORS 307.010.

**SECTION 17.** ORS 446.003 is amended to read:

446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, [*and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply,*] unless the context requires otherwise[*,*] or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected[*, and except as provided in ORS 197.746 or 446.007*]:

(1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of the manufactured dwelling and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured dwelling.

(b) "Alteration" does not include:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) "Approved" means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

[*(4) "Board" means the Residential and Manufactured Structures Board.*]

[*(5)*] **(4)** "Cabana" means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured dwelling to provide additional living space.

[*(6)*] **(5)** "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured dwellings to the department rules and to the department approved quality control manual.

[*(7)*] **(6)** "Dealer" means any person engaged in the business of selling, leasing or distributing manufactured dwellings or equipment, or both, primarily to persons who in good faith purchase or lease manufactured dwellings or equipment, or both, for purposes other than resale.

[*(8)*] **(7)** "Department" means the Department of Consumer and Business Services.

[*(9)*] **(8)** "Director" means the Director of the Department of Consumer and Business Services.

[*(10)*] **(9)** "Distributor" means any person engaged in selling and distributing manufactured dwellings or equipment for resale.

[*(11)*] **(10)** "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured dwelling.

[*(12)*] **(11)** "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

[*(13) "Fire Marshal" means the State Fire Marshal.*]

[*(14)*] **(12)** "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.

[*(15)*] **(13)** "Insignia of compliance" means the HUD label for a manufactured dwelling.

[*(16)*] **(14)** "Inspecting authority" or "inspector" means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS [*446.111, 446.160, 446.176*] **446.003 to 446.200**, 446.225 to 446.285, 446.310 to 446.350[,] **and** 446.990 [*and this section*].

[*(17)*] **(15)** "Installation" in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured dwelling.

(b) Siting means the manufactured dwelling and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

[*(18)*] **(16)** "Installer" means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects registered under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

[*(19)*] **(17)** "Listed" means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

[*(20)*] **(18)** "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured dwelling.

[*(21)(a)*] **(19)(a)** "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

(b) "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020 or 455.610 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

[*(22)(a)*] **(20)(a)** "Manufactured dwelling park" means any place where four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more

than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[*(23)(a)*] **(21)(a)** "Manufactured home," except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.

[*(24)*] **(22)** "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured dwellings or equipment.

[*(25)*] **(23)** "Manufacturing" means the building, rebuilding, altering or converting of manufactured dwellings that bear or are required to bear an Oregon insignia of compliance.

[*(26)*] **(24)** "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

[*(27)*] **(25)** "Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

[*(28)*] **(26)** "Mobile home park":

(a) Means any place where four or more manufactured dwellings, recreational vehicles as defined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[*(29)*] **(27)** "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

[*(30)*] **(28)** "Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

[*(31)*] **(29)** "Sale" means rent, lease, sale or exchange.

[*(32)*] **(30)** "Skirting" means a weather resistant material used to enclose the space below a manufactured dwelling.

[*(33)*] **(31)** "Tiedown" means any device designed to anchor a manufactured dwelling securely to the ground.

[*(34) "Transitional housing accommodations" means accommodations described under ORS 197.746.*]

[*(35)*] **(32)** "Utilities" means the water, sewer, gas or electric services provided on a lot for a manufactured dwelling.

**SECTION 18.** ORS 446.003, as amended by section 1b, chapter 422, Oregon Laws 2019, and section 7, chapter 260, Oregon Laws 2021, is amended to read:

446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, [*and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply,*] unless the context requires otherwise[*,*] or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected[*, and except as provided in ORS 197.746 or 446.007*]:

(1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of the manufactured dwelling and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured dwelling.

(b) "Alteration" does not include:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) "Approved" means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

[*(4) "Board" means the Residential and Manufactured Structures Board.*]

[*(5)*] **(4)** "Cabana" means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured dwelling to provide additional living space.

[*(6)*] **(5)** "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured dwellings to the department rules and to the department approved quality control manual.

[*(7)*] **(6)** "Dealer" means any person engaged in the business of selling, leasing or distributing manufactured dwellings or equipment, or both, primarily to persons who in good faith purchase or lease manufactured dwellings or equipment, or both, for purposes other than resale.

[*(8)*] **(7)** "Department" means the Department of Consumer and Business Services.

[*(9)*] **(8)** "Director" means the Director of the Department of Consumer and Business Services.

[*(10)*] **(9)** "Distributor" means any person engaged in selling and distributing manufactured dwellings or equipment for resale.

[*(11)*] **(10)** "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured dwelling.

[*(12)*] **(11)** "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

[*(13) "Fire Marshal" means the State Fire Marshal.*]

[*(14)*] **(12)** "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.

[*(15)*] **(13)** "Insignia of compliance" means the HUD label for a manufactured dwelling.

[*(16)*] **(14)** "Inspecting authority" or "inspector" means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS [*446.111, 446.160, 446.176*] **446.003 to 446.200**, 446.225 to 446.285, 446.310 to 446.350[*,*] **and** 446.990 [*and this section*].

[*(17)*] **(15)** "Installation" in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured dwelling.

(b) Siting means the manufactured dwelling and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

[*(18)*] **(16)** "Installer" means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects registered under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

[*(19)*] **(17)** "Listed" means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

[*(20)*] **(18)** "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured dwelling.

[*(21)(a)*] **(19)(a)** "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

(b) "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020, 455.610 or 455.616.

[*(22)(a)*] **(20)(a)** "Manufactured dwelling park" means any place where four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[*(23)(a)*] **(21)(a)** "Manufactured home," except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.

[*(24)*] **(22)** "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured dwellings or equipment.

[*(25)*] **(23)** "Manufacturing" means the building, rebuilding, altering or converting of manufactured dwellings that bear or are required to bear an Oregon insignia of compliance.

[*(26)*] **(24)** "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

[*(27)*] **(25)** "Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

[*(28)*] **(26)** "Mobile home park":

(a) Means any place where four or more manufactured dwellings, recreational vehicles as defined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[*(29)*] **(27)** "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

[*(30)*] **(28)** "Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

[*(31)*] **(29)** "Sale" means rent, lease, sale or exchange.

[*(32)*] **(30)** "Skirting" means a weather resistant material used to enclose the space below a manufactured dwelling.

[*(33)*] **(31)** "Tiedown" means any device designed to anchor a manufactured dwelling securely to the ground.

[*(34) "Transitional housing accommodations" means accommodations described under ORS 197.746.*]

[*(35)*] **(32)** "Utilities" means the water, sewer, gas or electric services provided on a lot for a manufactured dwelling.

**SECTION 19. ORS 446.007 is repealed.**

**SECTION 20.** ORS 458.352 is amended to read:

458.352. (1) As used in this section:

(a) "Average income" means an income that complies with income restrictions determined at the advice and consent of the Oregon Housing Stability Council, but not to exceed the greater of 100 percent of the statewide or local area median income adjusted for household size as determined annually by the Housing and Community Services Department using United States Department of Housing and Urban Development information.

**(b) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.**

[*(b)*] **(c)** "Nonprofit corporation" means a corporation that is exempt from income taxes under section 501(c)(3) or (4) of the Internal Revenue Code as amended and in effect on December 31, 2016.

(2) The Housing and Community Services Department shall provide one or more loans to nonprofit corporations to create manufactured dwelling park preservation programs that invest in, and provide loans for, the preservation and affordability of manufactured dwelling parks in this state, including through:

(a) The repair or reconstruction of parks destroyed by natural disasters; or

(b) The acquisition and development of land for parks or for the expansion of parks in areas that have been affected by a natural disaster.

(3) To be eligible for a loan under this section, a nonprofit corporation shall demonstrate to the satisfaction of the department that the nonprofit corporation:

(a) Is a community development financial institution operating statewide to support investment in, and acquisition, renovation and construction of, affordable housing;

(b) Has the ability and capacity to provide the services and reporting required of the program described in subsections (4) and (6) of this section; and

(c) Meets other requirements established by the department regarding financial risk and availability or accessibility of additional resources.

(4) An eligible nonprofit corporation, with input from the department, shall develop a manufactured dwelling park preservation program that:

(a) Invests in, and loans funds to, other nonprofit corporations, housing authorities, manufactured dwelling park nonprofit cooperatives as defined in ORS 62.803, local units of government as

defined in ORS 466.706, agencies as defined in ORS 183.310, or any entity in which a nonprofit corporation has a controlling share, to:

(A) Purchase or refinance manufactured dwelling parks that will maintain the parks as parks long term; or

(B) Develop, expand, repair or reconstruct parks destroyed by natural disasters;

(b) Emphasizes, when providing loans under paragraph (a) of this subsection, the financing of parks whose residents are predominantly members of households with income less than average income; and

(c) Preserves the affordability of the park space rent to park tenants who are members of households with income less than average income.

(5) An eligible nonprofit corporation shall create a park preservation account to be used by the nonprofit corporation for the manufactured dwelling park preservation program and shall deposit the moneys loaned by the department into the account.

(6) An eligible nonprofit corporation shall ensure that all financial activities of the program are paid from and into the park preservation account created under subsection (5) of this section. Each nonprofit corporation shall report to the department no less than semiannually, showing the expenses and incomes of the park preservation account and the results of the manufactured dwelling park preservation program.

(7) A loan made by the department under this section:

(a) May require the nonprofit corporation to pay interest.

(b) May not require the nonprofit corporation to make any loan payments before the maturity date of the loan.

(c) Must have a maturity date of no later than September 15, 2036.

(d) May have its maturity date extended by the department.

(e) Shall have all or part of the unpaid balance forgiven by the department in an amount not to exceed the losses incurred on investments or loans made by the nonprofit corporation under subsection (4)(a) of this section.

(f) May include such agreements by the nonprofit corporation practical to secure the loan made by the department and to accomplish the purposes of the program described in subsection (4) of this section.

(8) The department or the State Treasurer shall deposit moneys received in servicing the loan into the General Housing Account of the Oregon Housing Fund created under ORS 458.620.

**SECTION 21.** ORS 458.358 is amended to read:

458.358. (1) The Housing and Community Services Department shall establish a program to provide grants to persons for safely decommissioning and disposing of a manufactured dwelling [*as defined in ORS 446.003*].

(2) The department may award grants under the program only to a person that is:

(a)(A) An individual who owns a manufactured dwelling sited:

(i) In a manufactured dwelling park that has registered with the department and either has entered into a regulatory agreement with the department or is negotiating a regulatory agreement that is at least partially conditioned upon the replacement of the dwelling;

(ii) On land owned by the individual; or

(iii) On land being purchased by the individual under a land sale contract as defined in ORS 18.960; or

(B) An entity described in paragraph (b)(B) of this subsection that has a controlling interest, including a controlling interest in a general partner of a limited partnership, in:

(i) The manufactured dwelling; or

(ii) A manufactured dwelling park where the manufactured dwelling slated for disposal is sited; and

(b)(A) An individual who is a member of a household with income that complies with income restrictions determined at the advice and consent of the Oregon Housing Stability Council, and not exceeding the greater of 100 percent of the statewide or local area median income adjusted for

household size as determined annually by the Housing and Community Services Department using United States Department of Housing and Urban Development information; or

(B) A nonprofit corporation as defined in ORS 317.097, a manufactured dwelling park nonprofit cooperative as defined in ORS 62.803, a housing authority as defined in ORS 456.005, a local unit of government as defined in ORS 466.706 or a state governmental entity.

(3) Grants awarded under the program may not exceed $15,000 or the cost of decommissioning and disposing of the manufactured dwelling.

(4) The Oregon Housing Stability Council may establish priorities for the evaluation of grant applications and shall consider prioritizing grant awards:

(a) For the safe remediation of dwellings with environmental and public health hazards and risks, including asbestos, lead paint and mold;

(b) To owners from low income households; and

(c) For the decommissioning of manufactured dwellings that are older or less resource and energy efficient.

## UNIT CAPTIONS

**SECTION 22. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.**

## EMERGENCY CLAUSE

**SECTION 23. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.**

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**Passed by House February 14, 2022**

**Repassed by House March 2, 2022**

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

**Passed by Senate February 28, 2022**

.....
Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2022

**Approved:**

.....M.,....., 2022

.....
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2022

.....
Shemia Fagan, Secretary of State

**FINAL ORDER OF THE**
**JUNCTION CITY PLANNING COMMISSION**
**TITLE 16 AND 17 AMENDMENT (AMD-24-48), LEGISLATIVE UPDATES**

**A. THE JUNCTION CITY PLANNING COMMISSION FINDS THE FOLLOWING:**

a. Junction City Planning Commission initiated an amendment to Title 16 and 17 of the Junction City Municipal Code (JCMC) on November 19, 2024, as required by Junction City Municipal Code Section 17.145.010.

b. Public hearing notice of the proposed JCMC Title 16 and 17 Text Amendment were advertised in the Register Guard, May 5, 2025.

c. The Junction City Planning Commission held a public hearing on May 20, 2025 after giving the required notice per Junction City Municipal Code Section 17.150.080.

d. The Junction City Planning Commission reviewed all material relevant to the Amendment submitted or presented by the applicant, staff, and the general public regarding this matter.

e. The Junction City Planning Commission followed the required procedure and standards of reviewing conditional Amendments as required by Junction City Municipal Code Section 17.150.070.

**B. IT IS HEREBY ORDERED THAT the Junction City Planning Commission recommends approval the Title 16 and 17 Amendments for an amendment to chapters 16.05, 17.05, 17.10, 17.30, 17.35, 17.40, 17.100, 17.105, and 17.150 of Junction City Municipal Code based on the following findings of fact:**

Approval criteria are listed in bold. Findings addressing criteria, condition of approval and informational items included where appropriate.

**COMPREHENSIVE PLANS**

**Finding 1:** Section II of the Land Use Element of the Junction City Comprehensive Plan (Comprehensive Plan) states that: “Low-Density Residential – single-family residential uses at a typical density of one to eight dwelling units per acre for detached residential structures. Additional density may be achieved through a Planned Unit Development” (Chapter 3). While a majority of the proposed code amendments are procedural in nature, one requirement of HB 3395 was to allow duplexes in the Single Family Residential (R1) zoning district, which is in the “Low Density Residential” land use category defined above. The duplexes newly allowed in the R1 Zone, administered by JCMC 17.10, has been given a minimum lot size of 10,000 square feet, in keeping with the required density of “one to eight dwelling units per acre for detached residential structures”. One acre is about 43,560 square feet. If four duplexes were allowed on each 10,000 square foot lot that comprises an acre, it would equal the maximum of

eight dwelling units per acre. The proposed code amendments also align with the Housing Policies listed in Chapter *9: Housing Element of the Comprehensive Plan*:

> "V. Housing Policy
>
> Goal 1: To provide for the housing needs of the citizens of Junction City in adequate numbers, price ranges, and rent levels which are commensurate with the financial capabilities of Junction City households.
>
> Goal 2: To provide adequate housing that is affordable to Junction City workers at all wage levels.
>
> Goal 3: To lessen the impact of rising housing costs by requiring a more efficient use of lands available and buildable for new housing.
>
> Goal 4: To ensure that all new multi-family complexes be developed in a manner to provide an aesthetically pleasing environment.
>
> Goal 5: To ensure that all housing comply with Junction City Ordinances, and State and Federal Law."

This set of Title 16 and 17 Code amendments ensure that all housing complies with State Law, per Goal 5.

Staff did not identify other Sections of the Junction City Comprehensive Plan because the proposed amendment does not change the land use types, economic development efforts, energy conservation, transportation or public facilities or environmental element.

In conclusion, the proposed changes to Title 16 and 17 of the JCMC are generally consistent with applicable provisions of the Junction City Comprehensive Plan, which appears to be limited to Section II.

**STATEWIDE PLANNING GOALS**

**Finding 2:** Goal 2 Land Use: This goal requires that citizens and affected governmental units have an opportunity to review land use implementation ordinances. In this regard, the public hearing has been noticed in the Register Guard and posted, and the proposed changes have been sent to affected governmental units for their comment.

**Finding 3:** Goal 10 Housing: Goal 10 is "to provide for the housing needs of citizens of the state." This amendment is consistent with Goal 10, as it implements the requirements of HB 3395, SB 1537 and HB 4064, which were all related to the increase in supply, affordability and choice of housing. This amendment brings the city into compliance with the recent legislation by allowing duplexes in all zones where single-family dwellings are allowed, ensuring that manufactured dwellings are permissible wherever single-family dwellings are allowed, and allows developers who are building

housing to opt in to newly adopted code provisions. The proposed changes to Title 16 and 17 of JCMC are consistent with applicable Statewide Planning Goal 10.

**STATUTES AND ADMINISTRATIVE RULES**

**Finding 4:** No statutes or administrative rules have been found to be applicable to the proposed change to the text of Title 16 or 17 of the JCMC. The proposed change to the text of Title 16 and 17 is being pursued to comply with various sections of ORS.

Therefore, the proposed amendment is consistent with the existing Comprehensive Plan, with applicable Statewide Planning Goals, with applicable statutes and administrative rules, and with unchanged portions of Titles 16 and 17.

Signature: _____

Jeff Haag, Junction City Planning Commission Chair

Date: _____