City of Brookings

WORKSHOP Agenda - Modified

CITY COUNCIL

Monday May 7, 2018 4:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

The City Council will meet in Executive Session immediately following the Workshop, in the City Manager's office, under the authority of ORS 192.660 (2)(a) "To consider the employment of a public officer, employee, staff member or individual agent." and under the authority of ORS 192.660 (2)(d) "To conduct deliberations with persons designated by the governing body to carry on labor negotiations."

A. Call to Order

B. Roll Call

C. Topics

1. Critical Access Hospital Status [City Manager, Pg. 3]
   a. Letter from CMS [Pg. 4]
2. Affordable Housing [City Recorder, Pg. 8]
   a. Excerpt from the Housing Needs Assessment [Pg. 14]
   b. League of Oregon Cities housing legislation summary [Pg. 15]
   c. Senate Bill 1051 [Pg. 17]
   d. BMC Chapter 17.180 edits [Pg. 32]
   e. Ordinance 08-O-620 [Pg. 36]
   f. DLCD Guidelines [Pg. 40]
   g. Tiny Homes draft Code additions to Chapter 17.180.040 [Pg. 47]
   h. Tiny Homes cluster graphic [Pg. 50]
   i. Tiny Homes cluster zones map [Pg. 51]
   j. La Grande Oregon Sample Cottage Home Development Code [Pg. 52]
   k. Dignity Village Information [Pg. 60]
   l. Property Tax exemption descriptions spreadsheet [Pg. 90]
   m. DLCD Housing Planning Technical Assistance Fact Sheet [Pg. 94]
3. Lone Ranch Infrastructure Agreement Revision [City Manager, Pg. 96]
   a. Current Lone Ranch Infrastructure Agreement [Pg. 99]
   b. Proposed additions (draft) [Pg. 106]
   c. Lone Ranch Infrastructure Review Report [Pg. 108]
   d. Lone Ranch development plan [Pg. 128]
4. County/State Building Inspection Services [City Manager, Pg. 129]
   a. Proposal to County [Pg. 130]

D. Council Member Requests for Workshop Topics

E. Adjournment

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 14 days advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

Council WORKSHOP Report

Meeting Date: May 7, 2018

Originating Dept: City Manager

Signature (submitted by)

City Manager Approval

Subject: Critical Access Hospital

Financial Impact:

Reviewed by Finance & Human Resources Director: _____

Background/Discussion:
Curry General Hospital/Curry Health Network Administrator Virginia (Ginny) Razo will meet with the Council to discuss the Critical Access Hospital status of Curry General Hospital and the potential impact upon services provided at Curry Medical Center related to the April 3, 2018, letter from the Centers for Medicare and Medicaid Services (CMS).

Attachment(s):

a. Letter from CMS

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Seattle Regional Office
701 Fifth Avenue, Suite 1600, MS 400
Seattle, WA 98104

Western Division of Survey & Certification

Curry General Hospital
94220 Fourth Street
Gold Beach, OR 97444

April 3, 2018

Re: Loss of CAH status (April 2, 2019)
CMS Certification Number: 381322

Dear Administrator:

The Department of Health & Human Services, Centers for Medicare & Medicaid Services (CMS), has determined that your Critical Access Hospital (CAH) does not meet the requirements for participation in the Medicare program as a Critical Access Hospital (CAH).

To participate as a provider of services in the Medicare program, a critical access hospital (CAH) must meet all of the provisions of Section 1820 of the Act, be in compliance with each of the conditions of participation established by the Secretary of Health & Human Services at 42 C.F.R. Part 485 Subpart F, be free of hazards to the health and safety of patients, and meet such other requirements as shall be established by law or regulation.

Designation as a critical access hospital requires a facility to meet certain location requirements, including those defined at 42 C.F.R. § 485.610(c) "The CAH is located more than a 35-mile drive (or, in the case of mountainous terrain or in areas with only secondary roads available, a 15-mile drive) from a hospital or another CAH, or before January 1, 2006, the CAH is certified by the State as being a necessary provider of health care services to residents in the area".

Why we are taking this action

Prior to a CAH receiving a recertification survey, the CMS Regional Office is required to confirm that the location requirements are met in accordance with the guidance described in the State Operations Manual, Chapter 2, Section 2256A. Curry General Hospital no longer meets the location requirements, as evidenced by the following:

In accordance with 42 C.F.R. § 485.610(e)(2) "If a CAH or a necessary provider CAH operates an off-campus provider-based location, excluding an RHC as defined in §405.2401(b) of this chapter, but including a department or remote location, as defined in §413.65(a)(2) of this chapter, or an off-campus distinct part psychiatric or rehabilitation unit, as defined in §485.647, that was created or acquired by the CAH on or after January 1, 2008, the CAH can continue to meet the location requirement of paragraph (c) of this section only if the off-campus provider-based location or off-campus distinct part unit is located more than a 35-mile drive (or, in the case of mountainous terrain or in areas with only secondary roads available, a 15-mile drive) from a hospital or another CAH."

Curry General Hospital has a provider based location in Brookings, Oregon. Your off-campus provider based location in Brookings Oregon is less than 35 miles from Sutter Coast Hospital, in Crescent City California (Acute Care Hospital CCN 050417). Sutter Coast Hospital, has a provider based location at Brookings-Harbor, located at 555 west Fifth Street, Brookings, Oregon, called *Sutter Coast Health Center* (effective 2004). *Sutter Coast Health Center* is less than 35 miles from Curry General Hospital in Gold Beach, Oregon. Therefore, we must terminate your designation as a CAH effective no later than April 2, 2019. You may choose to convert to an acute care hospital prior to that termination date.

If you choose to participate in the Medicare program as an acute care hospital, your facility must meet all of the provisions of Section 1820 of the Act and must be in compliance with each of the applicable regulatory Conditions of Participation for hospitals at 42 C.F.R. Part 482. Please submit the CMS Form 855 to your Medicare Administrative Contractor (MAC) to request a change in status, and also notify the Department Of Human Services (State survey agency) of your change in status request. Upon approval of the CMS Form 855, you may request a survey by either your accrediting organization or the State survey agency to verify compliance with the acute care hospital Conditions of Participation. All Medicare requirements must be met at the time of the survey in order for your facility to convert to an acute care hospital.

Are you a Necessary Provider?

CMS will review the Necessary Provider CAH status determination if the CAH timely submits a request that contains qualifying supplementary information to the RO within 60 days of the date of the CMS letter.

The burden is on the CAH to provide qualifying evidence demonstrating that NP designation was made by the State prior to January 1, 2006 and that the designation was applicable to the specific facility in question.

Some examples of potentially qualifying evidence include:

a. A letter, issued before January 1, 2006, from the appropriate State authority designating the CAH by name as a necessary provider.

b. An edition of the State's Rural Health Plan, published in 2005 or earlier, identifying the CAH by name as a necessary provider.

c. A State's Rural Health Plan, combined with supporting documented evidence that includes all of the following:

(i) An edition of the State's Rural Health Plan, published in 2005 or earlier, specifying the State's criteria for a CAH to qualify as a necessary provider; and

(ii) At the time of its CAH certification, which must have been prior to January 1, 2006, the CAH met the State's criteria to qualify as a necessary provider in accordance with the applicable edition of the State's Rural Health Plan (published in 2005 or earlier). Acceptable data sources used to support the documented evidence that the CAH met the necessary provider criteria in the State's Rural Health Plan includes, but are not limited to: Health

Resources Services Administration (HRSA), U.S. Census Bureau, or data from the applicable State departments; and

(iii) A signed statement by the appropriate State authority that the State considers the CAH to have been designated as a necessary provider before January 1, 2006. This statement may be from a date before or after January 1, 2006 when combined with the documented evidence cited above.

d. A State law or regulation with supporting documented evidence that includes all of the following:
(i) The law or regulation, enacted prior to January 1, 2006, specifically describes the requirements for necessary provider designation by the State in order to become a CAH, and

(ii) At the time of its CAH certification, which must have been prior to January 1, 2006, the CAH met the criteria in the law or regulation to qualify as a necessary provider, and

(iii) A signed statement by the appropriate State authority that the State considers the CAH to have been designated as a necessary provider before January 1, 2006. This statement may be from a date before or after January 1, 2006.

Appeal

If you disagree with this status termination action, you or your legal representative may request a hearing before an administrative law judge of the Department of Health and Human Services, Departmental Appeals Board (DAB). Procedures governing this process are set out in 42 CFR 498.40, et seq.

You must file your hearing request electronically by using the DAB's Electronic Filing System (DAB E-File) at https://dab.efile.hhs.gov, no later than sixty (60) days after receiving this letter. (Please submit a copy to: CMS_RO10_CEB@cms.hhs.gov.)

> Note: Requests for a hearing submitted by U.S. mail or commercial carrier are no longer accepted as of October 1, 2014, unless you do not have access to a computer or internet service. In those circumstances you may call the Civil Remedies Division to request a waiver from e-filing and provide an explanation as to why you cannot file electronically or you may mail a written request for a waiver along with your written request for a hearing. A written request for a hearing must be filed no later than sixty (60) days after receiving this letter, by mailing to the following address:

Department of Health & Human Services
Departmental Appeals Board, MS 6132
Director, Civil Remedies Division
330 Independence Avenue, S.W.
Cohen Building – Room G-644
Washington, D.C. 20201
(202) 565-9462

A request for a hearing should identify the specific issues, findings of fact and conclusions of

law with which you disagree. It should also specify the basis for contending that the findings and conclusions are incorrect. At an appeal hearing, you may be represented by counsel at your own expense.

If you should have any questions about this action, please contact (206) 615-2323 or CMS_RO10_CEB@cms.hhs.gov, Subject: Curry General Hospital.

Sincerely,

Julius P. Bunch Jr.

Julius P. Bunch, Manager
Division of Certification & Enforcement
CMS Regional Office - Seattle

Enclosure
CC: Department Of Human Services, DNV GL

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: May 7, 2018

Originating Dept: PW/DS

Signature (submitted by)

City Manager Approval

Subject: Affordable Housing

Recommendation:
Direction to staff

Financial Impact: Potential grant opportunities which would likely require a City match; potential decrease in SDCs. For example, a waiver of an SDC for a single family dwelling is $18,426 per home; an SDC for multi family dwelling is $19,941 per unit.

Reviewed by Finance & Human Resources Director:

Background/Discussion:
The challenge of providing affordable housing and of addressing homelessness is not unique to the City of Brookings. Cities across the nation are considering and attempting creative options when dealing with these in-need populations. City Council recently requested Staff to research Affordable Housing needs, policies, and trends. Staff has compiled a substantial amount of background material outlining a variety of potential action items.

NEED:

- The homeless population within the City is a fluid number and difficult to pin down for obvious reasons. The Community Kitchens serve meals each weekday to approximately 90 people. Deacon Leo of the Star of the Sea Catholic Church estimates that 50 percent of those served meals are homeless and/or transient. This estimate would suggest less than one percent of the Brookings population is actually homeless. A point-in-time count, available through the Oregon Housing and Community Services website shows a total homeless population for the County in 2017 as 161 individuals.

- However, the low income population is purportedly higher. Bill Lovelace, owner of the 48-unit subsidized Ocean Winds Apartments on Lucky Lane indicates he has 200 people on a waiting list (a five-year wait). In order to qualify for his apartments, the renter must have a *maximum* annual income of:

  1 person = $19,850
  2 people = $22,700
  3 people = $25,550
  4 people = $28,350

- The Brookings Housing Needs Assessment conducted in 2017 by the South Coast Development Council shows 32 percent of the 97415 population are below the $24,999 annual income threshold and the median income levels for renters is $27,750.

- There are two other complexes offering subsidized housing in Brookings: Herron Ridge with 36 units and Azalea Gardens with 32 units.

  The Brookings Housing Needs Assessment indicates a need for 452 additional subsidized rental units. An attached excerpt from the Assessment details factors which have tightened the rental market.

  Lovelace, at one time, held an option on an adjacent parcel of land where he intended to construct an additional 38-unit facility. He was unable to secure loans or tax credits because, he reports, the Oregon Housing & Community Services agency deemed the need in Brookings was not great enough.

  Asked what actions by the City might prompt him to try again, Lovelace noted property tax exemptions and/or waived or lowered SDCs would be a good place to start.

- The affordable housing crisis affects low income individuals and families, veterans, the disabled, seniors, minorities, migrant workers, and individuals with criminal backgrounds.

POLICIES & REQUIREMENTS:

- The City has a legal requirement to provide access to affordable housing. The State requires local governments to provide for "needed housing" and prohibits local governments from barring government assisted housing.

- A League of Oregon Cities summary of three recent housing-related House Bills is attached.

- Senate Bill 1051, signed into law on August 15, 2017 and effective July 1, 2018, mandates cities with populations greater than 2500 are required to allow at least one accessory dwelling unit (ADU) for each detached single-family dwelling within areas zoned for single-family dwelling inside the UGB.

  Brookings Municipal Code Chapter 17.180, Workforce Housing, established by Ordinance 08-O-620, in Staff's opinion, satisfies this requirement.

  Department of Land Conservation and Development (DLCD) has provided guidelines to cities preparing to incorporate the ADU allowance into Code, suggesting eased restrictions. Based on these guidelines, Council may want to consider changes to some elements of the language in Chapter 17.180. Redline edits to Chapter 17.180 are attached.

TRENDS:

- Tiny Homes and Tiny Homes on Wheels

An upsurge in popularity of Tiny Homes and Tiny Homes on Wheels has sparked debate about whether to consider allowances for this type of housing. BMC Chapter 17.180.040 already allows tiny homes (ADUs no larger than 1,000 sf) in all residential neighborhoods either within or as an accessory structure to the primary structure. This Code allows for the structures, but leaves the decision and cost up to individual property owners with no practical incentive. Revising the Chapter to allow Tiny Homes on Wheels sited on personal property could increase housing availability with a decreased burden to the home owner. Sample Code which could be added to the chapter is attached.

A second option would be to rezone certain parcels of land as a 'Tiny Homes Residential District' similar to Chapter 17.32, Manufactured Home Residential District, and allowing both static Tiny Homes and Tiny Homes on Wheels. Several lots have been identified where this type of rezoning might be feasible, thus creating a cluster effect. Staff has provided an attached mock-up graphic of just such a site. Potential parcels are highlighted on the attached map. Sample Code from the city of La Grande, Oregon is attached.

Minor changes to BMC Chapter 8.15.010, Definitions and Chapter 8.15.087, Temporary Use of a Recreational Vehicle or Travel Trailer would also be needed to address new allowances regarding Tiny Homes on Wheels.

- Community Kitchens & Transient Camping

Staff acknowledges the good intent of the five-church Community Kitchen program. However, because of the church locations, patrons are obliged to traverse less convenient residential neighborhoods to receive the assistance. One possible solution to this might be collaborating with the Community Kitchen program to determine one centralized, commercial location for the Kitchen, where each church would conduct its program one day each week out of the same facility. A facility in close proximity to the Brookings Harbor Food Bank would be a logical choice. Staff is aware of at least two nearby available structures fashioned with kitchen facilities.

A second consideration regarding the location of the Kitchens is that many patrons are transient campers wanting close proximity to the Kitchen. Camp sites are not readily available inside residential neighborhoods. If the Kitchen were more centrally located, does the City wish to designate a specific area for transient camping within a relatively easy walking distance.

A good example of an allowed, designated transient camping site is the City of Portland's Dignity Village. It is sited on City-owned land and shares the lot with the municipal leaf composting facility. The City provides no other services to the community, which started out as a tent city, but has evolved into a successful, resident-governed, self-contained community. The village has established bylaws, stated mission and values, and a contractual relationship with the City of Portland. More information about the Dignity Village is attached or is available at dignityvillage.org.

- Property Tax Exemption Programs

Oregon has a variety of property tax exemption programs available to cities whereby the City can designate certain areas or certain projects, which increase the availability of affordable housing, as tax exempt.

1. The Vertical Housing Development Zone could offer a partial property tax exemption to developers who build or renovate multi-floor structures where the lower floor is used for a business purpose and the upper floors are used for affordable housing. A program such as this could incentivize downtown business owners to renovate upper floor property into low income housing, and could have a secondary benefit of downtown revitalization.

   Several other cities have utilized this program. The City of Tigard notes it "started its zone in 2014. We've had two projects so far, with a third expected soon. There is a 10 year financial impact to the city with the property tax reduction, but in the long run, financial benefit because without the program the project might not have been built."

2. Nonprofit Low Income Rental Housing can exempt property owned or being purchased by a nonprofit for the purpose of providing low income housing.

   The City of Cornelius utilized this program which resulted in the construction of a mixed-use library/affordable senior housing project with 45 units.

   The City of Beaverton touts 314 affordable units benefitting from its Nonprofit tax exempt program.

A spreadsheet describing all of the property tax exemption programs is attached.

- System Development Charge Reductions, Waivers, or Credits

  Some cities are implementing waivers or reduced rates for SDCs for projects which increase available affordable housing. BMC Chapter 13.25.120, Exemptions, addresses SDC exemptions already in place. This chapter could be amended to specify conditions under which affordable housing improvements might receive SDC exemptions.

  The City of Tigard recently adopted an Ordinance allowing exemption from payment of SDCs for regulated affordable housing developments and has an expectation this will spur development since it lowers the upfront costs for developers.

  An alternative option would be to instead offer developers, as an incentive, a no interest monthly payment plan beginning after the issuance of the Certificate of Occupancy. This plan would require an alteration to BMC Chapter 13.25.130, Credits.

FUNDING:
Staff has looked at various funding opportunities to assist with affordable housing initiatives.

- Community Development Block Grant (CDBG) – The City is between a rock and a hard place on this grant. In order to qualify for the CDBG grants through the Housing and Urban Development agency, a city has to be designated as a *Metropolitan Statistical*

Area. Brookings is designated as a *Micropolitan Statistical Area* which means it's not close enough to a high population density area.

For smaller, rural communities, there is a secondary funding option called the State Community Development Block Grant. In order to qualify for this funding, a city has to have a Low and Moderate Income Data (LMID) of at least 51 percent. Brookings has a LMID of 44.7 percent.

There is one option which has no minimum LMID available to the City through CDBG, and that would be to fund an emergency homeless shelter.

- HOME Investment Partnerships Program through HUD - The HOME Investment Partnerships Program (HOME) provides formula grants to States and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people.

  Local jurisdictions eligible for at least $500,000 under the formula ($335,000 in years when Congress appropriates less than $1.5 billion for HOME) also can receive an allocation. The formula allocation considers the relative inadequacy of each jurisdiction's housing supply, its incidence of poverty, its fiscal distress, and other factors. Communities that do not qualify for an individual allocation under the formula can join with one or more neighboring localities in a legally binding consortium whose members' combined allocation would meet the threshold for direct funding.

  Participating jurisdictions may choose among a broad range of eligible activities, using HOME funds to provide home purchase or rehabilitation financing assistance to eligible homeowners and new homebuyers; build or rehabilitate housing for rent or ownership; or for "other reasonable and necessary expenses related to the development of non-luxury housing," including site acquisition or improvement, demolition of dilapidated housing to make way for HOME-assisted development, and payment of relocation expenses.

  The HUD website presents this funding as a FY 2016 program, it is, therefore, unclear whether this program is still an available funding source.

- DLCD Housing Planning Technical Assistance funds are available due to the passage of HB 4006. These monies can be used for Housing Needs Analyses, Code Audits, Code Updates, and Housing Strategies Implementation Plans. Applications will be due in early June.

FUNDING PROGRAMS FOR INDIVIDUALS OR DEVELOPERS

- Multifamily Rental LIFT, administered by Oregon Housing & Community Services, provides loans of up to $125,000 to developers seeking to build in rural communities with populations under 15,000. The funding is focused on new construction, multi-unit, family housing. The funding requires the facility to retain its low-income housing status (available to households earning at or below 60 percent area median income) for a minimum of 20 years. The program is closed for 2018. Renewal of the program for 2019 is not guaranteed.

- Neighborhoods LIFT program, a collaborative effort between NeighborWorks America and Wells Fargo, offers first-time home buyers grants for down-payment assistance and financial education to help buyers prepare for home ownership. Local NeighborWorks organizations and/or other nonprofits launch a two-day informational program inside the City, where potential homebuyers learn if they qualify. The nonprofits also enroll the homebuyers in required pre-purchase education. The local branch of NeighborWorks is NeighborWorks Umpqua out of Roseburg.
- Oregon Individual Development Account Initiative – a cooperative funding program administered by Oregon Housing and Community Services and Neighborhood Partnerships, provides matching funds to qualified individuals savings accounts to build financial capability. NeighborWorks Umpqua was awarded $2,275,000 in the 2017-18 program year.
- USDA Rural Development Home Loans – This program assists low- and very-low-income applicants obtain decent, safe and sanitary housing in eligible rural areas by providing payment assistance to increase an applicant's repayment ability, utilizing a subsidy which reduces the mortgage payment for a short time.

CONCERNS:
Finally, the discussion cannot be complete without some consideration given to the consequence of enabling the transient population through the provision of free housing and board. There is a direct correlation between the influx of transient individuals and an upswing in needed police response. The question exists does the provision of free necessities disable this population from pulling its own self up, bettering its situation. Would funding and efforts be better utilized through work training or educational programs? What really is the City's responsibility in managing this issue? And what is truly within the City's capability to effect?

NEXT STEPS:
Staff seeks direction from Council regarding which, if any, of the above matters to move forward as actionable items or to bring back to Workshop for more in-depth discussion. Staff further requests other suggestions regarding Affordable Housing concepts of interest which Council would like researched and which were not included as part of this report.

Attachment(s):
a. Excerpt from the Housing Needs Assessment
b. League of Oregon Cities housing legislation summary
c. Senate Bill 1051
d. BMC Chapter 17.180 edits
e. Ordinance 08-O-620
f. DLCD Guidelines
g. Tiny Homes draft Code additions to Chapter 17.180.040
h. Tiny Homes cluster graphic
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j. La Grande Oregon Sample Cottage Home Development Code
k. Dignity Village Information
l. Property Tax exemption descriptions spreadsheet
m. DLCD Housing Planning Technical Assistance Fact Sheet

Excerpt from Housing Needs Assessment

The current rental market in the study area is exceptionally tight. All property management companies and apartment landlords/managers interviewed report that vacancies (which are usually only a very few per month) are normally filled within days. Everyone reports an extensive waiting list. Waiting lists for low income/subsidized rental housing are long indeed, with most applicants waiting 1.5 – 2 years or more for a suitable unit.

Several factors have combined in recent years to tighten the 97415-zip code rental market.

First, as the single-family housing market has rebounded, many rental houses are being sold as owners have gained substantial equity compared to typical sale prices of 2008-2013.

Second, landlords and property managers have raised the bar regarding renters they are willing to accept (credit rating, rental history, income levels, and criminal history all play a role), but also are requiring larger security deposits and move-in fees. Renters with household pets find it exceptionally difficult to obtain a rental.

Finally, while difficult to objectively quantify, most rental agencies report an increasing amount of "conversions" of rental properties, especially condominiums and single-family dwellings, to short-term seasonal and vacation rentals. Vacation rentals can net their owners more than $25,000 per year, while still allowing their own personal use much of the year.

Travel Oregon and the Oregon Coast Visitors' Association both report increasing levels of tourism on Oregon's South Coast, as their organizations now have both the financing and the detailed plans to enhance area tourism. The trend of "conversions" from long-term rentals to vacation rentals will almost certainly continue, and perhaps even accelerate.

In addition, an increasing number of California based workers have sought Brookings area rentals, as their market has tightened with increased employment on the part of the prison hiring, and a large resort/casino recently finished at Smith River. Furthermore, over 150 mobile homes and 75 long-term RV spots have been lost at Smith River. Future plans for development of this area are unknown.

LEAGUE of Oregon CITIES

Getting Housing Help in 2018

The League established a 2017 priority to increase the technical assistance and resources that are available to cities that are trying to address housing shortages. On a state-wide basis, there is a shortage of approximately 30,000 units to meet the current population housing needs. There are many reasons that keep us behind in getting units developed, and for those construction projects that are underway there are many cost drivers that cause the units to be built more expensive. The state and cities agree that we need to make a difference in both the number of units built and the cost to build. In 2018, more efforts will be made on both sides of this issue.

However, bills that add further work or create new restrictions on local authority will not help get units built or communities welcome diverse housing types. Efforts that will hinder progress that cities want to make will remain opposed in the 2018 session.

HB 4007 – Awaiting Governor's signature

This bill would raise the document recording fee – a fee paid when a land use transaction is recorded with the county – from the current level of $20 per document to $75. These dollars go to a number of state programs such as emergency housing programs, including a small slice that works toward affordable housing development. The League is advocating that these funds be opened to local governments working on housing development projects within their communities. Because it is a revenue raising bill, it will require a 3/5th vote – a high bar in a short session.

HB 4108 – In committee

HB 4108 would create a new income tax credit for developers of workforce and affordable housing. This would allow developers to re-examine their cost calculations to build housing that is more affordable to workers making the area median income. Instead of requiring local governments to put their limited funds towards an incentive program, it would leverage state revenues to meet the need for these types of housing units.

HB 4144 – Governor signed 4/3/18

The Governor is working to create opportunities for construction tradespersons to build small businesses, and HB 4144 is the legislative proposal that would implement that work. Across the state, a number of construction trades and subcontractors left the industry during the recession, and they have not returned. In smaller communities that means there is a limited pool of licensed electricians, plumbers, and general contractors to perform the work to build housing. This delays projects and creates higher costs for developers to get these trades to their worksite. By temporarily reducing the regulation and costs with licensing, the goal is to have more qualified contractors available to build houses. While the bill is working through technical concerns, the League is supportive of creating job opportunities in the building trades to get more units from planned to built.

Technical Assistance Grants

If there are additional resources available to expend in 2018, the League is working to putting money toward grants that allow cities that are prepared or need to update their long-term housing

plans to complete their housing needs analysis. Many cities have not be able to complete this important first step because it is expensive and requires experts to complete. We will be working to support any further grants through the Department of Land Conservation and Development General Fund Grant Program that are directed to this important planning toll.

Questions? Email Erin Doyle at **edoyle@orcities.org**

Follow the League

Enrolled
Senate Bill 1051

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER .....

AN ACT

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

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

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

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

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

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

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

(a) The application is submitted to the city or the county under ORS 215.416 or 227.175;

(b) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;

(c) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and

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

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

SECTION 2. ORS 215.416 is amended to read:

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

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

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

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

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

(B) This paragraph does not apply to:

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

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

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

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

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

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

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

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

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

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

(f) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The date of the decision; and

(C) A description of the decision made.

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

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

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

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

SECTION 3. ORS 227.175 is amended to read:

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

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

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

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

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

(B) This paragraph does not apply to:

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

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

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

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

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

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

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

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

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

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

(f) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The date of the decision; and

(C) A description of the decision made.

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

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

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

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

SECTION 4. ORS 197.303 is amended to read:

197.303. (1) As used in ORS 197.307, "needed housing" means **all** housing [*types*] **on land zoned for residential use or mixed residential and commercial use that is** determined to meet the need shown for housing within an urban growth boundary at [*particular*] price ranges and rent levels[, *including*] **that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes** [*at least*] the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

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

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

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section [*shall*] **does** not apply to:

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

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of "needed housing" in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 5. ORS 197.307 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Establish approval procedures.

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

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

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

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

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

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

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

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

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

SECTION 6. ORS 197.312 is amended to read:

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

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

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

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

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

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

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

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

SECTION 7. ORS 215.441 is amended to read:

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

(a) Worship services.

(b) Religion classes.

(c) Weddings.

(d) Funerals.

(e) Meal programs.

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

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

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

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

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

(2) A county may:

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

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

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

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

SECTION 8. ORS 227.500 is amended to read:

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

(a) Worship services.

(b) Religion classes.

(c) Weddings.

(d) Funerals.

(e) Meal programs.

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

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

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

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

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

(2) A city may:

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

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

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

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

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

SECTION 9. ORS 197.178 is amended to read:

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

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

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

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

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

(c) For each complete application received:

(A) The date the application was received;

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

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

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

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

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

SECTION 10. ORS 215.427 is amended to read:

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

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **and section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

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

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

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

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

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

(a) All of the missing information;

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

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

(5) The period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

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

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

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

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** [*does*] not apply to a decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

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

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 215.429 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in [*subsection (1)*] **subsections (1) and (5) of this section and section 1 of this 2017 Act** [*and the period set forth in subsection (5) of this section*] may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

SECTION 11. ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use de-

cision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **or section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

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

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

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

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

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

(a) All of the missing information;

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

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

(5) The 120-day period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

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

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

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

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** [*does*] not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

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

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

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

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

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

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

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 227.179 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The [*period*] **periods** set forth in [*subsection (1)*] **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** [*and the period set forth in subsection (5) of this section*] may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

SECTION 12. The amendments to ORS 197.312, 215.416 and 227.175 by sections 2, 3 and 6 of this 2017 Act become operative on July 1, 2018.

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

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

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

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

Passed by Senate April 19, 2017

Repassed by Senate July 7, 2017

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

.....
Peter Courtney, President of Senate

Passed by House July 6, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

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

Approved:

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

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

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

.....
Dennis Richardson, Secretary of State

Chapter 17.180
WORKFORCE HOUSING

Sections:

17.180.010 Purpose.

Affordable housing is needed within our community to provide for those individuals and households earning less than the median income as defined by the United States Department of Housing and Urban Development (HUD). The provisions of this chapter are intended to create flexibility, provide developer incentives and provide a means for developing affordable housing. [Ord. 08-O-620 § 2.]

17.180.020 Definitions.

"Accessory dwelling unit (ADU)" means a separate dwelling unit contained within or detached from a single-family dwelling on a single lot, containing 1,000 square feet or less, excluding any garage area or accessory buildings, and sharing a driveway with the primary dwelling unless from an alley. A recreational vehicle cannot be used as an accessory dwelling unit.

"Accessory dwelling unit occupant" means the renter of the ADU.

"Affordable ownership unit" means housing with a mortgage payment that does not exceed 30 percent of the qualifying annual net income.

"Affordable rental unit" means that the rent charged for the dwelling unit does not exceed 23 percent of the qualifying annual net income.

"Qualifying annual income" means annual net income that does not exceed 80 percent for ownership and 60 percent for rentals of the area median income as determined by the United States Department of Housing and Urban Development (HUD). [Ord. 08-O-620 § 2.]

17.180.030 Density bonus.

When applying to create a subdivision or planned unit development (PUD), the option of using a density bonus is available based on the following criteria:

Residential developments may devote 20 percent of the proposed lots to affordable housing pursuant to the following requirements:

A. In the following residential zones: SR, R-1, R-MH, a density bonus for up to 20 percent of the proposed lots would allow a minimum lot area for each dwelling unit of 4,000 square feet. No specific minimum lot width is required.

B. In the following residential zones: R-2, R-3, a density bonus for up to 20 percent of the proposed lots would allow a minimum lot area of 5,000 square feet for the first two dwelling units and for each additional unit the lot area shall increase by 1,000 square feet. No specific minimum lot width is required.

C. All other provisions and requirements of the zoning district shall apply.

D. Any lots created using the density bonus lesser square footage requirement must site a dwelling unit in compliance with one of the following options:

1. Affordable Housing for Purchase. Dwelling units designated as affordable housing available for purchase shall:

a. Only be sold to individuals or families whose annual net income does not exceed 80 percent of the area median income as determined by HUD; and

b. Have a mortgage payment not to exceed 30 percent of the monthly net income as outlined below:

i. Studio apartment: One-person qualifying monthly income;

ii. One bedroom: Two-person qualifying monthly income;

iii. Two bedrooms: Four-person qualifying monthly income;

iv. Three bedrooms: Six-person qualifying monthly income;

v. Four bedroom: Seven-person qualifying monthly income; and

c. Have a deed restriction signed and recorded establishing a period of affordability of not less than 15 years. In no event will a purchaser be required to sell the unit subject to this agreement for less than the purchase price plus any applicable closing costs and realtor fees. If an owner of a dwelling unit subject to this deed restriction decides to rent the unit, subsection (B) of this section is applicable.

2. Affordable Housing for Rent. Dwelling units designated as affordable housing available for rent shall:

a. Only be rented to individuals or families whose annual net income does not exceed 60 percent of the area median income as determined by HUD; and

b. Have the rent charged not exceed 23 percent of the qualifying family net income as outlined below:

i. Studio apartment: average of the one- and two-person qualifying monthly incomes;

ii. One bedroom: average of the two- and three-person qualifying monthly incomes;

iii. Two bedrooms: average of the three-, four-, and five-person qualifying monthly incomes;

iv. Three bedrooms: average of the four-, five-, six-, and seven-person qualifying monthly incomes;

v. Four bedrooms: average of the five-, six-, seven-, and eight-person qualifying monthly incomes; and

c. Have a deed restriction signed and recorded establishing a period of affordability of not less than 15 years.

d. An annual registration fee, set by resolution of the city council, must be paid and a copy of the current rental agreement provided to the city. Beginning January 1st of each year the city will conduct an annual review of registered affordable rentals to ensure compliance. Properties determined to be noncompliant shall be subject to abatement pursuant to BMC 8.15.090.

e. With any change of tenants new qualifying information must be provided to the city. [Ord. 08-O-620 § 2.]

17.180.040 Accessory dwelling unit.

The site plan committee shall authorize an accessory dwelling unit (ADU) only if it is found that all of the following general requirements are and will be met by the applicant:

A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as an accessory use.

B. Only one ADU may be created per parcel accessory to the single-family dwelling. Consider allowing two

C. Only the property owner may apply for an ADU. The property owner must occupy the primary dwelling as their primary residence. A "primary residence" shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes, or with other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies the primary dwelling. A deed restriction shall be recorded and a copy provided to the city declaring the accessory dwelling unit status of the subject property. Consider striking this req.

D. The rental of an ADU must comply with BMC 17.180.030(D)(2), Affordable Housing for Rent.

E. An owner may convert an ADU to another lawful accessory use. If the owner wishes to re-convert the space to a dwelling unit, it may only be used in compliance with the ADU requirements.

Consider striking parking req.

F. One off-street parking space shall be provided for the ADU in addition to the two off-street parking spaces required for the primary dwelling pursuant to Chapter 17.92 BMC.

G. ADUs shall contain 1,000 square feet or less.

H. All other applicable standards for the zone, including but not limited to setbacks, must be met with the exception of requiring a garage.

I. An annual ADU registration fee set by resolution of the city council must be paid. Upon sale of the property, the new owner shall be required to reregister the ADU.

J. If a garage or detached structure does not currently meet setbacks, it may ~~not~~ be converted to an ADU, provided the conversion does not increase the nonconformity.

K. The owner of the property shall pay system development charges (SDC) for the additional dwelling unit and accept full responsibility for sewer and water bills.

(Consider implementing lower SDC's due to smaller size)

L. Neither the ADU nor the primary dwelling may be used as a short-term rental.

M. Beginning January 1st of each year the city will conduct an annual review of registered ADUs to ensure compliance. Properties determined to be in noncompliance shall be subject to abatement pursuant to BMC 8.15.090. [Ord. 08-O-620 § 2.]

17.180.050 System development charge (SDC) deferrals.

The city of Brookings will offer SDC deferrals to developers of housing projects that contain affordable units as defined in BMC 17.180.020 pursuant to the following requirements:

A. SDC deferrals will be offered for a period of two years at a zero percent interest rate. Developers utilizing this incentive will be required to sign a promissory note and system development charge deferral agreement with the city of Brookings. The SDC deferral agreement must be recorded and a copy provided to the city.

B. SDCs will be due in full or will need to be financed with the city of Brookings prior to transfer of ownership or at the end of the two-year deferral period.

C. The rental of a dwelling unit with an SDC deferral must comply with BMC 17.180.030(D)(2), Affordable Housing for Rent. [Ord. 08-O-620 § 2.]

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

In the Matter of an Ordinance Adding Chapter 17.180, Workforce Housing, to the Brookings Municipal Code.	)))	**Ordinance No. 08-O-620**

Sections:

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 17.180, Workforce Housing, of Title 17, to the Brookings Municipal Code (BMC).

Section 2. Chapter 17.180, Workforce Housing, is added, in its entirety, to read as follows:

Chapter 17.180
WORKFORCE HOUSING

Sections:

17.180.010 Purpose.

Affordable housing is needed within our community to provide for those individuals and households earning less than the median income as defined by the United States Department of Housing and Urban Development (HUD). The provisions of this Chapter are intended to create flexibility, provide developer incentives and provide a means for developing affordable housing.

17.180.020 Definitions.

"Affordable ownership unit" means housing with a mortgage payment that does not exceed 30% of the qualifying annual net income.

"Affordable rental unit" means that the rent charged for the dwelling unit does not exceed 23% of the qualifying annual net income.

"Accessory dwelling unit (ADU)" means a separate dwelling unit contained within or detached from a single-family dwelling on a single lot, containing 1000 square feet or less, excluding any garage area or accessory buildings, and sharing a driveway with the primary dwelling unless from an alley. A recreational vehicle cannot be used as an accessory dwelling unit.

"Accessory dwelling unit occupant" means the renter of the ADU.

"Qualifying annual income" means annual net income that does not exceed 80% for ownership and 60% for rentals of the area median income as determined by the United States Department of Housing and Urban Development (HUD).

17.180.030 Density bonus.

When applying to create a subdivision or planned unit development (PUD), the option of using a density bonus is available based on the following criteria:

Residential developments may devote 20% of the proposed lots to affordable housing pursuant to the following requirements:

1. In the following Residential zones; SR, R-1, R-MH, a density bonus for up to 20% of the proposed lots would allow a minimum lot area for each dwelling unit of 4,000 square feet. No specific minimum lot width is required.
2. In the following Residential zones; R-2, R-3, a density bonus for up to 20% of the proposed lots would allow a minimum lot area of 5,000 square feet for the first two dwelling units and for each additional unit, the lot area shall increase by 1000 square feet. No specific minimum lot width is required
3. All other provisions and requirements of the zoning district shall apply.
4. Any lots created using the Density Bonus lesser square footage requirement must site a dwelling unit in compliance with one of the following options:

A. Affordable housing for purchase. Dwelling units designated as affordable housing available for purchase shall:

1. Only be sold to individuals or families whose annual net income does not exceed 80% of the area median income as determined by HUD; and
2. Have a mortgage payment not to exceed 30% of the monthly net income as outlined below:
   a. Studio Apartment – 1 person qualifying monthly income
   b. 1 bedroom – 2 person qualifying monthly income
   c. 2 bedrooms – 4 person qualifying monthly income
   d. 3 bedrooms – 6 person qualifying monthly income
   e. 4 bedroom – 7 person qualifying monthly income; and
3. Have a deed restriction signed and recorded establishing a period of affordability of not less than 15 years. In no event will a purchaser be required to sell the unit subject to this agreement for less than the purchase price plus any applicable closing costs and realtor fees. If an owner of a dwelling unit subject to this deed restriction decides to rent the unit, 17.180.030 (B), below, is applicable.

B. Affordable housing for rent. Dwelling units designated as affordable housing available for rent shall:

1. Only be rented to individuals or families whose annual net income does not exceed 60% of the area median income as determined by HUD; and

2. Have the rent charged not exceed 23% of the qualifying family net income as outlined below:

a. Studio Apartment – average of the 1 & 2 person qualifying monthly income.

b. 1 bedroom – average of the 2 & 3 person qualifying monthly income.

c. 2 bedrooms – average of the 3, 4, & 5 person qualifying monthly income.

d. 3 bedrooms – average of the 4, 5, 6, & 7 person qualifying monthly income.

e. 4 bedrooms – average of the 5, 6, 7, & 8 person qualifying monthly income; and

3. Have a deed restriction signed and recording establishing a period of affordability of not less than 15 years.

4. An annual registration fee, set by resolution of the City Council, must be paid and a copy of the current rental agreement provided to the City. Beginning January 1st of each year the City will conduct an annual review of registered affordable rentals to ensure compliance. Properties determined to be non-compliat shall be subject to abatement pursuant to BMC 8.15.090.

5. With any change of tenants new qualifying information must be provided to the City.

17.180.040 Accessory dwelling unit.

The Site Plan Committee shall authorize an Accessory Dwelling Unit (ADU) only if it is found that all of the following general requirements are and will be met by the applicant.

A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as an accessory use.

B. Only one ADU may be created per parcel accessory to the single-family dwelling;

C. Only the property owner may apply for an ADU. The property owner must occupy the primary dwelling as their primary residence. A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes, or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies the primary dwelling. A deed restriction shall be recorded and a copy provided to the City declaring the Accessory Dwelling Unit status of the subject property.

D. The rental of an ADU must comply with 17.180.030 (4) (B), Affordable housing for rent, BMC.

E. An owner may convert an ADU to another lawful accessory use. If the owner wishes to re-convert the space to a dwelling unit, it may only be used in compliance with the ADU requirements.

F. One off-street parking space shall be provided for the ADU in addition to the two off-street parking spaces required for the primary dwelling pursuant to BMC 17.88.

G. ADU's shall contain 1,000 square feet or less.

H. All other applicable standards for the zone including, but not limited to setbacks, must be met with the exception of requiring a garage.

I. An annual ADU registration fee, set by resolution of the City Council must be paid. Upon sale of the property, the new owner shall be required to reregister the ADU.

J. If a garage or detached structure does not currently meet setbacks, it may not be converted to an ADU.

K. The owner of the property shall pay System Development Charges (SDC) for the additional dwelling unit and accept full responsibility for sewer and water bills.

L. Neither the ADU nor the primary dwelling may be used as a short-term rental.

M. Beginning January 1st of each year the City will conduct an annual review of registered ADUs to ensure compliance. Properties determined to be in non-compliance shall be subject to abatement pursuant to BMC 8.15.090.

17.180.050 System Development Charge (SDC) deferrals.

The City of Brookings will offer SDC deferrals to developers of housing projects that contain affordable units as defined in 17.180.020, BMC pursuant to the following requirements:

A. SDC deferrals will be offered for a period of two (2) years at a 0% interest rate. Developers utilizing this incentive will be required to sign a Promissory Note and System Development Charge Deferral Agreement with the City of Brookings. The SDC Deferral Agreement must be recorded and a copy provided to the City.

B. SDCs will be due in full or will need to be financed with the City of Brookings prior to transfer of ownership or at the end of the two (2) years deferral period.

C. The rental of a dwelling unit with a SDC deferral must comply with 17.180.030 (4) (B), Affordable housing for rent, BMC.

First reading: October 27, 2008
Second reading: October 27, 2008
Passage: October 27, 2008
Effective date: November 26, 2008

Signed by me in authentication of its passage this 28th day of October, 2008.

Mayor Larry Anderson

ATTEST:

City Recorder Joyce Heffington

GUIDANCE ON IMPLEMENTING

THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT

UNDER OREGON SENATE BILL 1051

M. Keplinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018

Oregon Department of
Land Conservation
and Development

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error[1] was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

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, "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.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs) starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

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[1] *The scrivener's error in SB 1051 was removing the words "within the urban growth boundary." HB 4031 added the words into statute, thus limited the siting of ADUs within UGBs.*

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

The law requires subject cities and counties to allow "at least one accessory dwelling unit for each detached single-family dwelling." While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don't create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn't meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like "compatible" or "character." With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

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Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure*[, pursuant to Section _____,]* and shall conform to all of the following standards:

*[**A. One Unit.** A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

/

***A. Two Units.** A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed *[800-900]* square feet of floor area, or *[75]* percent of the primary dwelling's floor area, whichever is smaller.

2. An attached or interior Accessory Dwelling shall not exceed *[800-900]* square feet of floor area, or *[75]* percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than *[800-900]* square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the "definitions" section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Chapter 17.33
TINY HOMES RESIDENTIAL (R-TH) DISTRICT

Sections:

17.32.010 Purpose.

The purpose of the R-TH district is to recognize and provide for residential areas where tiny homes on wheels built to state and federal construction and safety standards may locate in a suitable environment for family living, and to protect and stabilize the residential characteristics of the district. The intent of these district regulations is to encourage provision of alternative modest income housing opportunities in certain residential areas by permitting the use of certain tiny homes therein, and to further recognize the trend toward homes of other than conventional construction.

17.32.020 Permitted uses.

A. Single-family tiny home on an individual lot, subject to BMC 17.32.100. A structure intended for separate, independent living quarters for one household.

17.32.030 Conditional uses.

The following conditional uses may be permitted:

A. Planned unit developments, including duplex or multifamily development, subject to provisions of Chapter 17.116 BMC;

B. Dwelling groups, subject to BMC 17.124.180;

C. Tiny home parks, subject to the provisions of BMC 17.124.160;

D. Temporary living quarters for caretakers, subject to the provisions of BMC 17.124.200;

E. Cottage industries, subject to BMC 17.124.220;

17.32.040 Minimum lot area and dwelling density.

Minimum lot areas in the R-TH zone may be 1000 square feet depending upon site, public service and neighborhood characteristics. One dwelling unit may be sited on each lot or parcel.

17.32.050 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC.

17.32.060 Tiny Home requirements.

A. The unit will have at least 140 square feet of first floor interior living space with a maximum of 500 square feet of living space.

B. There must be no less than 15 feet between lots.

C. A maximum density of ___ person(s) for every ___ square foot up to ___ people per unit.

D. Each unit shall have provisions for living, sleeping, eating, cooking, and sanitation..

E. There shall be a minimum of two means of exit in the dwelling unit, one of which shall be the main entrance.

17.32.070 Tiny Home on Wheels siting requirements.

A. The unit is licensed and registered with the State Department of Motor Vehicles and meets ANSI 119.2 or 119.5 (NFPA 1192) requirements.

B. The unit is towable by a bumper hitch, frame-towing hitch, or fifth wheel connection. Cannot (and is designed not to) move under its own power.

C. The unit is no larger than allowed by State Law for movement on public highways.

D. When sited on a parcel per requirements of this Code, the unit wheels and undercarriage shall be skirted.

E. The unit has at least 140 square feet of first floor interior living space.

F. The unit is detached and self-contained and shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

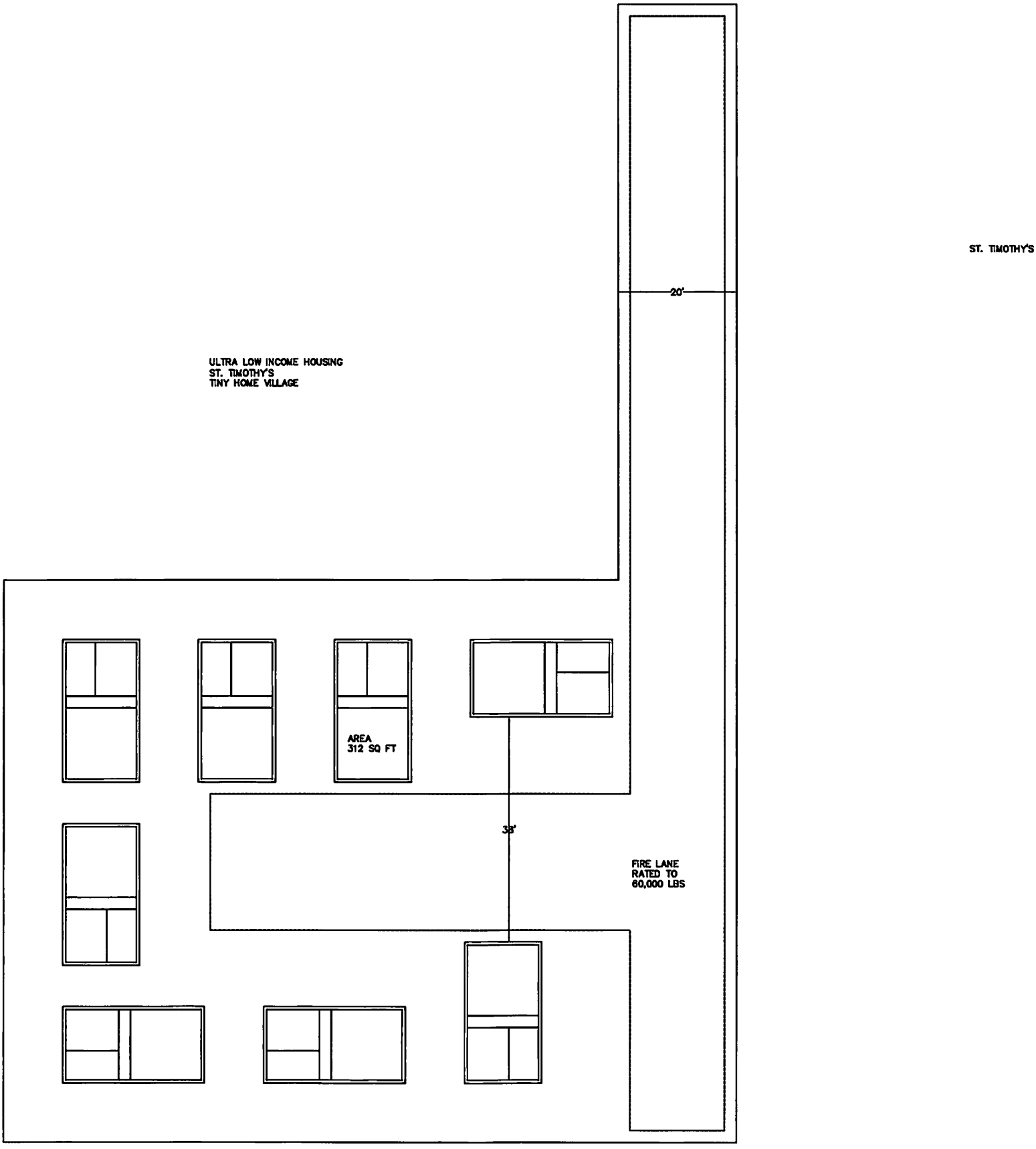
G. The unit is designed and built to look like a conventional building structure by meeting design criteria of this ordinance.

17.32.070 Other required conditions.

A. No residential structure shall be located within the ocean coastal shorelands boundary nor the Chetco Estuary shorelands boundary as defined in the comprehensive plan.

B. Site plan approval required as provided in Chapter 17.80 BMC.

C. Prior to any development activity on the property, the applicant must comply with BMC 17.100.030 General mitigation.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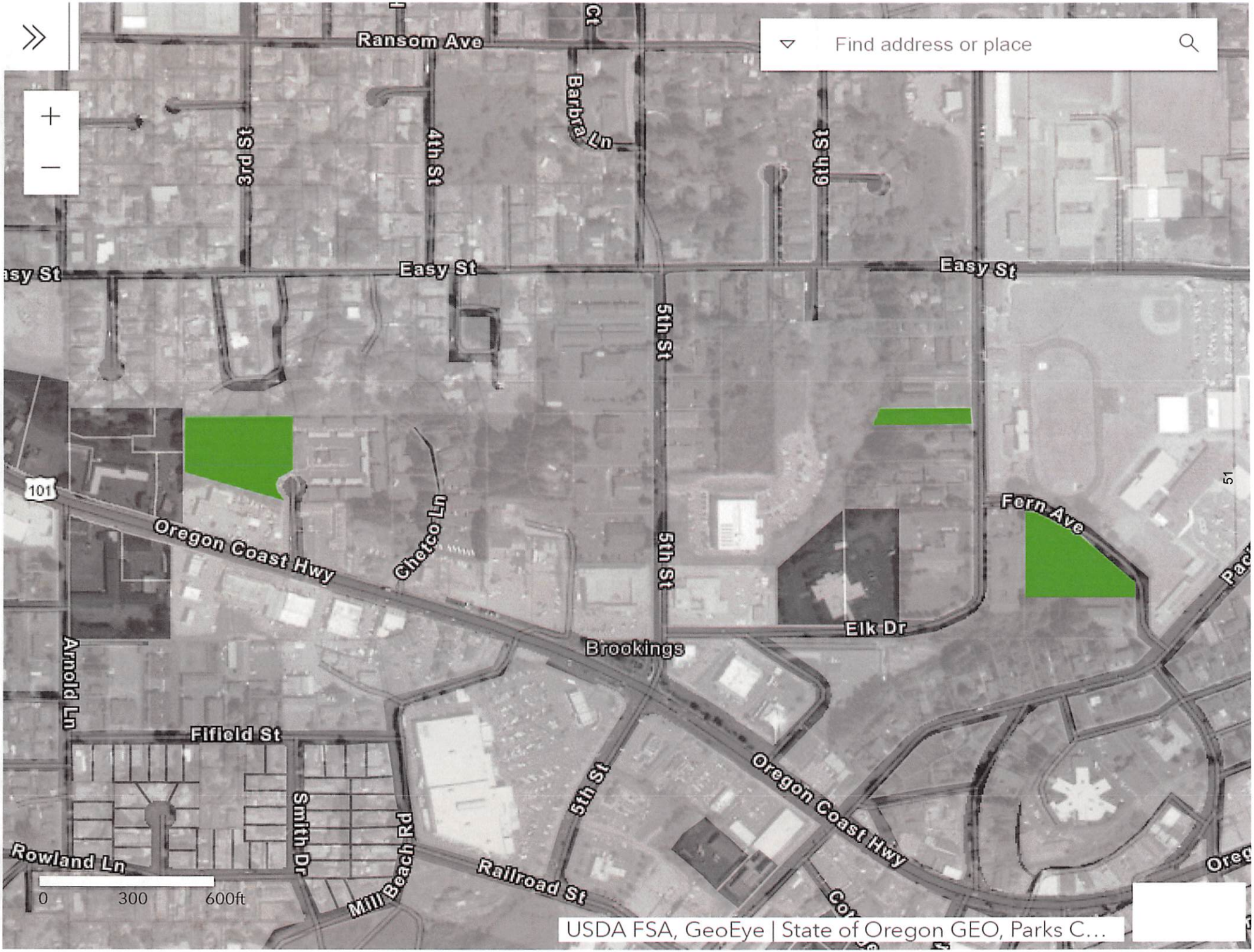
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ARTICLE 3.22 – COTTAGE HOME DEVELOPMENT

SECTION 3.22.001 – PURPOSE

Cottage housing developments shall be applicable in R-2 and R-3 zoning districts only. The general purposes of the cottage housing development design standards are as follows:

A. A cottage housing development is provided for as an alternative type of detached housing comprised of small residences that are one thousand (1,000) square feet or less and suited to accommodate a typical household of one or two individuals. Cottage housing is provided as part of the city's overall housing strategy, under Goal 10 of the City of La Grande Comprehensive Plan, which intends to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.

B. The cottage housing development design standards contained in this section create a permit path for small communities of cottage development, similar to multi-family housing projects, manufactured home parks, planned unit developments and subdivisions, where it can be oriented around open space in a manner that minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. These same standards are intended to provide for traditional cottage amenities and to regulate proportions in order to ensure that cottage housing developments contribute to the overall community character.

C. Cottage housing developments may include a higher residential density than is normally allowed in the underlying zone district. This increased density is possible through the use of smaller than average home sizes, clustered parking, and the application of overall site design standards applied via approval of a binding site plan or other land use approval that governs the long term use of master planned lots and structures as ownership may shift over time.

SECTION 3.22.002 – COTTAGE HOUSING APPLICATION REQUIREMENTS

To encourage and support a variety of housing choices, cottage housing may be established through a variety of land use approvals, such as a site plan application, conditional use permit, planned unit development and subdivision. Cottage housing may be designed as a small infill project within an existing platted subdivision, or as a larger cottage housing development. Cottage housing may be considered under the following land use reviews:

A. Zoning Approval: For ~~developments that are limited to one (1) or two (2) dwelling units~~the construction or placement of one (1) cottage home on a parcel of land and which meet the density, setbacks and other residential design requirements for the underlying zone, the Planning Director may administratively grant zoning approval to permit ~~the development~~such home, subject to single-family home design standards set forth in Article 3.2 of this Code. Such ~~development~~home shall not be subject to the development standards of this Article. ~~except for accessory structures which shall adhere to the requirements in Section 3.22.004(G), and such development shall adhere to the design standards set forth in Section 3.2.003 of this Code.~~

B. Site Plan Approval: For developments outside of an existing platted subdivision that include ~~three (3)~~two (2) or more dwelling units and where the housing and land are under one common ownership, similar to an apartment complex, and which meet the density, setbacks and other residential design requirements for the underlying zone, site plan approval shall be required pursuant to Article 8.2 of this Code, and the development shall adhere to the design and improvement standards set forth in this Article for cottage housing developments.

C. Conditional Use Permit Approval:

1. Infill Development within an Existing Platted Subdivision: Any cottage housing development considered for infilling a vacant lot(s) within an existing platted subdivision, which includes ~~three (3)~~two (2) or more dwelling units shall be subject to Site Plan Approval and a Conditional Use Permit Approval pursuant to Articles 8.2 and 8.5 of this Code, and the development shall adhere to the design and improvement standards set forth in this Article for cottage housing developments.

2. Cottage Housing Parks: For developments where the land is under one ownership and where the housing is under a separate ownership, similar to a manufactured home park, Site Plan Approval and a Conditional Use Approval shall be required pursuant to Articles 8.2 and 8.5 of this Code, and the development shall adhere to the design and improvement standards set forth in this Article for cottage housing developments.

3. Density Increase Option: Due to the clustering of smaller than average home sizes, some properties may support a density that is greater than what is allowed in the underlying zone. To afford flexibility for a development to provide a higher density, such increased density shall only be permitted by conditional use pursuant to Articles 8.5 of this Code.

D. Subdivision or Partition: For cottage housing developments where home sites and common areas are intended to be platted for separate owners, such development shall be reviewed under the applicable land division procedures and criteria of Chapter 4 of this Code and the development shall adhere to the design and improvement standards set forth in this Article for cottage housing developments

SECTION 3.22.003 – DENSITY STANDARDS FOR COTTAGE HOUSING DEVELOPMENTS

A. Minimum Density. A cottage housing development shall include a minimum of six (6) cottages.

B. Minimum Development Area: A cottage housing development shall have a minimum development area of fifteen thousand (15,000) square feet.

C. Maximum Density. The maximum density of a cottage housing development shall not exceed one (1) dwelling unit for each one thousand five hundred (1,500) square feet of land area.

D. Exception. For cottage housing infill developments within an existing platted subdivision, the Planning Commission may reduce the minimum density and establish limits or a maximum density as a condition of approval to satisfy neighborhood compatibility issues.

SECTION 3.22.004 – BUILDING DESIGN AND IMPROVEMENT STANDARDS FOR COTTAGE HOUSING DEVELOPMENTS

A. Dwelling Unit Size / Floor Area Allowance. To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments remain smaller and create less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations shall apply to cottage housing. Two types of housing development are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

	Total Floor Area* (square feet)	Ground Floor Area* (square feet)	Upper Floor Area* (square feet)
Small	<500	<499	Up to 60% of ground floor.
Large	≥500 <1000	500-999	Up to 60% of ground floor.

**Floor area is measured to the outside wall on the ground floor including the stairs (building footprint). Floor area includes all upper floor area with a ceiling height of six feet or more not including the stairs which are counted as part of the ground floor.*

B. Building Separations. All units shall maintain ten feet (10') of separation between vertical exterior walls, except that eaves and architectural projections such as balconies may encroach up to a maximum of eighteen inches (18").

C. Setbacks. The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason peripheral setbacks (generally the side and rear yard areas) may be minimized to allow for a more useful yard area (generally the front yard) oriented to benefit from common area, open space and facilities.

1. Cottage dwellings and their accessory structures must meet setbacks or yard requirements for single-family detached developments in the zone in which they are located with respect to the outside perimeter of the planned cottage development.

2. Setback averaging may be used to meet the front yard setback from the outer perimeter of the planned cottage housing development, but the setback shall not be less than ten feet (10') from the outer perimeter of the cottage housing development where it abuts a public street right-of-way. The averaging shall be based on lots comprising more than fifty percent (50%) of the same public street frontage between the nearest public street intersections in either direction from cottage housing development.

3. Cottage dwellings and their accessory structures must meet the following setbacks from lot lines through the interior of the cottage development:

Setback / Yard Area	Dimension
Primary Yard (typical front, back or street corner side)	10 feet
Peripheral Yards (other yard areas not included in the primary yard)	5 feet

**Setbacks assume parking takes place in a separate parking area. A minimum twenty-foot (20') driveway length shall be maintained inside of curb and sidewalk if a drive way curb cut is provided for parking immediately adjacent to a cottage dwelling. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks and may require deeper yard areas than the minimums provided.*

4. Accessory structures may be located within peripheral yards, but shall meet peripheral yard setback requirements.

D. Building Heights and Roof Pitch. Standard height limit for cottage dwellings and accessory structures shall be twenty-one feet. Cottage dwellings shall have a minimum roof pitch of 3:12 and may be permitted to a maximum height of twenty-eight feet (28') at a minimum of ten feet (10') from any property line. The twenty-eight foot (28') allowance will accommodate a second story living area partially under roofline and dormers. Cottage heights shall be measured from the average grade along each side of the structure to the top of roof.

E. Building Design.

1. Roofs of cottages shall have eave overhang depths that are a minimum of six inches (6").

2. Covered porches measuring at least sixty (60) square feet shall be incorporated into the building design of the cottages.

3. A cottage dwelling shall also have at least four (4) of the following design features:

a. Attached covered parking for at least one (1) vehicle.

b. Bay or bow window(s).

c. Dormer(s)

d. Eaves (minimum twelve inch [12"] overhang) (twelve inch [12"] eave overhangs shall be provided on all sides of the building to meet this standard)

e. Deck or patio (to meet this standard, the minimum size for a deck or patio to qualify is sixty-four (64) square feet).

f. Off-sets on building face or roof minimum twelve inches (12") (the provision of one such roof or facade feature is sufficient).

g. Pillars or posts (requires at least one pair, decorative or plain, but finished in a manner that is consistent with the dwelling exterior).

h. Structural additions to alter the shape of the structure (any feature not listed above that alters the rectangular or square shape of the dwelling will be considered; an attached garage or carport that provides an altered shape of the dwelling complies as well).

i. Window shutters (shall be provided for all windows to meet this standard)

F. Parking Structures. Covered parking is not required for cottage home developments, but when provided shall conform to the following:

1. Shared parking structures shall be detached from the dwelling units. A parking structure devoted to a single dwelling unit may be attached or detached from the dwelling unit.

2. The design of the parking structure must include roof lines similar and compatible to that of the dwelling units within the development.

3. The parking structure shall be constructed of similar siding and roofing material, and be of similar colors as the cottage dwelling unit(s).

4. The parking structure shall be reserved for the parking of vehicles owned by the resident of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

5. Carports and garages are exempt from the ten percent (10%) lot size limitation for accessory structures, but shall not exceed two hundred forty (240) square feet per dwelling unit which the garage or carport is intended to serve. For parking structures that include an enclosed storage area(s), the structure may be increase in size to accommodate the storage area(s), but shall be equal to or less than the ground floor area of the largest cottage dwelling unit(s) to which the structure is devoted to.

G. Accessory Structures. To ensure that accessory structures remain accessory to the cottage dwelling unit (primary structure), an accessory structure shall:

1. Shall be located on the same development lot as the cottage dwelling.

2. Shall be no larger than ten percent (10%) of the actual land area of the development lot devoted to the cottage dwelling unit, and shall be equal to or less than the ground floor area of the cottage dwelling unit.

3. Shall be located entirely behind the cottage dwelling unit.

4. Shall be constructed of similar siding and roofing material, and be of similar colors as the cottage dwelling unit.

H. Community Buildings.

1. Community buildings or space shall be clearly incidental in use to the dwelling units.

2. Building height for community buildings shall be no more than one story.

3. Community buildings must be located on the same development site as the cottage home development, and be commonly owned by the residents.

I. Off-Street Parking and Screening

1. Parking Requirement. Off-street parking requirements are dependent on the size of the cottage dwelling units and on-street parking areas shall not be included when calculating the off-street parking requirement within the cottage development.

a. Small (<500 s.f.) cottage dwellings shall have a minimum of one (1) off-street parking space.

b. Large (≥500 to <1,000 s.f.) cottage dwellings shall have a minimum of two (2) off-street parking space.

2. Clustered Parking Locations and Screening. Clustered parking locations and screening shall be designed to accomplish the following:

a. Ensure minimal visual impact to residents surrounding the development. Screening may be accomplished by landscaping or fencing.

b. Be grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.

c. Locate to the side or rear of the site where parking areas are less visible and clustered to limit curb cuts and need for impervious surface.

d. Shall be screened from view of adjacent neighbors if within 10' of property lines. Screening to be min. 5' high continuous sight obscuring landscaping or fence.

SECTION 3.22.005 – SITE DESIGN AND IMPROVEMENT STANDARDS FOR COTTAGE HOUSING DEVELOPMENTS

A. Lot Coverage. Lot coverage is limited to no more than forty-five percent (45%) impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not efficiently allow rain to percolate into the soil.

B. Common Open Space. Common open space is required and intended to provide a centrally located area than can be developed and maintained so it is usable for active and passive recreation. Unless the shape or topography of the site precludes the ability to locate units adjacent to common open space, the following requirements shall be met.

1. There shall be a minimum of four hundred (400) square feet of common open space provided for each dwelling unit.

2. Common open space shall abut at least fifty percent (50%) of the cottages in a cottage housing development.

3. Where feasible, each dwelling unit that abuts a common opens space shall have a primary entry and/or covered porch oriented towards the common open space.

4. Common open space shall be centrally located within the cottage housing development and be easily accessible to all dwellings within the development. Common open space shall be commonly owned by the residents.

5. Common open space shall not include portions of private yards, and shall be jointly owned by all residents.

6. Pedestrian connections shall link buildings to the common open space, public rights-of-way, private roads, and parking areas.

7. Common open space shall be outside of wetland and riparian areas, and shall be on slopes of twelve percent (12%) or less.

8. Landscaping located in common open space shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible; existing mature trees should be retained.

9. The common open space shall include at least three (3) of the following improvements:

a. Community garden

b. Seating and observation areas

c. Playground equipment

d. Gazebo and seating

e. Bar-B-Que and picnic tables

f. Volleyball Court

g. Other recreational amenities similar in nature to those listed above, as approved by the City

C. Private Open Space. Private open space is intended to provide private areas around the individual cottages and to enable diversity in landscape design. Private open space shall be subject to the following requirements:

1. There shall be a minimum of three hundred square feet of contiguous, usable private open space provided adjacent to each unit for the exclusive use of the cottage resident.

2. The main entry of the cottages shall be oriented toward the common open space as much as possible.

D. Pedestrian Connections. Pedestrian connections shall be developed to link buildings to the common open space, public rights-of-way, private roads, and parking areas.

E. Lighting. Exterior lighting shall be minimized and shall be shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house, business or public street right-of-way.

F. Mechanical Equipment. Exterior heating or cooling facilities shall be designed and sited to minimize the noise and visual impacts they can have on a site. Equipment visible from a street or common area shall be screened from view with a decorative fence, wall or landscaping.

G. Streets. Streets within the cottage home development shall be designed in accordance with Article 6.2 of this code. At a minimum private streets shall have an improved width of ten feet (10') for each vehicle travel lane for two-way traffic and sixteen feet (16') for one-way traffic, and an additional eight feet (8') on each side for on-street parking. If private streets are determined to be low volume and emergency vehicle access, safety and traffic flow issues are addressed, an alternative street design may be approved by the Planning Commission, such as the with elimination of on-street parking on one or both sides in exchange for equal quantities of parking within off-street parking areas.

H. Stormwater Drainage. All stormwater shall be collected and retained on-site within the development boundaries. Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall be employed and conform with the City of La Grande *Small Sites BMP Manual, Stormwater Best Management Practices for Cold Climates*. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees.

When required by the City, an on-site stormwater analysis shall be performed by a qualified, licensed professional engineer, considering at a minimum a twenty-five year storm event of fifteen minutes duration. The stormwater control plan shall be approved by the City and shall provide for the onsite collection, containment and release of stormwater such that it will not have an adverse impact to other properties, public or private. All improvements shall be inspected by the City prior to completion.

SECTION 3.22.006 – ALTERNATIVE COTTAGE HOUSING DEVELOPMENT DESIGNS

The cottage housing development standards are created to support design innovation and in-fill development. Design standards and approval criteria provide essential guidance to applicants and administrators but not every circumstance can be anticipated in the drafting of standards and criteria. The City recognizes that cottage infill can be designed in alternate ways and still achieve the overall objectives of this chapter. An applicant may request a variation to specific standards during development review as part of the conditional use permit, planned unit development or subdivision process. A specific request for variation within a cottage home development is not subject to variance criteria. Approval of a specific variation can only be granted with reasonable findings that site conditions (property size, shape, topography, or other site constraint) makes strict adherence to the standards a burden, and that the specific variation requested provides for an equal or better way to meet the purpose of the written standard.

Dignity Village started as both a camping protest by a group of committed homeless activists, and a viable alternative to sleeping on the streets and in doorways. It emerged as a transient tent city in December of 2000 on a parcel of vacant city land underneath a downtown bridge. Over the course of a year, the tent city was swept around Portland, occupying various public spaces, and repeatedly finding themselves in high-profile standoffs with officials. Whenever notice was given to leave a campsite, early residents of "Camp Dignity" packed their belongings into shopping carts and pushed them in parades to their next location.

For a time, a space under the Fremont Bridge was known as Camp Dignity. In December 2001, Dignity Village registered as a 501(c)3 non-profit status with the IRS. When the ruling came down that they needed to vacate from that location, the considerable force of the organizers split into three groups. One moved out to a forty-acre farm outside Portland, and called it Rancho Dignity. A second group occupied a field off Naito Parkway, known as the Field Of Dreams. That camp was swept, and several members were arrested for camping on public lands. The third group moved to an industrial area in NE Portland, Sunderland Yard, where the Village still sits.

Moving to the Sunderland Yard site was indeed controversial. Some early members of Dignity Village felt it was too far outside the city, doomed to failure because residents wouldn't be able to access necessary services.

This move was meant to be temporary until a permanent site could be identified. Instead, it has been the home of Dignity Village since its controversial beginnings. After three years surviving in its temporary status, it was sanctioned as an official tiny house Village in 2004 by the Portland City Council. To do this, the City Council designated a portion of Sunderland Yard as a Designated Campground under the terms of ORS 446.265. This State statute allows 6 municipalities to designate up to two sites as campgrounds to be used for "transitional housing accommodations" for "persons who lack permanent shelter and cannot be placed in other low income housing." The statute notes that these transitional campgrounds may be operated by private persons or nonprofit organizations.

ORDINANCE No.

Authorize contract with Dignity Village to manage transitional housing campground at Sunderland Yard (Ordinance; Contract No. 32000680)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland has designated a portion of property owned by the City, commonly known as Sunderland Yard, located at 9325 NE Sunderland Road, Tax Lot 100 1N1E12B (Tax Account R-315196), as a campground under the terms of ORS 446.265. Resolution No. 36200, passed February 26, 2004.

2. Dignity Village is an Oregon non-profit corporation, formed for the purpose of developing alternative approaches to addressing homelessness. Local religious organizations, schools, philanthropists, architects, and others have contributed to helping Dignity Village with its alternatives. Representatives from Dignity Village have worked with architects to develop transitional housing structures to comply with the requirements of Oregon law.

3. The City of Portland desires to have someone provide management services for the designated transitional housing campground at Sunderland Yard. Dignity Village is willing to continue providing this management service. Dignity Village will provide a unique and coordinated services program, as developed by Dignity Village. There is no other potential provider for the range of services with the experience, expertise, and capability of Dignity Village. It therefore is appropriate for the City to contract with Dignity Village for continued provision of management services for the designated campground at Sunderland Yard.

4. In providing management services for the transitional housing campground, Dignity Village will provide a supportive environment to address the issues that led residents to becoming homeless and will seek to offer residents with job training opportunities, continuing education opportunities, healthcare, and housing placement assistance. Due to on-going shortfalls in adequate shelter space and affordable permanent housing, Dignity Village will manage the transitional housing campground to provide temporary shelter for the homeless, and will work with providers of low-income housing for permanent placement of residents. The Portland Housing Bureau shall monitor the efforts of Dignity Village to transition its residents into permanent housing and will provide periodic reports to the City Council offices.

NOW, THEREFORE, the Council directs:

a. The Commissioner of Public Works and the City Auditor are authorized to execute a contract with Dignity Village to manage the transitional housing campground at Sutherland Yard and to provide certain services, in substantially the form attached to this Ordinance as Exhibit A.

b. To the extent that any of the services to be provided by Dignity Village might otherwise have to be bid pursuant to ORS Chapter 279, the City Council, acting in its capacity as the Local Contract Review Board, hereby declares this contract to be exempt.

c. To the extent that any of the services to be provided by Dignity Village would be considered as professional, technical or expert services governed by Portland City Code Chapter 5.68, this contract is exempt from those provisions.

Passed by the Council:
Commissioner: Nick Fish
Prepared by: Sally Erickson
Date Prepared: October 22, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland
By

Deputy

DRAFT
AGREEMENT FOR SERVICES
Contract No. 32000680
Designated Campground Program

This Agreement for Services (this "Agreement") is between the City of Portland, acting by and through its Portland Housing Bureau, hereafter called "City" and Dignity Village Inc., an Oregon nonprofit corporation, hereafter called "Contractor," for the provision of management of the Designated Campground at the Sunderland Recycling Facility, 9401 N.E. Sunderland, Portland, OR 97211.

1. Effective Date and Duration
This Agreement shall become effective on December 1, 2012. This Agreement shall terminate on November 30, 2015, unless terminated earlier.

2. Contract Manager
Each party has designated a contract manager to be the formal representative for this project, as identified below ("Contract Manager"). All reports, notices, and other communications required under or relating to this Agreement shall be directed to the appropriate Contract Manager. The City Contract Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate the Agreement as provided herein, and to approve all changes.

PHB	Contractor
Contract Manager: Sally Erickson	Contract Manager: Mitch Grubic, Chair
421 SW Sixth Ave., Suite 500	9401 N.E. Sunderland
Portland, OR 97204	Portland, OR 97211
(503) 823-5312	(503) 281-1604
(503) 823-2387 (fax)	Email: Bajasur66@yahoo.com
Sally.Erickson@portlandoregon.gov	EEO Expires Date: N/A
	Business License No.: N/A - EIN 91-2173206

3. Scope of Services
The statement of work is contained in Section I.

4. Reporting
The reporting requirements are contained in Section II. The year-end final report is due the last day of December, 2013, 2014, and 2015.

5. List of Exhibits
The following Exhibits are attached hereto and incorporated by reference into this Agreement:

Document	Description	No. of Pages
Exhibit A	Quarterly Reports	4
Exhibit B	Site Plan Standards	3
Exhibit C	Safety and Project Plan Compliance	3

I. Scope of Services

The Contractor shall provide the following services:

A. Designated campground

Contractor shall provide management services for the Designated Campground (described by Dignity Village as an "Intentional Community") at Sunderland Recycling Facility.

Contractor will, under the Agreement, have authority to administer, manage, and operate the Designated Campground, and to control the use, maintenance, services or other matters relating to the Designated Campground, subject to the provisions and limitations of the Agreement. Specifically, Contractor shall:

1. Operate the campground for the specific and sole purpose of providing temporary shelter to persons who cannot locate safe, decent affordable permanent housing and are otherwise homeless.
2. To the extent practicable, assist residents of the campground with locating and transitioning to safe, decent, affordable permanent housing. Assistance shall include, but not be limited to, permitting access to the campground by programs that assist homeless persons with locating and accessing permanent affordable housing.
3. Accommodate up to 60 persons for short-term emergency housing with sleeping areas, adjoining bathrooms, showers, kitchen, computer room and a separate but adjoining lounge area.
4. Adopt reasonable and low-barrier admission criteria. Subrecipient will provide a current copy of these criteria to the City Contract Manager.
5. Keep the Designated Campground open at all reasonable times to:
    a. On-going, routine and frequent site visits by the Portland Fire Bureau and the Bureau of Development Services. These Bureaus will use Exhibit C in their evaluation;
    b. Site visits by the Portland Police Bureau;
    c. Entry onto the site by the City's Bureau of Maintenance for on-going, routine and frequent maintenance of the City's infrastructure at the site. Contractor will cooperate with these bureaus' in their performance of these duties.
6. Maintain the Designated Campground in a safe and sanitary condition, including providing routine and on-going cleaning of the grounds after any pets and undertaking all necessary repairs and maintenance. All maintenance costs, except for those expressly assumed by the City, shall be paid by Contractor. Contractor shall provide an adequate level of security for protection of the Designated Campground, its facilities, residents, guests and users.

7. By the end of December, 2012, Dignity Village will be required to submit a completed, revised site plan that lays out structure, pathways, etc. This will be added as Exhibit D to the contract and must be approved/initialed by the Dignity Village Board Chair, and authorized staff from BDS, Fire, Transportation and PHB.

8. Maintain written guidelines governing the use of the Designated Campground, which will be incorporated into an entrance agreement and signed by each resident, as appropriate. Contractor will provide a current copy of the entrance agreement and written rules to the City, together with any amendments or modifications to those rules.

9. Post the Designated Campground rules, as well as grievance procedure and policy, in a visible location. The written rules shall address at least the following:

    a. No resident or guest of the Designated Campground shall threaten any person, whether resident, neighbor, guest, invitee or City employee, or engage in conduct that subjects any such person to alarm, including but not limited to, conduct that involves the use of abusive or threatening language or gestures.

    b. No resident or guest shall vandalize, deface or destroy any City property, or engage in conduct that degrades the appearance of City property, including conduct that would constitute Offensive Littering under ORS 164.805.

    c. No resident or guest shall possess any weapon or any similar instrument that can be used to inflict injury upon a person or damage to property, except to the extent permitted by Oregon law.

    d. When present at the Designated Campground, no resident or guest shall engage in any criminal behavior as defined by the State of Oregon or the City of Portland.

    e. Residents may not use, possess or share alcoholic beverages, illegal drugs, controlled substances or prescription drugs without a medical prescription, on or at the Designated Campground or within the Sunderland Recycling Facility. Residents may not allow guests to use, possess or share alcoholic beverages, illegal drugs, controlled substances or prescription drugs without a medical prescription at the Designated Campground or within the Sunderland Recycling Facility.

    f. Minors shall not be allowed to remain as residents at the Designated Campground, but minors may enter as guests for periods of not longer than fourteen (14) hours and
        i. Minor children must be supervised at all times by a designated parent/guardian or caregiver.
        ii. If minor children are staying with parent/guardian, there may be no other guests staying within the household's structure when children are present

iii. Parents/guardians must show proof of guardianship (i.e. this does not apply to "street families")
iv. Dignity Village will ensure that there is a current background check on designated parent/guardian or caregiver.
v. Minor children may not stay with parent/guardian for more than 3 nights within a 30 day period (month to month)
vi. Parent/guardian and caregiver must be members in good standing for 90 days.
vii. Dignity Village may impose additional rules and requirements that are not within the scope of the Management Agreement with the City of Portland.

10. All residents shall be given on-going training on fire safety, with assistance from the Portland Fire Marshal's Office. At least twice yearly, Contractor shall hold a fire drill in which all residents will participate. Upon request, Contractor must display proof of twice yearly fire drills. New residents shall be given a fire safety orientation as they arrive.

11. Contractor shall immediately notify the Bureau of Transportation of any unsafe or threatening person or situation at the campground that could potentially harm the Sunderland Recycling Facility's property, operation, employees or visitors. In such instances, Contractor shall call the Bureau's Maintenance Dispatch Center at 503-823-1700, or such other phone number as the bureau may later designate.

B. For the purposes of Portland City Code 5.36.115, Contractor is designated as a "person in charge" for excluding persons from the Designated Campground for violations of the written rules. As a designated "person in charge," Contractor may lawfully direct persons to leave the Designated Campground.

1. Contractor shall be responsible for enforcing and administering its written rules established in Section I.A.9a-f, as may be amended from time to time. Any failure by the Contractor to routinely and adequately enforce and administer the written rules shall constitute a breach of the Agreement.

2. Contractor shall not allow more than 60 residents to occupy the Designated Campground at any time. Contractor shall maintain a register of all residents, including such information as may be needed to perform Contractor's reporting requirements under Section II.A.1-10. For purposes of the Agreement, a resident is any person who has the intention to remain at the Designated Campground for twenty-four hours for sleeping, bathing, cooking, or use of restroom facilities. During the limited times when the City has declared a severe winter shelter overflow, Contractor may allow 10 additional residents for a total of 70 residents at the Designated Campground.

3. It is expected that Dignity Village residents will remain at the Campground for as short a period of time as possible while they seek out community services and affordable permanent housing. The City holds the discretion to either shorten or lengthen a maximum time that residents may remain at the

Campground. Contractor must establish written rules that residents may not live at the Campground for longer than 24 months after the date of November 1, 2012. If a person became a resident on November 1, 2012 they would need to find other housing arrangements by October 31, 2014. If an individual is in an active housing search and/or active in Village leadership, Dignity Village may request an extension and the City Contract Manager can make individual exceptions to this.

4. The City may contract with an agency to assist the Contractor with technical and financial capacity building, build connections with community agencies, assist with permanent housing placement, and other related activities.

5. Contractor shall not make any capital improvements to the Designated Campground without first obtaining the written consent of the Portland Office of Transportation, including but not limited to making any cuts into, or excavation of, the asphalt pad at the Designated Campground. "Capital improvements" means any permanent structural changes or additions to the Designated Campground.

6. Contractor must comply with the Site Plan Standards as outlined in Exhibit B. Contractor cannot make any temporary or nonstructural improvements to the Designated Campground without prior written approval by the Fire Inspector and/or BDS Building Inspector, as well as consent of the City's Contract Manager.

7. Contractor shall follow and enforce all directives from the City's Bureau of Development Services regarding the location, structural integrity, construction, maintenance, occupancy, or use of any structures or development, such as dredging, grading, paving, excavating, filling or clearing, at the Designated Campground. The Bureau of Development Services shall receive, process, issue or deny permits for the use of the Designated Campground in accordance with the City Code provisions pertaining to permits. Contractor shall not relocate any structure or undertake any development without having first had the application reviewed, processed and approved by the Bureau, and a permit issued by the Bureau. Contractor shall provide responses to check-sheets within fifteen (15) working days of notice from the Bureau, and the Bureau shall provide responses to Contractor within fifteen (15) working days of receiving corrections. Any failure by Contractor to comply with any of the requirements of this section shall constitute a breach subject to Section 8(C) of the Agreement.

8. Contractor shall inspect and confirm that smoke alarms are placed and maintained in all structures at the Designated Campground. Subrecipient will replace any smoke alarms that are not functional. Contractor shall develop and practice a site evacuation plan and a volunteer fire watch at the Designated Campground.

9. Upon termination of the Agreement, Contractor shall be responsible for the reasonable restoration of the Designated Campground and the removal of all of its property to the satisfaction of the Portland Office of Transportation.

10. Contractor shall comply with all correction notices issued by the Fire Inspector in a timely fashion. Failure to comply prior to the specified re-inspection date will result in re-inspection fees as required under Portland City Code Title 31.

C. Contractor shall operate the Designated Campground in a financially self-sufficient manner to achieve its purpose, including private fundraising. Contractor will be responsible for covering all costs of operating the Designated Campground, including covering the cost of maintenance and custodial service, phones, utilities, alarm services, insurance, and other ongoing operating expenses.

1. Contractor shall dedicate sufficient designated persons to:

a. secure additional funding sources to supplement existing client assistance budgets

b. Demonstrate sustainable Board structure. Dignity Village is encouraged to broaden Board membership. This could include adding former residents, donors or community supporters.

II. Performance Measures

A. Program report as indicated in Exhibit A.

1. Basic demographic information on all residents, including race or ethnic background, gender, veteran's status, employment status and age.
2. Number of residents who joined Dignity Village during the prior reporting period.
3. Number of residents who departed from Dignity Village during the reporting period and the reason for their departure.
4. Number of residents who departed Dignity Village and destination (permanent housing, emergency shelter, etc.) during the reporting period.
5. Number of residents with employment income during the reporting period.
6. Number of individuals who accessed other services, including alcohol and drug treatment, during the reporting period.
8. Documentation of the performance of fire safety training for residents, and any fire drill activity since the reporting period.
9. An accompanying qualitative narrative discussing Contractor's accomplishments, challenges, needs and an update on Contractor's connection to community resources during the reporting period.
10. Documentation regarding any in-kind services provided by Dignity Village residents to City bureaus or other public service.

III. Periodic Reporting

Contractor shall submit to Portland Housing Bureau's Contract Manager a quarterly report using the form in Exhibit A. Program reports will be **submitted within 30 days of the reporting period** on the following dates during the term of the Agreement: **October 31, January 31, and April 30**. An annual report summarizing the results and including cumulative data for the program will be due each **July 31.**

IV. General Agreement Provisions

A. TERMINATION FOR CAUSE. If, through any cause, the Contractor shall fail to fulfill in timely and proper manner his/her obligations under this Agreement, or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, and reports prepared by the Contractor under this Agreement shall, at the option of the City, become the property of the City and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

Notwithstanding the above, the Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Agreement by the Contractor, and the City may withhold any payments to the Contractor for the purpose of setoff until such time as the exact amount of damages due the City from the Contractor is determined.

B. TERMINATION FOR CONVENIENCE. The City and Contractor may terminate this Agreement at any time by mutual written agreement.

The City, on thirty (30) days written notice to the Contractor, may terminate this Agreement for any reason deemed appropriate at its sole discretion.

After early termination of the Agreement, the City will have the authority to deny access to the Designated Campground to all residents, except for the limited purposes of removing their personal property. Access shall be limited to regular business hours during which Sunderland Recycling Facility is operated by the City. The City will provide Dignity Village with reasonable time and opportunity to remove all of its personal property, including but not limited to the transitional housing structures that it owns. In removing its property, Dignity Village shall not cause any damage to any of the City's fixtures or other improvements to the real property at Sunderland Recycling Facility.

C. REMEDIES. In the event of termination under Section A hereof by the City due to a breach by the Contractor, then the City may complete the work either itself or by Agreement with another Contractor, or by a combination thereof. In the event

the cost of completing the work exceeds the amount actually paid to the Contractor hereunder plus the remaining unpaid balance of the compensation provided herein, then the Contractor shall pay to the City the amount of excess.

The remedies provided to the City under sections A and C hereof for a breach by the Contractor shall not be exclusive. The City also shall be entitled to any other equitable and legal remedies that are available.

In the event of breach of this Agreement by the City, then the Contractor's remedy shall be limited to termination of the Agreement and receipt of payment as provided in section B hereof.

In the event of termination under Section A, the City shall provide the Contractor an opportunity for an administrative appeal to the Bureau Director.

D. CHANGES. The City may, from time to time, request changes in the scope of the services or terms and conditions hereunder. Such changes shall be incorporated in written amendments to this Agreement to be approved by the Bureau Director. . Other changes, including changes to scope of work, may be approved by the Contract Manager.

E. NON-DISCRIMINATION. During the performance of this Agreement, the Contractor agrees as follows:
(a) The Contractor will comply with the non-discrimination provisions of Title VI of the Civil Rights Act of 1964 (24 CFR 1), Fair Housing Act (24 CFR 100), and Executive Order 11063 (24 CFR 107).

(b) The Contractor will comply with prohibitions against discrimination on the basis of age under Section 109 of the Act as well as the Age Discrimination Act of 1975 (24 CFR 146), and the prohibitions against discrimination against otherwise qualified individuals with handicaps under Section 109 as well as section 504 of the Rehabilitation Act of 1973 (24 CFR 8).

(c) The Contractor will comply with the equal employment and affirmative action requirements of Executive Order 11246, as amended by Order 12086 (41 CFR 60).

(d) The Contractor will comply with the equal employment and non-discrimination requirements of Portland City Code Sections 3.100.005 (City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights), 3.100.042 (Certification of Subrecipients), and Chapter 23 – Civil Rights.

(e) Contractor will comply with the Americans with Disabilities Act (42 USC 12131, 47 USC 155, 201, 218 and 225), which provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodation, state and local government services and telecommunications.

The Act also requires the removal of architectural and communication barriers that are structural in nature in existing facilities. For CDBG and/or HOME funded projects, the Contractor will also comply with affirmative marketing policy and outreach to minorities and women and to entities owned by minorities and women per 24 CFR 92.351 and/or 24 CFR 570.601(a)(2), if the funds will be used for housing containing 5 or more assisted units.

F. ACCESS TO RECORDS. The City, or their duly authorized representatives, shall have access to any books, general organizational and administrative information, documents, papers, and records of the Contractor which are directly pertinent to this Agreement, for the purpose of making audit examination, excerpts, and transcriptions. All required records must be maintained by the Contractor for three years after the City makes final payment and all other pending matters are closed.

G. MAINTENANCE OF RECORDS. The City or its authorized representative shall have the authority to inspect, audit, and copy on reasonable notice and from time to time any records of the Contractor regarding its billings or its work hereunder. The Contractor shall retain these records for inspection, audit, and copying for 3 years from the date of completion or termination of this Agreement.

H. INDEMNIFICATION. The Contractor shall hold harmless, defend, and indemnify the City and the City's officers, agents, and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from the Contractor's work or any subcontractor's work under this Agreement.

I. WORKERS' COMPENSATION INSURANCE.
(a) The Contractor, its subcontractors, if any, and all employers working under this Agreement, are subject employers under the Oregon Worker's Compensation law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers. A certificate of insurance, or copy thereof, shall be attached to this Agreement and shall be incorporated herein and made a term and part of this Agreement. The Contractor further agrees to maintain worker's compensation insurance coverage for the duration of this Agreement.

(b) In the event the Contractor's worker's compensation insurance coverage is due to expire during the term of this Agreement, the Contractor agrees to timely renew its insurance, either as a carrier-insured employer or a self-insured employer as provided by Chapter 656 of the Oregon Revised Statutes, before its expiration, and the Contractor agrees to provide the City of Portland such further certification of worker's compensation insurance a renewals of said insurance occur.

(c) If the Contractor believes itself to be exempt from the worker's compensation insurance coverage requirement of (a) of this subsection, the Contractor agrees to

accurately complete the City of Portland's Questionnaire for Workers' Compensation Insurance and Qualification as an Independent Contractor prior to commencing work under this Agreement. In this case, the Questionnaire shall be attached to this Agreement and shall be incorporated herein and made a term and part of this Agreement. Any misrepresentation of information on the Questionnaire by the Contractor shall constitute a breach of this Agreement. In the event of breach pursuant to this subsection, City may terminate the Agreement immediately and the notice requirement contained in Section (A), TERMINATION FOR CAUSE, hereof shall not apply.

J. LIABILITY INSURANCE.

(a) The Contractor shall maintain General Liability insurance with a combined single limit of not less than $1,000,000 per occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this Agreement, and shall provide that City of Portland, and its agents, officers, and employees are Additional Insured but only with respect to the Contractor's services to be provided under this Agreement.

The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon during the term of the Agreement. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the City and its officers, agents, and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between insureds on the policy. The insurance shall provide that it shall not terminate or be canceled without 30 days written notice first being given to the City Auditor. If the insurance is canceled or terminated prior to completion of the Agreement, the Contractor shall provide a new policy with the same terms. The Contractor agrees to maintain continuous, uninterrupted coverage for the duration of the Agreement. The insurance shall include coverage for any damages or injuries arising out of the use of automobiles or other motor vehicles by the Contractor.

(b) The Contractor shall maintain on file with the City Contract Manager a certificate of insurance certifying the coverage required under subsection (a). The adequacy of the insurance shall be subject to the approval of the City Attorney. Failure to maintain liability insurance shall be cause for immediate termination of this Agreement by the City.

In lieu of filing the certificate of insurance required herein, the Contractor shall furnish a declaration that the Contractor is self-insured for public liability and property damage for a minimum of the amounts set forth in ORS 30.270.

K. SUBCONTRACTING AND ASSIGNMENT. The Contractor shall not subcontract its work under this Agreement, in whole or in part, without the written approval of the City. The Contractor shall require any approved subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the Agreement as specified in this Agreement. Notwithstanding City approval of a subcontractor, the Contractor shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the Contractor hereunder. The Contractor agrees that if subcontractors are employed in the performance of this Agreement, the Contractor and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation. The Contractor shall not assign this Agreement in whole or in part or any right or obligation hereunder, without prior written approval of the City. Subcontractors shall be responsible for adhering to all regulations cited within this Agreement.

L. INDEPENDENT CONTRACTOR STATUS. The Contractor is engaged as an independent contractor and the Contractor and will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder.

The Contractor and its subcontractors and employees are not employees of the City and are not eligible for any benefits through the City, including without limitation, federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

M. REPORTING REQUIREMENTS. The Contractor shall report on its activities in a format and by such times as prescribed by the City.

N. CONFLICTS OF INTEREST. No City officer or employee, during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

No City officer or employees who participated in the award of this Agreement shall be employed by the Contractor during the period of the Agreement.

O. OREGON LAWS AND FORUM. This Agreement shall be construed according to the laws of the State of Oregon.

Any litigation between the City and the Contractor arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.

P. COMPLIANCE WITH LAWS. In connection with its activities under this Agreement, the Contractor shall comply with all applicable federal, state, and local laws and regulations.

Q. NO THIRD-PARTY BENEFICIARY RIGHTS. No persons not a party to this Agreement is an intended beneficiary of this Agreement, and no person not a party to this Agreement shall have any right to enforce any term of this Agreement.

R. SEVERABILITY. If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.

S. INTEGRATION. This Agreement contains the entire Agreement between the City and the Contractor and supersedes all prior written or oral discussions or Agreements.

T. PROGRAM AND FISCAL MONITORING. The City through the Portland Housing Bureau shall monitor on a regular basis to assure contract compliance. Such monitoring may include, but are not limited to, on site visits, telephone interviews, and review of required reports and will cover both programmatic and fiscal aspects of the Agreement. The frequency and level of monitoring will be determined by the City Contract Manager.

DIGNITY VILLAGE

Mitchell Grubic Date
Chair

CITY OF PORTLAND

Traci Manning Date
Director
Portland Housing Bureau

APPROVED AS TO FORM:

James Van Dyke Date
City Attorney

EXHIBIT A
(Page 1 of 4)
QUARTERLY BENEFICIARY DATA REPORT FOR DIGNITY VILLAGE

REPORTING PERIOD: FROM: JULY 1, 2012 TO: JUNE 30, 2013

Reporting Period (check one) __ 7/01/12-9/30/12 ___ 1/1/13-3/31/13
__ 10/1/12-12/31/12 ___ 4/1/13-6/30/13

Participant Information	7/01/12-9/30/12	10/1/12-12/31/12	1/1/13-3/31/13	4/1/13-6/30/13	YTD
Number on the **first day of the quarter**					
Number **entering** during the quarter					
Number who **left** during the quarter					
Number on the **last day** of the quarter					

Answer questions 1-4 only for those who entered during the quarter:

1.Gender	7/01/12-9/30/12	10/1/12-12/31/12	1/1/13-3/31/13	4/1/13-6/30/13	YTD
Males					
Females					
Gender Total*					

2. Race/Ethnicity	7/01/12-9/30/12		10/1/12-12/31/12		1/1/13-3/31/13		4/1/13-6/30/13		YTD	
	Hispanic	Non-Hisp	Hispanic	Non-Hisp	Hispanic	Non-Hisp	Hispanic	Non-Hisp	Hispanic	Non-Hisp
White										
Black/African American										
Asian										
American Indian/Alaskan Native										
Native Hawaiian/Other Pacific Islander										
American Indian/Alaskan Native & White										
Asian & White										

Black/African American & White										
Am. Indian/Alaskan Native & Black/African American										
Other- Please provide information										
Total*										

3. Age	7/01/12-9/30/12	10/1/12-12/31/12	1/1/13-3/31/13	4/1/13-6/30/13	YTD
18-24					
25-54					
55-64					
65 and above					
Total*					

* Totals for questions 1-3 should be the same as the number who entered during the quarter.

4. Other Characteristics (can be in more than one category)

	7/01/12-9/30/12	10/1/12-12/31/12	1/1/13-3/31/13	4/1/13-6/30/13	YTD
Veteran					
Employed					
Female Headed Households					
Elderly Head of Household (over 65)					
Disabled/Special Needs					

5. Destination. Of those participants who <u>left</u> during the quarter, how many left for the following destinations?

Destination	7/01/12-9/30/12	10/1/12-12/31/12	1/1/13-3/31/13	4/1/13-6/30/13	YTD
Total # of individuals who departed in quarter					
Rental house or apt.					
Public housing					
Section 8					
Shelter Plus Care					
Homeownership					
Moved in with family or friends (permanently)					

Moved in with family or friends (temporarily)					
Transitional housing for homeless persons					
Psychiatric hospital					
Inpatient alcohol or drug treatment facility					
Jail/prison					
Supportive housing					
Homeless (e.g. car, street)					
Other (*please specify & add rows as needed*)					
Unknown (24 hour guest)					

6. Reasons for leaving. Of those residents who left during the quarter, how many left for the following reasons? If a person left for multiple reasons, include only the primary reason.

Reason for Departure:	7/01/12-9/30/12	10/1/12-12/31/12	1/1/13-3/31/13	4/1/13-6/30/13	YTD
Total # of individuals who departed in quarter					
# who departed voluntarily					
# who departed for rules violations					
# who departed – unknown reason					

7a. Length of stay. For those residents who left during the quarter, how many were there for the following lengths of time?

	7/01/12-9/30/12	10/1/12-12/31/12	1/1/13-3/31/13	4/1/13-6/30/13	YTD
Less than 1 month					
1 - 2 months					
3 - 6 months					
7 - 12 months					
13 - 24 months					
25 months - 3 years					
4 - 5 years					
6 - 7 years					
8 - 10 years					

7b. Length of stay. For those residents living at the Village on the last day of the quarter, how long have they been at the Village?

	7/01/12-9/30/12	10/1/12-12/31/12	1/1/13-3/31/13	4/1/13-6/30/13
Total # of individuals on the last day of the qtr				
Less than 1 month				
1 - 2 months				
3 - 6 months				
7 - 12 months				
13 - 24 months				
25 month - 3 years				
4 - 5 years				
6 - 7 years				
8 - 10 years				

Please be sure to attach a qualitative narrative that includes the Villages accomplishments, challenges, needs, and an update on the Villages outreach to community partners and resources during this reporting period.

Date form was completed and turned into PHB: _____

EXHIBIT B
(Page 1 of 3)
SITE PLAN STANDARDS FOR DIGNITY VILLAGE

I. Background

In Resolution No. 36200, passed February 26, 2004, the Portland City Council designated a specific portion of property as a campground under the terms of ORS 446.265 (the "Designated Campground"). Owned by the City, it is commonly known as Sunderland Recycling Facility, located at 9325 NE Sunderland Road, Tax Lot 100 1N1E12B (Tax Account R-315196). The intent of the City of Portland in contracting with a nonprofit organization, also called Dignity Village, was for the contractor to oversee the campground, provide temporary shelter for otherwise homeless individuals, and assist its temporary residents in connecting to services and ultimately to move into permanent housing.

While ORS 446.265 states that "the accommodations may consist of separate facilities, in the form of yurts, for use as living units by one or more individuals or by families," the City did not specify that the accommodations must be yurts. With the guidance of the Bureau of Development Services, there was an informal agreement that the units be no more than 10x10 for individuals and 10x12 (under 120 sq. feet) for larger households with a maximum height of 10 feet from the finished floor to the roof[1].

These dimensions were deemed suitable for the transportability of temporary housing structures. According to 'Agreement for Services Contract No. 53015' section 1.5-B, the "...Contractor [in this case Dignity Village] shall be responsible for relocating... all transitional housing structures." The structures have been built on top of pallets or platforms so that the structures could be moved by a forklift onto a flat bed trailer. Since the maximum height of a vehicle without a Superload permit is 14 feet[2], and a typical flat bed truck is 2 feet from the ground, these temporary structures should be no more than 14 feet in height from ground to roof. Temporary housing structures were to be placed in the center of the designed plots. Each plot is approximately 21 feet x 21 feet with a total of 43 plots. A buffer of 18 inches from the ground to finished floor was determined by pest control to be the minimum space needed to prevent vermin.

According to ORS 446.265, "Transitional housing accommodations described under subsection (1) of this section shall be limited to persons who lack permanent shelter and cannot be placed in other low income housing. A municipality may limit the maximum amount of time that an individual or a family may use the accommodations." The City of Portland has the authority to institute a maximum amount of time that an individual may use the accommodations.

[1] "A building permit is required to build, demolish or move any carport, garage or shed that is greater than 200 sq ft in area or greater than 10 feet high measured from the finish floor level to the avg. height of roof." http://www.portlandonline.com/bds/index.cfm?c=38156

[2] http://www.oregon.gov/ODOT/MCT/OD.shtml

The original plan did not approve construction of decks and decks have been constructed without City permission. The proposed changes to the Site Plan will allow for decks that are the width of the front of the structure and no more than three feet long.

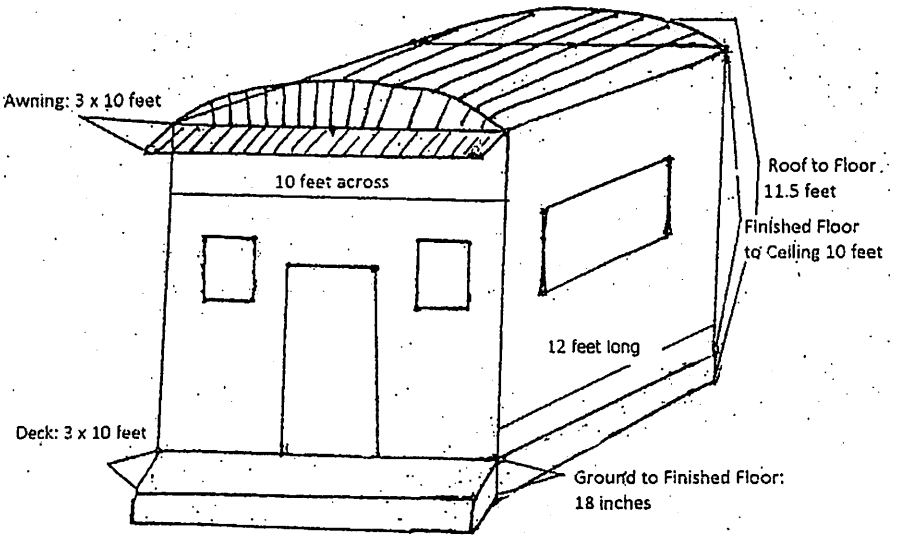
II. Proposed changes to the Site Plan

Proposed clarifications to the existing agreement and changes are as follows:

A. Dimensions of Temporary Housing Units

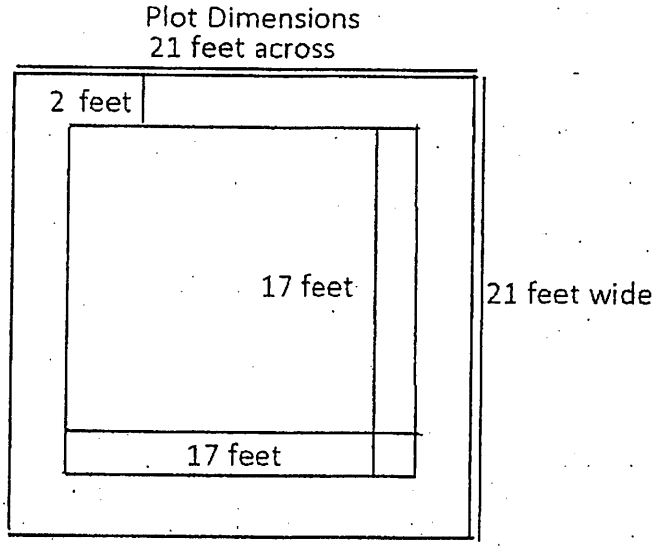
The dimensions of any structures on the site are limited to 10'x12' or 120 sq. ft. There must be a buffer of 18 inches from the ground to the finished floor, and height from ground floor to roof cannot be more than 11.5 feet (138 inches). Any new structures to be built or located on the site are limited to these size requirements or are subject to the necessary required building and other related permits. [See diagram below.]

Decks will be permitted, that are the width of the front of the structure and no more than three feet long. An awning that is no larger than the dimension of the deck will also be permitted.



B. Temporary Housing Units Must be Centered in Plot

Transitional housing structures including the deck must be centered within a 17x17 foot radius. This leaves a 2 foot space between the structure and the border of the plot creating a 4 foot lane between structures. This change has been made to reduce the likelihood of a fire spreading and to create ample space for fire safety professionals to maneuver through the Village. Please reference the diagram below.



III. Safety and Project Plan Check List for Inspections

A representative from the Fire and Rescue Bureau and from the Bureau of Development Services has routinely inspected Dignity Village for fire, safety, construction, and site plan concerns. A formal document, the Safety and Project Plan Check list, will be instituted that encompasses fire, safety, construction, and site plan compliance. This form is to be completed by either a Fire and Rescue staff person or a Bureau of Development Services staff person upon the completion of a routine inspection and signed by a Village representative.

EXHIBIT C
(PAGE 1 OF 3)

SAFETY AND PROJECT PLAN COMPLIANCE CHECK LIST
Location: Designated Campground at 9401 NE Sunderland Rd. Portland, OR 97211

Inspections are to be completed by either Fire & Rescue or Bureau of Development Services Employee

Fire and Safety Concerns	Failed (0)	Partial (1)	Met (2 pt)
1. Fire lanes are marked.			
2. Fire lanes are clear of any obstructions.			
3. Building materials and firewood are stored in designated area located in the NW corner of the village.			
4. Clearance between structures is maintained as per site plan.			
5. Generators are not within 3 feet of any combustible material.			
6. Exterior extension cords are not wrapped around nails, hooks or posts. (Rubber straps may be used to suspend wires.)			
7. Monthly Smoke alarm log is up to date.			
8. The chimney in the Commons building is clear and clean and spark arrester is present.			
9. Shower building propane tanks are secured with chain.			
10. Combustibles are 5 ft away from temporary housing structures.			
11. Fire plan is current and duties assigned.			
12. Fire hydrant access paths are marked and maintained. A 5 ft wide pathway from the North and from the West for fire department access is maintained.			
13. No evidence of open burning inside village. (Burning is allowed in the commons woodstove only. Only propane barbeques are allowed, if they are at least 25 feet from the outer fence and not less than 10 feet from combustibles or combustible construction.)			
14. Storage of all gas cans (empty or full) is in the locked storage area by the main gate and there is no more than 30 gallons of propane			
15. Access to all structures was granted for inspection upon 24 hours notice by the Fire Inspector.			
16. Propane tanks for individual living spaces are secured so they will not tip over. (A milk crate is permissible for this purpose.) They are shaded from the sun at all times of the day.			
17. Provide Carbon Monoxide Alarm inside each structure with a fuel-fired heat source.			
Totals			
Total Fire & Safety Score			

Site Plan and Construction Concerns	Failed (0)	Partial (1)	Met (2 pt)
1. No new construction was completed without the prior approval of the Fire Inspector and Building Inspector.			
2. No temporary housing structures are outside of the 43 allotted plots.			
3. 5 ft clearance from outer fence is maintained.			
4. Temporary housing structures are centered within plots. There are two feet between the structure (including porch) and the plot border.			
5. No hotplates or portable space heaters are inside a temporary housing structure.			
6. All temporary housing structures are no larger than 10 x 12 ft and have an average height of 11.5 ft in height from the adjacent grade (ground level) to the roof.*			
7. Porches are limited to a maximum size of 3' by 10" and the roofs are no larger than the porch. Porches don't extend beyond the lot limit. (An awning above the porch is allowed and must be no wider than the porch.)			
8. All open permits are finalized.			
Totals			
Total Site Plan and Construction Concerns			

*Note: All new structures built after October 1, 2012 must conform to these dimensions. Structures built prior are "grandfathered" in and may be up to 13.5' in height from ground to roof. One over-sized structure will be reduced to correct size when current resident moves out.

Comments from Inspector:

A. What improvements were made from the prior inspection?

_____

_____

_____

_____

B. What improvements need to be made by the next inspection?

_____

_____

_____

_____

C. Are there any major safety concerns? When do these concerns need to be addressed?

_____

_____

_____

_____

D. Comments from the Dignity Village Representative: _____

_____

_____

_____

E. Score

Fire & Safety (32 maximum points)	
Site Plan & Construction (18 maximum points)	
This inspection's Final Score is:	

_____ _____

Printed name of inspector Signature of inspector

_____ _____

Title of Inspector Date

_____ _____

Printed name of Dignity Village Representative Signature

_____ _____

Title of Dignity Village Representative Date

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Sally Erickson	2. Telephone No. 823-0883	3. Bureau/Office/Dept. Portland Housing Bureau
4a. To be filed date 11/14/2012	4b. Calendar (Check One) Regular ☐ Consent ☒ 4/5ths ☐	5. Date Submitted to Commissioner's office and FPD Budget Analyst: 10/22/2012
6a. Financial Impact Section: ☒ Financial impact section completed		6b. Public Involvement Section: ☒ Public involvement section completed

1) Legislation Title:

Authorize contract with Dignity Village to manage transitional housing campground at Sunderland Yard (Ordinance; Contract #32000680)

2) Purpose of the Proposed Legislation:
The City has designated a portion of The Sunderland Recycling Facility as a campground pursuant to ORS 446.265 for the purpose of providing transitional housing for citizens who are homeless and without suitable shelter options. This ordinance would authorize the City to enter into a Management Agreement with Dignity Village, a nonprofit corporation, to provide management services to the designated campground, including services to assist residents of the campground with securing permanent housing.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

☐ City-wide/Regional ☐ Northeast ☐ Northwest ☒ North
☐ Central Northeast ☐ Southeast ☐ Southwest ☐ East
☐ Central City
☐ Internal City Government Services

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

No.

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)*

The Agreement to be authorized does not provide for funding to the Contractor. Therefore, there is no financial impact to the City beyond normal risk and liabilities, as well as Bureau staff time, associated directly with this Ordinance.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

  No.

- **Will positions be created or eliminated in *future years* as a result of this legislation?**

  No.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☒ YES: Please proceed to Question #9.
☐ NO: Please, explain why below; and proceed to Question #10.

As part of the 2011-2016 Consolidated Plan and 2012-2013 Action Plan, the City allocated $10 million in federal housing and community development funds to its community partners to implement strategies to preserve and develop affordable housing; provide housing access and stabilization services to people experiencing homelessness and others facing barriers to housing; provide homeownership education and counseling programs to low- and moderate-income households, including foreclosure prevention; address housing health and safety concerns; and expand access to economic opportunity for low-income people.

The goal of preventing and ending homelessness is clearly documented in the 2012-2013 Action Plan. If awarded, the contract will provide resources to address the emergency and long-term housing and service needs of people experiencing homelessness in our community.

9) If "YES," please answer the following questions:

a) **What impacts are anticipated in the community from this proposed Council item?**
For this council item, the City of Portland anticipates the following benefits will result from contracted services: 60/night people experiencing homelessness will be able to sleep safely through the night; more than 40 households/year will move to stable housing through rent

assistance and/or homeless prevention services; and more than 100 households/year will receive information, education or referral services.

b) **Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**
As required by federal regulations, a Citizen Participation Plan (CPP) describing the overall framework for public involvement was developed and adopted with the (2011-2016 Consolidated Plan.) A series of hearing and public meetings were held regarding the development of the Plan, in all areas of the city to ensure access to a broad range of community members. Translation services were provided when requested. All hearings locations were accessible to persons with disabilities. All documents were posted on the Portland Housing Bureau website.

In addition to the CPP process, the Portland Housing Advisory Commission, the bureau's advisory body, and the Federal Funding Oversight Committee, a representative body of the three jurisdictions (Portland, Gresham, and Multnomah County), reviewed the Plan and its recommendations. Also, PHB conducted a series of public meetings and focus groups focused on the topic of prevention, housing and support services for people experiencing homelessness in the development of its Strategic Plan.

Further community and inter-jurisdictional involvement was provided in approving the funding priorities represented in this ordinance through the annual Continuum of Care process, which engaged and incorporated active review and feedback from the Coordinating Committee to End Homelessness (CCEH). CCEH represents a committee of stakeholders committed to preventing and ending homelessness efforts, including: nonprofit agencies, governmental departments, faith groups, community advocates and homeless or formerly homeless individuals.

c) **How did public involvement shape the outcome of this Council item?**
Public involvement set the priority for allocation of PHB resources for preservation of existing effective programs over other expenditures for new programs.

In the Consolidated Plan process, public involvement affected the City's understanding of community needs to prevent and end homelessness. For this particular initiative, it emphasized: the continued shortage of permanent supportive housing and other affordable housing; the impact of the economic recession on very low-income households; demand for rent assistance; and the need to promote greater systems alignment of housing and services.

d) **Who designed and implemented the public involvement related to this Council item?**
Public involvement was designed and implemented by PHB as part of the Comprehensive Plan process.

e) **Primary contact for more information on this public involvement process (name, title, phone, email):**
Daniel Ledezma, Manager Equity, Policy and Communications, Portland Housing Bureau, 503.823.3607

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. The project approved by the Council action is directly responsive to the priorities established through the public involvement process to date. No further action is needed.

	10/24/12
Traci Manning, Bureau Director	Date

TE #	Name	ORS	Description	Highlights	Local Gov. Permissive?
2.008	Land Owned by Nonprofit for Purpose of Building Low-Income Housing	307.513	Land acquired and held by a nonprofit corporation for the purpose of building on the land residences to be sold to certain individuals is exempt from property tax. Individuals purchasing cannot have income above 80% area median. Includes qualifications and limits of nonprofit builders.	• Example: Habitat for Humanity • ≤ 80% area median income	No
2.021	Federal Land Under Summer Homes	307.183 / 307.184	Land under summer homes that is owned by the Forest Service or Bureau of Land Management and used by permit or lease is exempt from property tax	• Example: Mt. Hood cabin on forest service land	No
2.022	Housing Authority Rental Units	307.092	Property that is owned or leased by housing authorities is considered to be public property and is exempt from all state and local taxes and special assessments.	• Public housing authorities created under ORS 456.055 • Low-income housing	No
2.023	Local Government Owned Low Income Housing	307.110 (3)(h)	Property of any county or city, town or other municipal corporation or political subdivision of Oregon that is used for affordable housing or is leased or rented to persons of lower income is exempt from property taxation. A person of lower income is a person whose income is not greater than 80 percent of the area median income, adjusted for family size, as determined by the Oregon Housing and Community Services Department using United States Department of Housing and Urban Development information.	• Government owned low income housing • One property in Portland benefits	No
2.075	Low Value Manufactured Structure in Large County (HB 2573 A)	308.250 (2)(b)	The county assessor for a county with a population of more than 340,000 must cancel the annual personal property tax assessment on a taxpayer's manufactured structures, typically dwellings, if the total assessed value owned by the taxpayer in any assessment year is less than a specified amount.	• Low-value manufactured structures in Clack., Lane, Mult. And Wash. counties	No, but only applies in 4 counties
2.105	Vertical Housing Development Zone (SB 310 A)	307.864	A partial property tax exemption is available for qualified residential housing combined with nonresidential uses in a vertical housing development zone.	• Housing density • Minor provision relating to low-income (partial land exemption)	Yes, city / county
2.106	New Single Unit Housing (HB 2964)	307.664	A city may grant a property tax exemption for newly constructed owner-occupied single unit housing for homeownership by low and moderate income families.	• New low and moderate income housing • Primarily City of Portland	Yes, city

2.108	Multi-unit Rental Housing in City Core	307.612	Cities and counties may grant a property tax exemption for multiple unit rental housing (excluding land) in areas designated as core, light rail station, and transit oriented areas for up to 10 successive years. Housing includes newly constructed housing and conversions to housing.	• Density • New or converted housing • Subject to local design which may include low-income provisions	Yes, city / county
2.109	Low Income Multi-Unit Housing	307.612	A city or county may exempt from property tax any building operated as low-income rental housing under a low-income assistance contract with the state or federal government, and the duration of exemption may run no more than 10 years unless extended by the city or county to run through the tax year in which the contract terminates.	• Low income • New or converted housing	Yes, city / county
2.110	New Housing for Low Income Rental	607.517 / 307.518	Newly constructed rental housing occupied by low income persons or property held for a reasonable period of time for future development as low income rental housing is exempt from property taxes for 20 years (city or county adopts program).	• Rented to persons with income ≤ 60% or area median income	Yes, city / county
2.111	Nonprofit Low Income Rental Housing	307.541	A city or county may exempt from property tax low income rental housing owned or being purchased by a nonprofit corporation. The property must be in use as housing or must be held for that purpose.	• Rented to persons with income ≤ 60% or area median income	Yes, city / county
2.124	Use-Restricted Multi-Unit Rental Housing	308.704	Owners of multi-unit rental housing property that is limited by government restrictions on use (e.g. federal low income housing tax credit) may apply for special assessment of the property.	• Low income • Was in response to litigation, more of a uniform valuing standard than a tax expenditure	No
	HB 2377 -A		Newly rehabilitated or constructed multiunit rental housing is exempt from property taxes for up to 10 consecutive years. Number of years is determined by city/county established schedule in which number of exempt years increases as percentage of units rented to and at rates affordable to households with annual income ≤ 80% of area median income increases.	• New or rehabilitated multiunit rental housing • Rented in part at rates affordable to households ≤ 80% area median	Yes, city / county

Sources: 2017-19 Tax Expenditure Report | Oregon Statute | Measures of 2017 Legislative Session

annually for an exemption from property taxes. However, the nonprofit must make a Payment in Lieu of Taxes equal to 10 percent of rental receipts. The property must meet health and fire safety regulations and pass inspection. There is no legislative sunset date for this exemption, and it may apply as long as the property qualifies.

Property Tax Exemptions Requiring Local Adoption. Oregon law also authorizes additional categories of property tax exemptions that require local governments and other taxing entities to take some action in order to enable the exemption. For some taxing entities (such as school districts, parks districts and water districts), the governing body may simply need to agree to allow the exemption on qualifying properties. For jurisdictional governments, such as cities and counties, the governing body may need to adopt the exemption, hold public hearings, designate areas in which the exemption will be granted, develop rules and guidelines, accept applications for exemptions, and administer the exemption program. The specific local action required to enable the exemption varies for each ORS-authorized tax exemption.[7]

Tax exemptions requiring local adoption include:

- **ORS 307.515-527 Low Income Rental Housing.** This law allows for-profit and nonprofit owners of rental housing for households earning no more than 60 percent of median family income to apply for a 20-year property tax exemption. The property must be offered for rent or held for developing low-income housing. The value of the exemption must be reflected in reduced rents. The exemption may not be applied retroactively to for-profit corporations. These provisions require local governments to develop and adopt policy standards and guidelines to be used to assess applications, determine eligibility, and approve exemptions. The governing body may charge a fee for accepting and processing applications, and it may require property owners to submit renewal applications over the life of the exemption, if so specified in the local policies. This enabling legislation has been extended multiple times and will now sunset in 2020 unless extended further.

- **ORS 307.540-548 Nonprofit Corporation for Low-Income Housing.** This law allows nonprofit owners of rental housing for households earning no more than 60 percent median family income to apply for property tax exemption. The property must be offered for rent or held for developing low-income housing. The value of the exemption must be reflected by tenant benefits (including, but not limited to, rent reductions). If the nonprofit is a general partner and is responsible for day-to-day operations, the property may be eligible. A nonprofit with leasehold interest may be considered the property purchaser if the full value of the exemption is reflected in reduced rents. The property owner must apply for the exemption and submit an annual application for renewal for every year the exemption is sought. The governing body may charge a fee for accepting and processing

[7] Each taxing district is only authorized to exempt a property from its own share of property taxes. However, if the sum of the rate of taxation of all the taxing districts that agree to the exemption equals 51 percent or more of the total combined rate of taxation for the property, then 100 percent of the taxes may be exempt, if the taxing district that initially adopted the exemption so requests. Typically, gaining a full exemption requires cooperation among two or more taxing districts.

applications. The exemption may be received as long as the property qualifies, or until the legislative sunset date, whichever comes first.

- **ORS 307.600-637 Multiple-Unit Housing.** This law allows owners of multiple-unit housing to apply for a 10-year property tax exemption if they are located in locally-designated district, such as core urban areas or transit districts. If the exemption is established to provide exemptions for affordable housing, the designated area may be an entire city or county. However, to qualify for an affordable housing exemption, the property must be subject to a low income housing assistance contract with a government entity. Local governments must designate an area for exemptions, develop and adopt policy standards and guidelines to be used to assess applications, determine eligibility, and approve exemptions. The governing body may charge a fee for accepting and processing applications, and it may require property owners to submit renewal applications over the life of the exemption, if so specified in the local policies. The sunset for these provisions was extended to 2022, at which point exemptions will end, unless the sunset is extended further.

Two categories of tax exemptions that require local adoption but may be less relevant to small cities and rural areas are as follows:

- **ORS 307.651-687 Single-Unit Housing in Distressed Urban Areas (cities only).** This law allows owners of new construction with one or more qualified single-family dwelling units with a market value no more than 120 percent of median sales price for the area to apply for a 10- year property tax exemption, if the property is located within a distressed urban area. The sunset for this exemption occurs in 2025, unless further extended.

- **ORS 307.841-867 Vertical Housing in Development Zones**. This law allows cities or counties to designate an area in a city or unincorporated urban area as a vertical housing development zone to encourage the development of new multi-story projects in a core urban area or a transit oriented area. Residential properties within that zone may apply for a partial property tax exemption.

How tax policies and regulations affect housing choice. As evidenced above, Oregon allows tax exemptions to support affordable housing development—but these exemptions may be difficult to obtain for certain types of housing developments. The projects that typically can obtain exemptions include projects that are clearly owned by nonprofit entities such as Single Asset Entities for a HUD 202 project (ORS 307.130-162), farmworker housing projects (ORS 307.480-490 Farm labor camp and child care facility property), tribal housing (ORS 307.181), and Housing Authority projects (ORS 307.092). Other types of housing developments may have trouble obtaining exemptions or may be prohibited from doing so. Specifically,

- The LIHTC program is one of the most significant resources for affordable rental housing. LIHTC projects typically are not granted an exemption under existing statewide exemptions because the ownership entity, the limited partnership, is a for-profit corporation. However, if a Housing Authority is a "general partner, limited partner, director, member, manager or general manager" in a LIHTC project, the property is exempt from property tax under ORS 307.092.

- Local jurisdictions can grant exemptions to LIHTC projects by adopting adopts ORS 307.515-527 or ORS 307.540-548, However, the appetite for local tax exemptions is likely to be influenced by the existing level of revenue generation with in a city or county. Through two voter-approved ballot measures (5 and 50, passed in 1990 and 1997, respectively), Oregon limited the amount of property taxes that can be generated locally. Jurisdictions which have little private property (e.g., because much of their land is federally-owned) may be poorly positioned to approve tax exemptions. Two nonentitlement jurisdictions currently provide locally-adopted tax exemptions under ORS 307.515-527 Low Income Rental Housing, La Pine and Prineville.

- Oregon's existing tax exemptions do not incentivize the development of mixed-income communities. Instead, they limit exemptions to properties owned by specific entities (e.g., tribes and housing authorities) or to households earning 60 percent of median family income or less.

The challenges presented by the state's tax policies were identified by stakeholders surveyed for the AI, who ranked "State tax policy that promotes local government reliance on property taxes" as the 6th highest-rated barrier to housing choice among 51 potential barriers. The reliance on local property taxes, combined with a lack of effective statewide exemptions, increases the cost of operating subsidized housing. The complexity of obtaining an exemption was raised by stakeholders interviewed for the AI who noted that the process may discourage developers from outside of the state from developing in Oregon, therefore limiting the overall capital available for affordable housing development.

Three bills in the state legislature could provide some smaller adjustments that help remedy aspects of these challenges:

- HB 3082 would allow local jurisdictions to adopt a provision allowing properties where existing residents' incomes rise to as high as 80 percent median family income to remain tax exempt;

- HB 2690 would exempt from property taxation land acquired and held by nonprofits for building residences to be sold to individuals whose income is not greater than 80 percent of area median income; and

- HB2610 would add farmworker housing to the types of property receiving agricultural property tax exemptions.

Oregon may want to look to the State of Colorado, which has exemption provisions that apply statewide and do not require local hearings, rules or guidelines (C.R.S. 39-3-112 (2014)). Colorado's exemptions explicitly benefit housing for seniors, persons with disabilities, single-parent households, transitional housing providers and providers of housing to extremely low income households.

Oregon

Kate Brown, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: 503-373-0050
Fax: 503-378-5518
www.oregon.gov/LCD

Housing Planning Technical Assistance from HB 4006
DLCD Fact Sheet

Background

Many cities across the state are operating with outdated housing plans and codes that can hinder residential development in their communities. To make an impact on housing affordability, in 2018 the legislature allocated $1.73 million to the Department of Land Conservation and Development for housing planning technical assistance in HB 4006. The department will assist cities in identifying and implementing effective tools and strategies to encourage housing development that meets the needs of their residents. The ultimate goal is increased housing production and reduced development time.

Scope of Work

The department will contract with one or more consultants to provide housing planning technical assistance to participating cities; in contrast to our standard grant program that provides funding directly to cities. The table below summarizes the menu of options for participating cities to select.

Housing Planning Technical Assistance	Number of Cities*
1. Housing Needs Analyses (all or part of the following elements): a) Housing Needs (housing types and price levels) and Residential Land Needs Analysis (amount of acreage) b) Buildable Lands Inventory (amount of land available and zoning of acreage available) c) Housing Strategies (comprehensive plan provisions to assure accommodation of housing needs)	10
2. Code Audits – Review of existing development code to identify permitting criteria and/or processes that may hinder housing development.	10
3. Code Updates – Update development code to remove barriers to housing development and add provisions to increase housing development, types, and affordability.	8
4. Housing Strategies Implementation Plans – Assist cities with completed HNAs to prepare implementation plans for identified housing strategies.	10

** Based on staff experience, number of rent-burdened cities, number of cities with population over 10,000, and number of identified cities that may benefit from an updated HNA, the department anticipates providing the technical assistance options to estimated number of cities. Distribution of the work will be dependent on the types of technical assistance requested by cities as well as consultant availability.*

Priority for assistance will be given to rent-burdened cities; however assistance is not limited to rent-burdened cities. Rent burdened cities are defined in HB 4006 as cities where over 25% of their population

pays at least 50 percent of monthly income on rent.[1] The department will match participating cities with the consultants and develop a Memorandum of Understanding (MOU) between the city and the department. In addition to contract management, department will also provide direct technical assistance to cities on housing planning tools and strategies.

Schedule

April 2, 2018: DLCD releases request for proposal for consultant(s) selection.
April 2018: DLCD outreach to cities.
May 2018: DLCD solicits requests for assistance from cities
Early June 2018: City requests for assistance (applications) due to DLCD
June 2018: DLCD selects cities for assistance and scopes projects.
June 2018: Finalize consultant contract(s) and MOUs between DLCD and cities.
July 2018–June 2019: City and consultant complete projects with DLCD assistance.
June 30, 2019: Projects complete and submitted to DLCD.

Contact

For additional information, please contact your DLCD Regional Representative or Gordon Howard, Community Services Division Manager at 503-934-0034, or at gordon.howard@state.or.us.

[1] *This currently includes the following cities: Albany, Ashland, Bend, Corvallis, Dallas, Eugene, Forest Grove, Gladstone, Grants Pass, Keizer, Klamath Falls, La Grande, Lebanon, Medford, Milwaukie, Newberg, Ontario, Portland, Redmond, Roseburg, The Dalles, Tigard, and Troutdale.*

CITY OF BROOKINGS

Council WORKSHOP Report

Meeting Date: May 7, 2018

Originating Dept: City Manager

Signature (submitted by)

City Manager Approval

Subject: Lone Ranch Infrastructure Financing Agreement Amendment

Financial Impact:
Use of $628,000 in System Development Charge revenue for construction of a sewer lift station to serve lands north of Longacre Road and utilizing some $262,000 in grant funds to pay for Lone Ranch allocation of sewer system improvement costs south of Moore Street.

Reviewed by Finance & Human Resources Director:

Background/Discussion:
The City entered into an infrastructure financing agreement with U.S. Borax Corporation in 2009. This agreement established a method whereby Borax would pay for completing the extension of water and sewer facilities needed to support the Lone Ranch development and receive reimbursement for a portion of the cost from the City as System Development Charges (SDCs) were collected.

More recently, City management has met with Borax representatives to discuss plans for bringing the property to market and getting housing construction underway. Borax has completed the first phase of a timber harvest, has updated infrastructure cost estimates, and has made some decisions on making segments of the land available to housing developers through sales reimbursement agreements.

The major hurdle for implementing the project is the completion of the sewer line along Highway 101 to serve the Lone Ranch development, including a large lift station and some 5,300 lineal feet of sewer main. These sewer improvements are also needed to serve the College and several other private properties along the way. The City has received inquiries concerning additional annexations along Highway 101 between Harris Beach State Park and the College, which could also result in the development of new housing units.

The City is preparing a loan and grant application to the U.S. Department of Agriculture Rural Development (USDA-RD) program to fund sewer system improvement system wide, including improvements south of Moore Street that would ultimately be needed to serve the build-out of the Lone Ranch project. Under the current agreement Borax would be responsible for 23 per cent of the cost of these improvements, which includes a sewer main realignment through the South Coast Lumber Company mill site in order to eliminate the Mill Beach lift station. The City is preparing an application in the $8-10.0 million range and anticipates receiving up to $2.0

million in grant funding. The estimated cost of the south of Moore Street improvements is $1.135 million.

While the City has spent most of the proceeds from SDCs for Wastewater Treatment Plant debt service over the past 15 years, the basic concept behind SDCs is to fund system expansion to accommodate new development. As of this writing, the City has accumulated $680,000 in wastewater SDCs that are not currently programmed for projects.

The estimated cost of the new pump station near Taylor Creek/Longacre Road is $628,000, and the estimated cost of the 5,300 lineal feet of eight-inch force main needed to complete the connection between Lone Ranch and the City system is $703,000. Borax estimates that the sewer improvement costs, coupled with the off-site improvements needed within the development (i.e. water, sewer, streets, drainage) would result in a burden of about $40,000 per housing unit if the initial development phase included about 60 units. This is seen as a major obstacle to attracting a housing developer.

Staff is proposing to amend the existing infrastructure financing agreement to provide as follows:

1. Borax would not be required to pay for 23 per cent of the sewer system improvements south of Moore Street (approximately $262,000) as provided in the current agreement if the City obtains at least $1.5 million in grant funding from USDA-RD.
2. The City would pay for the cost of the Taylor Creek lift station using SDC revenue on the conditions that:
    a. Borax pays for the construction of the 5,300-lineal foot eight-inch sewer gravity line from the lift station to the current sewer line connecting to the City sewer system.

    AND ONE OF THE FOLLOWING:

    b. Borax sells at least one of the housing neighborhoods to a private housing developer acceptable to the City, with that housing developer agreeing to begin housing construction within 12 months, complete a minimum of 15 units within 18 months and a minimum of 40 units within 36 months. Also, at least 20 per cent of the 50 housing units must be available to low and moderate income households.

    OR:

    c. Borax donates the property located in one of its neighborhoods to a non-profit housing development agency acceptable to the City. In this case, the housing agency must provide a plan acceptable to the City for financing and constructing a minimum of 40 below market housing units within 18 months.

The goal of the above proposed changes in the agreement are to provide an incentive to housing developers to begin development of housing, including affordable housing, within the Lone Ranch project; make sewer service available to other property owners along north Highway 101; and provide sewer service to the community college.

Under the current agreement, the City would reimburse Borax for 83 per cent of the cost of the Taylor Street lift station from the proceeds of System Development Charges (SDC) collected from new users of the sewer line north of Carpenterville Road. The current SDC is $11,101.92 per unit. The SDC schedule is based upon the Wastewater Facilities Master Plan, which includes all of the improvements needed to serve the Lone Ranch development. Under the terms of the

proposed agreement, Lone Ranch would receive no share of the SDCs for this segment of the improvements. The City would recover its $703,000 investment in the lift station through the collection of SDC's on 63 new housing units.

Terms of the amended agreement are still under negotiation, and staff is requesting review and comment by the City Council at this time.

Attachment(s):

a. Current Lone Ranch Infrastructure Agreement.
b. Proposed additions (draft)
c. Lone Ranch Infrastructure Review Report
d. Lone Ranch development plan.

LONE RANCH
INFRASTRUCTURE FINANCING AGREEMENT

This Infrastructure Financing Agreement ("Agreement") is entered into by and between the City of Brookings ("City"), a municipal corporation of the State of Oregon, and U.S. Borax Inc., a Delaware corporation ("Borax").

RECITALS

WHEREAS, Borax currently owns an approximately 550-acre property located in Curry County, Oregon, known as the Lone Ranch Property. The City has annexed the Lone Ranch Property and the City has approved Borax's Master Plan Development for the Lone Ranch Project, which includes the planning of a residential community that balances commercial, educational and housing possibilities while preserving open space.

WHEREAS, the City and Borax recognize that the development of the Lone Ranch Project cannot occur without adequate public water and sewer infrastructure and that the City needs to make improvements to its existing system. The City and The Lone Ranch Project will require improvements to the existing water and sewer infrastructure as well as the addition of new infrastructure. The City and Borax intend to share the cost and develop a plan for the construction of the required infrastructure improvements.

WHEREAS, the infrastructure improvements will be built as needed, in increments based on the demand for development of the Lone Ranch Project, the needs of the City and the consent of Borax.

NOW, THEREFORE, it is hereby agreed:

1. Purpose. This Agreement is not intended to be a development agreement as defined in ORS 94.504. This Agreement only addresses financial issues relating to the construction of certain public infrastructure facilities. It is not intended to set forth the full range of development responsibilities for the development of the Lone Ranch Project.

2. Infrastructure improvements. Water system improvements shall be constructed as designated by the attached Schedule A. Sanitary sewer improvements shall be constructed as designated by the attached Schedule B. For the purposes of this Agreement, "infrastructure improvements" shall mean water and sewer system facilities needed in whole or in part to serve the Lone Ranch Project.

3. Consent to proceed. When infrastructure improvements as defined herein are installed at the initial expense of Borax, such improvements shall be constructed only with the consent of Borax.

4. Cost allocation. The City and Borax shall share the actual cost of the required infrastructure improvements as follows:

   A. SANITARY SEWER SYSTEM

   North of Carpenterville Rd: City - 0%. Borax - 83%, Other – 17%
   South of Carpenterville Rd & North of Moore St: City- 50%. Borax- 50%
   South of Moore St: City – 77%, Borax – 23%

B. WATER SYSTEM

North of Carpenterville Rd.: City - 0%, Borax - 83%, Other - 17%
South of Carpenterville Rd.: City - 50%; Borax - 50%

"Other" means parcels of property located outside of the boundaries of the Lone Ranch Project, which have a potential to benefit from infrastructure improvements installed pursuant to this agreement.

In the event that the assessment adopted by the City Council method does not include property ownerships other than Borax, the shares allocated to "other" will be allocated to Borax.

Borax will not be responsible for any costs for the infrastructure improvements until said improvements are needed to serve buildings and uses developed on the site. Borax is not responsible for improvements needed to serve development on the community college site, as identified in Phase I of the attached Schedule A and Schedule B.

5. Borax agrees to pay for the entire cost of the infrastructure improvements and be reimbursed by the City for its proportional share of said cost at such time as system development charge fees are received from development occurring within the Lone Ranch Project.

In December, 2005, City paid $667,248.60 from System Development Charge (SDC) Fees for the construction of the sewer line replacement and upsizing between Crissey Circle and Parkview Drive (within the Moore Street to Carpenterville Road segment). Said payment represented 100 per cent of the actual construction cost. Said payment exceeds the City's cost sharing obligation for this segment of improvements and no reimbursement for sewer system improvements shall be paid to Borax until such time as the City has first received $333,624.30 in sewer SDC fees from development occurring on the Lone Ranch site.

6. The total costs of constructing the required infrastructure improvements are unknown at this time but will be based upon the actual cost of construction.

7. Authority. Each party hereto represents that it has all requisite power, authority. and authorization to execute and act in accordance with this Agreement and that the person executing this Agreement on such party's behalf has the legal power, right, and actual authority to bind such party.

8. Effective Date. This Agreement shall be effective upon signature of all the parties.

9. Assignment. This Agreement may be assigned by Borax.

10. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, and such counterparts shall together constitute one and the same instrument.

11. Controlling Law and Venue. This Agreement shall be deemed to have been entered into

in the State of Oregon and shall be construed and interpreted in accordance with the laws of Oregon. Any litigation or proceeding arising out of or connected with this Agreement shall be heard and decided in Oregon Circuit Court for the County ofCurry.

12. Integration. This Agreement constitutes the entire Agreement between the parties with respect to the subject matter herein contained and all prior negotiations, discussions, writings and agreements between the parties with respect to the subject matter herein contained are superseded and ofno further force and effect.

13. Captions. The captions contained in this Agreement were inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

14. Severability. If any clause, section or provision of this Agreement shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this Agreement shall be in full force and effect and be valid as if such invalid portion thereof had not bee incorporated herein.

15. Arbitration/Mediation. Any dispute or claim that arises out of or that relates to this Agreement, or to the interpretation or breach thereof, shall be resolved by arbitration. The parties acknowledge that mediation usually helps parties to settle their dispute themselves. Therefore, any party may propose mediation whenever appropriate through one of the above named organizations or any other mediation process or mediator as the parties may agree upon.

16. Attorney's Fees. In the event suit or action is brought, or an arbitration proceeding is initiated, to enforce or interpret any of the provisions of this Agreement, or that is based thereon, the prevailing party shall be entitled to reasonable attorney's fees in connection therewith.

Signed by the parties hereto on the dates indicated below.

APPROVED BY CITY COUNCIL ON

CITY OF BROOKINGS:

May 11, 2009

City Manager (ACTING)

5-12-09
Date

Approved as to Form:

City Attorney

4/20/09
Date

U.S. BORAX INC.

Vice President, Operations

4.1.09
Date

OFF SITE COST AND IMPROVEMENT PHASING FOR SERVING THE LONE RANCH SITE AND SURROUNDING AREAS

SANITARY SEWER

Schedule B

3/2/2009

PHASING	Size Ac/Lot	EDU Sewer	Estimated Sewer SDC @ Building Permit	Lone Ranch Team Projected Work Scope	Value of Work	Current status of Work	City Team Projected Work Scope	Value of Work	Current status of Work
			$ 7,162.00						
Phase I									
Community College		33	$ 236,346.00						
Phase II									
Neighborhood E	48	48	$ 343,776.00	From Site to Carpenterville	$ 944,040.00	Completed	Parkview to Crise	$ 667,250.00	Completed
				Carpenterville to Parkview	$ 832,313.00	Not Completed			
Commercial Site	2.43	11	$ 78,782.00	Taylor Creek Pump Station	$ 810,000.00	Not Completed			
Phase III									
Neighborhood F	94	94	$ 673,228.00	No Improvement this phase					
Phase IV							**City Starts Work**		
Neighborhood D	62	62	$ 444,044.00	1000 LF of 27" Sewer in			20 % of Balance of work	$ 780,000.00	Not Completed
Neighborhood I	39	39	$ 279,318.00	Rowland Street	$ 513,000.00	Not Completed	From Crisse to Plant		
Phase V									
Neighborhood L	47	47	$ 336,614.00	Not Completed			20 % of Balance of work	$ 780,000.00	Not Completed
Neighborhood N	41	41	$ 293,642.00	Not Completed			From Crisse to Plant		
Neighborhood O	61	61	$ 436,882.00	Not Completed					
Phase VI									
Neighborhood J	30	30	$ 214,880.00						
Neighborhood K	41	41	$ 293,642.00	1100 LF of 27 " Sewer in			20 % of Balance of work	$ 780,000.00	Not Completed
Neighborhood M	80	80	$ 572,960.00	Rowland and Beach	$ 572,178.00	Not Completed	From Crisse to Plant		
Lone Ranch Satisfies Off Site Construction Obligations.					**$ 3,671,531.00**				
Phase VII									
Neighborhood C	160	160	$ 1,145,920.00	No Improvement this phase					
Phase VIII									
Neighborhood A	150	150	$ 1,074,300.00	No Improvement this phase					
Phase IX							Balance of work	$ 798,708.00	Not Completed
Neighborhood G	80	80	$ 572,960.00	No Improvement this phase			From Crisse to Plant		
Phase X									
Neighborhood H	67	67	$ 479,854.00	No Improvement this phase					
Total		1044	$ 7,477,128.00					**$ 3,805,958.00**	

OFF SITE COST AND IMPROVEMENT PHASING FOR SERVING THE LONE RANCH SITE AND SURROUNDING AREAS

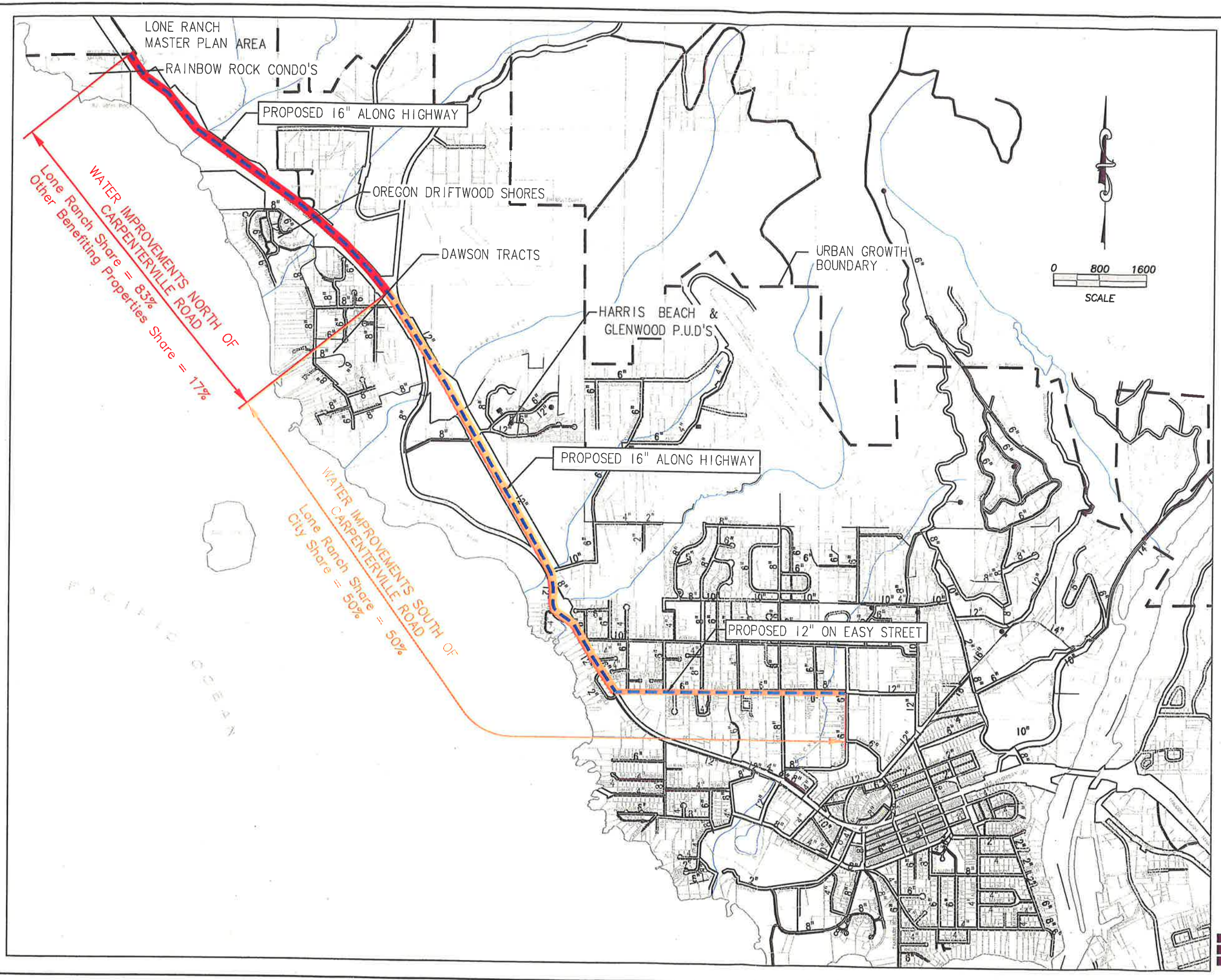
WATER SYSTEM

Schedule A

3/2/2009

PHASING	Size Ac/Lot	EDU Water	Estimated Water SDC @ Building Permit	Lone Ranch Team Projected Work Scope	Value of Work	Current status of Work	City Team Projected Work Scope	Value of Work	Current status of Work
			$ 3,510.00						
Phase I									
Community College		33	$ 115,830.00						
Phase II									
Neighborhood E	48	48	$ 168,480.00	Site to Carpenterville Rd	$ 1,500,385.00	Completed			
Commercial Site	2.43	11	$ 38,610.00						
							City Starts Work		
Phase III									
Neighborhood F	94	94	$ 329,940.00	No Improvement this phase			HWY 101 Boring &	$ 55,000.00	Not Completed
							12" water Main	$ 200,000.00	Not Completed
Phase IV									
Neighborhood D	62	62	$ 217,620.00	12" on Easy Street	$ 475,000.00	Not Completed			
Neighborhood I	39	39	$ 136,890.00	No Improvement this phase					
Phase V									
Neighborhood L	47	47	$ 164,970.00	No Improvement this phase					
Neighborhood N	41	41	$ 143,910.00	No Improvement this phase					
Neighborhood O	61	61	$ 214,110.00	No Improvement this phase					
Phase VI									
Neighborhood J	30	30	$ 105,300.00	No Improvement this phase			+/- 1/2 Balance of Work	$ 460,000.00	Not Completed
Neighborhood K	41	41	$ 143,910.00	No Improvement this phase					
Neighborhood M	80	80	$ 280,800.00	No Improvement this phase					
Phase VII									
Neighborhood C	160	160	$ 561,600.00	Carpentervil to Glenwood	$ 479,460.00				
Lone Ranch Satisfies Off Site Water Construction Obligation:					$ 2,454,865.00				
Phase VIII									
Neighborhood A	150	150	$ 526,500.00	No Improvement this phase					
						Not Completed	Balance of work	$ 494,545.00	Not Completed
Phase IX									
Neighborhood G	80	80	$ 280,800.00	No Improvement this phase					
Phase X									
Neighborhood H	67	67	$ 235,170.00	No Improvement this phase					
Total		1044	$ 3,664,440.00					$ 1,209,545.00	

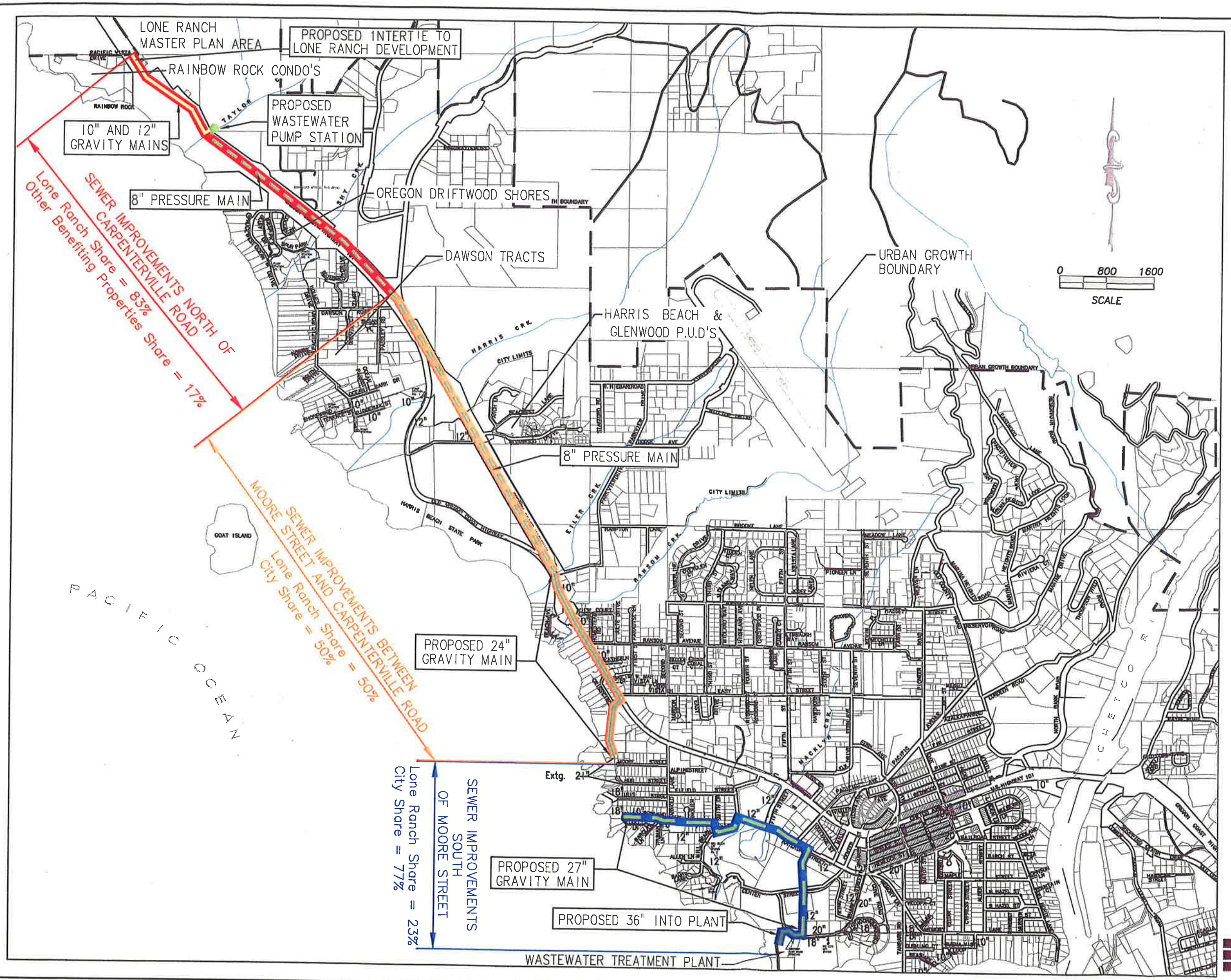
LONE RANCH WATER COST SHARING EXHIBIT



otak

LONE RANCH Brookings

LONE RANCH SEWER COST SHARING EXHIBIT



otak

LONE RANCH Brookings

PROPOSED ADDITIONS TO #5 – 05/02/18

City has applied for loan and grant funding from the U.S. Department of Agriculture Rural Development program for sewer collection system improvements including those referenced in 4(A) "South of Moore Street" (inclusive of WWFP Priority 1, Project 6; WWFP Priority 1, Project 2; and WWFP Priority 1, Project 3) In the event these funds are approved with at least $1.5 million in grant funding, Borax will not be required to pay any portion of the cost for said improvements.

City agrees to utilize System Development Charge (SDC) funds or such other funds as the City may determine, to pay for and construct the segment listed in 4(A) above "North of Carpenterville Road" (further defined as WWFP Priority 1, Project 4; the Taylor Creek Pump Station) contingent upon the following:

A. The completion of construction by Borax, and acceptance of improvements by City, of the sewer collection system improvements referenced in 4(A) "South of Carpenterville Road and North of Moore Street."
   And, one of the following:
B. The sale of real property located within Neighborhoods "C", "D", "E", "F" or "N" to a housing developer acceptable to the City. Housing developer must agree to begin housing construction within 12 months, complete a minimum of 15 units within 18 months, and complete construction of 50 units within 36 months. At least 20 per cent of said housing units must qualify as being available to low and moderate income persons.
C. The donation of real property located within Neighborhoods "D", "E" or "F" to a non-profit housing development agency acceptable to the City. The non-profit agency must provide, at a minimum, a plan for financing and construction of a minimum of 40 below market housing units with 18 months and shall enter into a separate development agreement with the City.
D. In the event any conditions listed above are not met within the specified times, Borax shall reimburse City for 83 per cent of the cost of the Taylor Creek Pump Station project. In the event conditions are not met through the default of a party other than Borax (i.e. housing developer, contractor or other involved party), City agrees to extend the above completion time periods for a reasonable period of time as mutually agreed by the City and Borax.

Also add to the first sentence of #5 "Except as provided below...."

PROPOSED ADDITION TO #2

The Wastewater Facilities Plan (WWFP) referenced herein is the Wastewater Facilities Plan prepared by The Dyer Partnership dated February 2016 and the projects described in the Lone Ranch Infrastructure Review Report date August 2015.

CITY OF BROOKINGS
CURRY COUNTY, OREGON

LONE RANCH INFRASTRUCTURE REVIEW REPORT

AUGUST 2015

PROJECT NO. 145.64

The Dyer Partnership
Engineers & Planners, Inc.

1330 Teakwood Avenue
Coos Bay, Oregon 97420
(541) 269-0732 Fax (541) 269-2044
www.dyerpart.com

CITY OF BROOKINGS
CURRY COUNTY, OREGON

LONE RANCH INFRASTRUCTURE REVIEW REPORT

AUGUST 2015

PROJECT NO. 145.64

Expires: 12/31/15

The Dyer Partnership
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Table of Contents

Purpose

Lone Ranch is to the north of the main development of Brookings, Oregon along Highway 101. The City limits were extended to incorporate this area. The purpose of this report is to evaluate the necessary water and sewer infrastructure improvements required for phased development of Lone Ranch. This report seeks to clarify the timing and cost effectiveness of improvements required as an alternative to constructing water and sewer improvements sized in previous reports for full or ultimate "build out" development.

Background

The planning, to date, conducted by both the City and by Borax Lone Ranch formed the foundation of proposed improvements and sizing for ultimate build out of the Lone Ranch Development. The City and the Borax Corporation have negotiated cost sharing arrangements to pay for these improvements. To date the Lone Ranch developers have installed several elements of the improvements believed at the time to be necessary. This arrangement will require large investments by the City to complete the remaining improvements. This original planning anticipated significant capacity extensions of water and sewer systems to this service area as well as a new sewage pump station at Taylor Creek. In addition, the planning anticipates upsizing of the existing sewer collection system through the western part of Brookings to accommodate the additional flows. This planning was conducted during a time when it appeared that growth in Brookings was going to remain high. Considering that the Lone Ranch Development now appears likely to take place over a longer period of time and at a much more modest pace than originally anticipated, the City would like to consider what water and sewer improvements are actually necessary, in what sequence, and in what time frame to accommodate more limited and phased development.

Tasks

The current Lone Ranch phased growth planning was reviewed and compared with the original planning determining capacity of existing and proposed water lines, sewer lines, and pump stations necessary to provide service to Lone Ranch and other development to the North of the City. We have surveyed invert elevations of existing sewer lines in order to determine slope and associated flow capacity. As flows from Lone Ranch Development increase, we have indicated recommended improvements, triggered by required capacity.

Water

During this study, it becomes apparent that the current water service provided to Lone Ranch Development is and will continue to be adequate for initial phases of development. The 16" and 12" water lines in place will provide adequate flow rates at a residual pressure of approximately 50 psi at Highway 101. Storage and service to higher elevations within the development will be addressed by and the responsibility of Lone Ranch. No additional water infrastructure work by the City is required to provide water service to Lone Ranch.

Sewer Force Main and Pumping

It became apparent during the initial portion of this study that sewer service to Lone Ranch will require initial construction of the Taylor Creek Pump Station and that the installation of an 8" force main has already dictated the minimum sizing of those pumps. This establishes the required minimum capacity of gravity sewer lines downstream through Brookings to the wastewater treatment plant. For this reason, pump size at Taylor Creek will be the key element in determining the required gravity sewer system improvements through town and when and if modifications to Mill Beach Pump Station are required.

Sewer Force Main Design Criteria

Oregon Department of Environmental Quality (DEQ) guidelines state 3 feet per second is the minimum velocity necessary to achieve scour velocity for force mains. Other DEQ publications for the design of pump stations recommend 3.5 feet per second as a minimum. The size of the force main size necessary to achieve at least 3 feet per second of velocity is therefore a factor in selecting pump size. Minimum pump rates prevent deposition of solids in the force main. Deposition potentially causes blockage. In addition, most references recommend a limit of the economical pumping velocity of force mains to 5.5 feet per second. Listed below is a table showing the recommended pump flow rate ranges for common force main sizes.

Table 1
Recommended Capacity Ranges for Force Main Sizes

Force Main Diameter Inches	Min. Flow Rate - 3.0 ft./sec.	Max. Flow Rate - 5.5 ft./sec
12	1058	1940
10	735	1346
8	470	862
6	264	485
4	118	215

Downstream gravity sewer piping and subsequent sewage pump stations must accommodate this instantaneous flow rate in addition to current and future flow from other Brookings customers along the route.

Along Highway 101, a non-utilized 8" force main is already constructed from Lone Ranch to Carpenterville Road. A proposed 8" force main extension from the end of the existing aforementioned 8" force main to discharge into the existing 24-inch gravity sewer at Parkview is proposed. This sizing dictates that pumps at the proposed Taylor Creek Pump Station provide flow optimally, in the 470 to 862 gallons per minute (GPM) range regardless of what the average daily flow rate into the new Taylor Creek Pump Station is. For proper sizing, based on an 8" force main, sewage will accumulate in the proposed pump station wet well until full and then be pumped out within this flow rate range. This of course presents a significant instantaneous flow to be accommodated by downstream facilities. Downstream systems must have adequate capacity to accommodate this additional flow, the minimum which would be 470 GPM. Ideally, future pump rates through the 8" force main segments would not routinely be greater than 862 GPM.

Original Gravity Sewer Planning

Listed on the following page in Table 2, is information regarding the flow route from the Lone Ranch Development to the Brooking Waste Water Treatment Plant which has been assumed would be required based on previous planning. Segments of gravity sewer line, both existing and proposed, are indicated. These improvements were sized for build out.

Table 2
Previous Proposed Sewer System Improvements

#	Segments	From	To	Length Ft.
1	Exist. 10" Gravity Sewer by LR	RRC	LR Area	2400
2	Exist. 12" Gravity Sewer by LR	LR Area	Long Acre Lp	580
3	Taylor Creek PS	Long Acre Loop	N/A	N/A
4	Exist. 8" Force Main by LR	Long Acre Loop	Carpenterville	3960
5	Prop. 8" Force Main by City & LR	Carpenterville	Parkview Dr.	5360
6	Existing 24" Gravity Main	Parkview Dr.	Creasy Circle	2240
7	Prop. 24" Gravity Rep. Exist. 10"	Creasy Circle	N. of Moore St	1220
8	Exist. 21" Gravity Mains	N. of Moore St	Hub	730
9	Exist. 18" Gravity Main	Hub	Rowland	581
10	Prop. 27" Gravity Rep. Exist. 9"	Rowland	Mill Beach	1790
11	Prop. 27" Gravity Main Rep. FM	Mill Beach	Railroad Av.	1490
12	Prop. 30" Gravity Main	Railroad Ave.	WWTP Ent.	1750
13	Prop. 39" Gravity Main	WWTP Ent.	Headworks	500

Sewer Service Demand Criteria

Conveyance and pumping facilities must be sized to accommodate peak instantaneous demands, even though these rates may occur for only a brief portion of the day in terms of gallons per minute. Treatment capacity on the other hand is generally sized for maximum day demands in terms of gallons per day (GPD). Sewage demand for each 50 equivalent dwelling unit (EDU) increment will be assumed based on peaking factors appropriate for wastewater contribution. Factors range from four to ten times average flows depending on the number of customers considered. Average per capital demand as provided by the Wastewater Facilities Plan (WWFP) is 88 GPD with an infiltration estimate of 14 GPD per capita for a total of 102 GPD. Therefore, total average daily flow per EDU can be estimated as 224.4 GPD. For a 50 EDU increment, this would be 11,220 GPD of wastewater. Note that these values only include a small allowance for inflow and infiltration (I/I) which assumes a new and tight sewage collection system from Lone Ranch and for any new construction. Peak sewage flow rates are higher in other portions of Brookings due to inflow contributions and an older collection system.

We have used sewage flow values derived from recent studies. OTAK, used typical values associated with this type of study. Both are valid estimates but we prefer to present the analysis using the values we believe correspond closer with other Brookings planning studies. For example, EDUs in Brookings consist of fewer persons per EDU than OTAK assumed. In addition, peak factors vary depending on the number of services being considered. For

wastewater, the OTAK study used one universal peaking hour factor based on three times the average day flow pumped in a 14-hour period. This produces a net peak hour factor of 5.14. For EDUs from 0 to 100, Dyer uses a peaking factor of 8, for the next 101 to 1000 EDUs. We use an additive peaking factor of 6, and for greater than 1000 EDUs, we use an additive peak factor of 5. This reflects the attenuation or "averaging" of flow regarding larger numbers of customers. The difference in values used is shown in the following table.

Table 3
OTAK vs Dyer Study Wastewater Basic Parameters

Parameter	Flow Units	OTAK	Dyer
Ave./Capita	GPD	100.0	102.0
Capita/EDU	GPD	2.5	2.2
Ave./EDU	GPD	250.0	224.4
Peak Inst. 0-100 EDUs	GPD	1,285.7	1,795.2
Peak Inst. 0-100 EDUs	GPM	0.893	1.247
Peak Inst. 101-1000 EDUs	GPD	1,285.7	1346.4
Peak Inst. 101-1000 EDUs	GPM	0.893	0.935
Peak Inst. >1000 EDUs	GPD	1,285.7	897.6
Peak Inst. >1000 EDUs	GPM	0.893	0.779

OTAK peak wastewater values of EDUs per Lone Ranch service areas are based on 0.893 GPM/EDU. For this study, peak wastewater flow values will be based on 1.247 GPM per the first 100 EDUs, 0.935 GPM for the next additional EDUs numbering between 101 to 1000, and 0.779 for the next EDUs greater than 1000. In addition, based on the difference in assumptions between the OTAK study and this study, the number of EDUs projected differs. Listed below in Table 4 are the EDU values projected to occur in each neighborhood based on our study assumptions.

Table 4
OTAK vs Dyer Study Wastewater EDUs by Neighborhood

Neighborhood	OTAK ERU	Dyer EDU
B (Community College)	N/A	25
D, E, and F (Phase II DDP)	163	146
B (Commercial Sites)	N/A	12
A, C, G thru O (Future Phases)	837	751
Rainbow Rock Condominiums	77	69
Rainbow Rock Trailer Park	50	45
Total		1,048

We estimate that Lone Ranch Development could add approximately 1050 EDUs at full development. This is a flow rate of approximately 1,003 gallons per minute at peak flow. The predicted flow contribution Lone Ranch Development as EDUs are added is shown in Table 5.

Table 5
Lone Ranch Contribution in GPM by Developed EDUs

Lone R. EDUs	Peak GPM	Lone R. EDUs	Peak GPM	Lone R. EDUs	Peak GPM
50	62	450	452	850	826
100	125	500	499	900	873
150	171	550	545	950	919
200	218	600	592	1000	962
250	265	650	639	1050	1,003
300	312	700	686		
350	358	750	732		
400	405	800	779		

As previously noted, the recommended economical upper flow rate through an 8" force main is 862 GPM. This upper flow limit for an 8" force main from the Taylor Creek Pump Station will be reached with approximately 900 Lone Ranch EDUs. According to the projections of 1050 ultimate EDUs in Table 5, a maximum peak flow rate of 1,003 GPM is calculated. This would exceed the recommended 8" flow rate but is feasible, if not ideal. Flow at this rate will have a velocity of 6.41 feet per second and produce a dynamic head loss of 16.16 feet per 1000' of pipe (C = 140). This compares with head loss of 12.16 feet per 1,000' of pipe for a flow of 862 GPM with a velocity of 5.5 feet second. This requires a 33% increase in the power to overcome dynamic head loss. Power to overcome the static head portion of head loss is not affected.

Contribution of Existing Brookings Sewer Customers

To determine the required capacity of the existing and proposed new gravity sewer lines to serve the Lone Ranch Development, it is necessary to estimate flow contributed from existing and future Brookings customers along the flow path. We have assumed that peak instantaneous flow will be contributed based on area served. The criteria are four (4) EDUs per acre and the contribution rate for the range of 101-1000 contributing EDUs or 0.893 GPM per EDU. This value includes 14% I/I. The resulting value is approximately 3.6 gallons per acre. This value is increased by 10% for long term future flows to account for fill in development and increased I/I.

The capacity of gravity sewers is based on the invert elevations and resulting slopes as well as pipe size. Based on diameter and slope, the carry capacity may be determined. The existing sewer lines were surveyed westward from the wastewater treatment plant (WWTP) along Wharf to Macklyn Cove Drive to Mill Beach Road, west between Mill Beach Extension and Rowland, westward to the end of Rowland north to Crissey Circle and then north along Highway 101, ending near Parkview.

Capacity Required, Existing Capacity and Recommended Capacity Increase

The preceding considerations and factors are incorporated in Table 6 and provide information to determine which portions of the sewer system require improvement, the size of those improvements, and which existing portions are adequate. Explanation of the table is as follows.

Columns 1 and 2: Identification of the force main, gravity sewer, or pump station under considerations. The designations (T9-6 to T9-4 for example) refer to existing manholes per City's coding.

Columns 3 and 4: These columns indicate the line diameter where appropriate and the proposed upgraded or newly installed size if required for each line (force main or gravity sewer) segment.

Column 5: Line length under consideration for each segment as appropriate.

Column 6 and 7: Estimated current and future contribution of Brookings sewage flow not related to Lone Ranch added along the flow route from Lone Ranch to the wastewater treatment plant.

Column 8 and 9: Estimated flow through each line segment or pump station. Column 8 assumes a minimum flow of up to 470 GPM originating from Lone Ranch Development because this is the minimum pump size that can be installed at the Taylor Creek Pump Station for proper operation of 8" force mains. Column 9 represents the flow through each pipe and pump station segment in the future at full Lone Ranch Development and with increased projected City flows.

Column 10: This column provides current flow capacity information for each segments based on a survey conducted for this study. The flows are for the gravity lines without surcharge. In the case of pipe line elements 12, 23, and 26 it was found that these lines had negative slopes and flow cannot occur without some amount of surcharge. As noted, their flow capacity is simply listed as less than the capacity of an adjacent line segment of the same size. The negative slope segments occur in locations which clearly are undersized for even initial Lone Ranch Development and would need to be replaced with larger diameter and properly installed sewer lines. Capacities are shown as "green" if adequate and in "red" if inadequate. The 188 foot segment of 12" line (number 22) is barely adequate for initial contributions from the Lone Rock Development but will be inadequate for future flows. The short 31 foot segment of 24" line (number 26) has a slight negative slope but is anticipated to provide adequate capacity with minimum surcharge. "Orange" indicates a cautionary condition.

Column 11: This column shows flow capacity based on current segments where deemed adequate to provide service or the flow capacity of replacement increased size elements where needed to convey expected flows. Where pipe line sizes are increased, the flow capacity is based on the replacement pipe size at minimum slope. If it is determined during design that these replacement elements can be installed at a greater slope, the flow capacity will be greater than shown.

Column 12: Brief note providing explanation/clarification of each element.

TABLE 6

Calculation of Capacity Required, Existing Capacity and Recommended Capacity Increase

COL 1	COL 2	COL 3	COL 4	COL 5	COL 6	COL 7	COL 8	COL 9	COL 10	COL 11	COL 12
					Area Contribution		Flow Through		Pipe Seg. Flow Capacity		
Seg. No.	Line Segment	Current Dia. In.	Proposed Dia. In.	Length Feet	Current Brookings GPM	Future Brookings GPM	Min. Total GPM	Max Total GPM	Current Est. GPM	Proposed Future Est. GPM	Notes
1	Exist. 10" Grav. Sew. LR	10	No Change	2,400	0	0	0	450	493	493	@ min. slope - actual unk.
2	Exist. 12" Grav. Sew. LR	12	No Change	580	0	0	0	1,003	705	1,003	@ min. slope - actual unk.
3	Taylor Creek Pump Sta.	NA	NA	NA	0	0	470	1,003	NA	1,003	Req'd before LR can be served
4	Exist. 8" FM LR	8	No Change	3,960	0	0	470	1,003	862	1,003	Higher than optimum
5	Prop. 8" FM City & LR	NA	8	5,360	0	30	470	1,033	NA	1,003	Higher than optimum
6	R9-7 to S9-6	24	No Change	781	120	132	590	1,165	13,301	13,301	currently adequate for future
7	S9-6 to S9-1	24	No Change	344	120	132	710	1,297	6,216	6,216	currently adequate for future
8	S9-1 to T9-6	24	No Change	400	120	132	830	1,429	5,605	5,605	currently adequate for future
9	T9-6 to T9-4	24	No Change	450	120	132	950	1,561	6,684	6,684	currently adequate for future
10	T9-4 to T9-1	24	No Change	306	120	132	1,070	1,693	9,603	9,603	currently adequate for future
11	T9-1 to U-9	24	No Change	125	120	132	1,190	1,825	11,242	11,242	currently adequate for future
12	U9 to U10-8	10	21	375	4	20	1,194	1,845	<579	2,159	@ min. slope - future
13	U10-8 to V10-12	10	21	875	4	20	1,197	1,865	579	2,159	@ min. slope - future
14	V10-12 to V10-8	21	No Change	213	18	20	1,215	1,885	4,270	4,270	currently adequate for future
15	V-10-8 to V10-4	21	No Change	238	18	20	1,233	1,905	4,130	4,130	currently adequate for future
16	V10-4 to V10-1	21	No Change	125	18	20	1,251	1,924	3,816	3,816	currently adequate for future
17	V10-1 to W10-15	18	No Change	250	18	20	1,269	1,944	3,801	3,801	currently adequate for future
18	W10-15 to W10-16	18	No Change	81	18	20	1,287	1,964	3,608	3,608	currently adequate for future
19	W10-16 to W10-12	18	No Change	356	18	20	1,305	1,984	5,871	5,871	currently adequate for future
20	W10-12 to W10-11	9	21	456	18	20	1,323	2,004	605	2,159	@ min. slope - future
21	W10-11 to W10-10	9	21	219	18	20	1,341	2,023	602	2,159	@ min. slope - future
22	W10-10 to W10-4	12	24	188	18	20	1,359	2,043	1,361	2,820	@ min. slope - future
23	W10-4 to W10-3	12	24	156	18	20	1,377	2,063	<1361	2,820	@ min. slope - future
24	W10-3 to W10-2	12	24	38	18	20	1,395	2,083	282	2,820	@ min. slope - future
25	W10-2 to W11-4	12	24	875	18	20	1,413	2,103	893	2,820	@ min. slope - future
26	W11-4 to W11-2	24	No Change	31	18	20	1,431	2,122	<4757	4,757	adequate - min. surcharge
27	W11-2 to W11-1	24	No Change	138	46	51	1,477	2,173	4,757	4,757	currently adequate for future
28	Mill Beach PS	NA	NA	NA	0	0	1,477	2,173	2,775	0	To be removed from service
29	New Grav. MB to WWTP	NA	24	2,240	0	150	1,321	2,323	NA	2,820	To replace Mill Beach PS
					1,007	1,320	1,321	2,323			

Capital Cost Estimates

Tables 7 through 11 provide cost estimates for the recommended improvements necessary to provide service to Lone Ranch Development. Table 12 provides a summary of those costs for all recommended projects. Total recommended project costs are approximately $2,908,515.

TABLE 7

COST ESTIMATE - New Sewer Improvements Segment 3

WWFP New Priority I Project 4

New Taylor Creek Pump Station

No.	Item	Quantity	Unit	Unit Price ($)	Total Price ($)
1	Temp. Facilities and Control	1	LS	$13,100	$ 13,100
2	Mobilization & Demob.	1	LS	$22,000	$ 22,000
3	12" Dia. Gravity Sewer Cl C BKF	20	LF	$180	$ 3,600
4	8" Dia. Force Main Cl C BKF	40	LF	$165	$ 6,600
5	New Pump Station	1	LS	$400,000	$ 400,000
6	Manholes 8'-12'	2	EA	$4,500	$ 9,000
7	AC Pavement C&R	20	LF	$45	$ 900
8	Foundation Rock	5	CY	$50	$ 250
9	Remove & Dispose Existing Pipe	50	LF	$20	$ 1,000
10	Traffic Control	8	HR	$45	$ 360
11	Service Connection Replace.	0	EA	$2,000	$ -
12	Misc. Costs	1	LS	$15,000	$ 15,000
				Construction	**$ 471,810**
				Contingency	**$ 47,200**
				Engineering	**$ 85,000**
				Additional Consultant	**$ 16,700**
				Admin. / Legal / Easements	**$ 7,100**
				TOTAL PROJECT COST	**$ 627,810**

TABLE 8

COST ESTIMATE - New Sewer Improvements Segment 5

WWFP New Priority I Project 5

Hwy 101, Ext. Ex. 8" FM @ Carpenterville Rd-Park View Dr.

No.	Item	Quantity	Unit	Unit Price ($)	Total Price ($)
1	Temp. Facilities and Control	1	LS	$9,400	$ 9,400
2	Mobilization & Demob.	1	LS	$16,000	$ 16,000
3	8" Dia. Forcemain Cl C BKF	5360	LF	$55	$ 294,800
4	8" Gate Valves	4	EA	$2,000	$ 8,000
5	AC Pavement C&R	5360	LF	$45	$ 241,200
6	Foundation Rock	70	CY	$50	$ 3,500
7	Traffic Control	96	HR	$45	$ 4,320
8	ARV	4	EA	$2,000	$ 8,000
9	Misc. Costs	1	LS	$15,000	$ 15,000
				Construction	**$ 600,220**
				Contingency	**$ 34,000**
				Engineering	**$ 61,000**
				Additional Consultant	**$ 3,400**
				Admin. / Legal / Easements	**$ 5,000**
				TOTAL PROJECT COST	**$ 703,620**

TABLE 9

COST ESTIMATE - New Sewer Improvements Segments 12 & 13

WWFP Priority I Project 3

Crissy Circle to Moore Street - Replace 10" line

No.	Item	Quantity	Unit	Unit Price ($)	Total Price ($)
1	Temp. Facilities and Control	1	LS	$9,400	$ 9,400
2	Mobilization & Demob.	1	LS	$16,000	$ 16,000
3	24" Dia. Gravity Sewer Cl C BKF	450	LF	$180	$ 81,000
4	24" Dia. Gravity Sewer Cl B BKF	770	LF	$165	$ 127,050
4	Manholes 8'-12'	5	EA	$4,500	$ 22,500
5	AC Pavement C&R	450	LF	$45	$ 20,250
6	Foundation Rock	50	CY	$50	$ 2,500
7	Remove & Dispose Existing Pipe	1220	LF	$20	$ 24,400
8	Traffic Control	96	HR	$45	$ 4,320
9	Service Connection Replace.	8	EA	$2,000	$ 16,000
10	Misc. Costs	1	LS	$15,000	$ 15,000
				Construction	**$ 338,420**
				Contingency	**$ 34,000**
				Engineering	**$ 61,000**
				Additional Consultant	**$ 3,400**
				Admin. / Legal / Easements	**$ 5,000**
				TOTAL PROJECT COST	**$ 441,820**

TABLE 10

COST ESTIMATE - New Sewer Improvements Segments 20-25

WWFP Priority I Project 2

Rowland, West end of Rowland Lane to Mill Beach Road - Replace 9" & 12" line

No.	Item	Quantity	Unit	Unit Price ($)	Total Price ($)
1	Temp. Facilities and Control	1	LS	$15,300	$ 15,300
2	Mobilization & Demob.	1	LS	$30,000	$ 30,000
3	24" Dia. Gravity Sewer Cl C BKF	1255	LF	$120	$ 150,600
4	21" Dia. Gravity Sewer CL C BKF	675	LF	$120	$ 81,000
5	Manholes 8'-12'	10	EA	$4,500	$ 45,000
6	AC Pavement C&R	1930	LF	$45	$ 86,850
7	Foundation Rock	50	CY	$50	$ 2,500
8	Remove & Dispose Existing Pipe	1930	LF	$20	$ 38,600
9	Traffic Control	288	HR	$45	$ 12,960
10	Service Connection Replace.	36	EA	$2,000	$ 72,000
11	Misc. Costs	1	LS	$20,000	$ 20,000
				Construction	**$ 554,810**
				Contingency	**$ 55,500**
				Engineering	**$ 99,900**
				Additional Consultant	**$ 5,500**
				Admin. / Legal / Easements	**$ 8,300**
				TOTAL PROJECT COST	**$ 724,010**

TABLE 11

COST ESTIMATE - New Sewer Improvements Segment 29					
WWFP Priority I Project 6					
24" GRAVITY LINE TO WWTP for MILL BEACH PS ELIMINATION					
No.	Item	Quantity	Unit	Unit Price ($)	Total Price ($)
1	Temp. Controls, Mob., Demob.	1	LS	$25,000	$ 25,000
2	24" Gravity Sewer & Trench 6'	2240	LF	$95	$ 212,800
3	Install 4" FM through 8" aband. FM	840	LF	$35	$ 29,400
4	Asphalt Surf. Cut & Replace	150	LF	$35	$ 5,250
5	Manholes	6	LF	$5,000	$ 30,000
6	Clear and Grub	1	LS	$2,500	$ 2,500
7	Demolition of Existing Pump Station	1	LS	$15,000	$ 15,000
8	Connection to exisiting MH	2	EA	$800	$ 1,600
9	Testing, clean up	1	LS	$1,200	$ 1,200
				Construction	$ 297,750
				Contingency	$ 29,775
				Engineering	$ 62,230
				Additional Consultant (Geotech & Elec.)	$ 17,000
				Admin. / Legal / Easements/ Permits	$ 4,500
				TOTAL PROJECT COST	$ 411,255

TABLE 12

COST ESTIMATE - Summury All Required Lone Ranch Projects		
All Projects Construction	$	2,263,010
All Projects Contingency	$	200,475
All Projects Engineering	$	369,130
All Projects Additional Consultant	$	46,000
All Projects Admin. / Legal / Easements/ Permits	$	29,900
ALL PROJECTS TOTAL COST	$	2,908,515

Operation and Maintenance Cost Estimates

Slightly lower Operation and Maintenance costs are anticipated for those segments of the gravity sewer system which are replaced. No attempt to estimate these cost differences have been made. However Tables 13 and 14 provide information regarding estimated additional operation and maintenance and periodic parts/repair expenses anticipated for the new Taylor Creek Pump Station and its new additional 8" force main. Offsetting these additional costs are the savings resulting from elimination of the Mill Beach Pump Station and its force main after replacement with a new 24" gravity sewer line. The costs saving for the Mill Beach Pump Station replacement are shown in Table 15. Table 16 provides a summary of the annual O&M costs, the periodic parts and repair costs over a period of 20 years and the present worth values of these costs, both additive and deductive.

It is estimated that construction of all improvements recommended will result in a net routine annual Operation and Maintenance savings of approximately $11,400 per year. The present worth savings value of the annual O&M costs as well as periodic parts and repair costs is calculated as approximately $290,600 for a 20 year period.

TABLE 13
TAYLOR CREEK PUMP STATION
ANNUAL O&M & PRESENT WORTH OF O&M

Item	Description	Unit	Qty	Unit Cost	Annual Cost	PW
1	Training Labor - Annual	HRS	8	$ 35	$ 280	
2	Testing Labor - Annual	HRS	4	$ 35	$ 140	
4	Operational Labor - Annual	HRS	78	$ 35	$ 2,730	
5	Maintenance/Repair Labor - Annua	HRS	32	$ 35	$ 1,120	
7	Elec. Power - Annual	KWH	43,800	$ 0.09	$ 3,942	
	OPERATIONS AND MAINTENANCE COST TOTAL				**$ 8,212**	**$ 139,609**
	PERIODIC EXPENSES/PARTS PRESENT WORTH					
Item	**Description**	**Unit**	**Qty**	**Unit Cost**	**Perodic Cost**	**PW**
1	Repair Parts @ 5 Yrs	LS	1	$ 3,000	$ 3,000	$2,771
2	Repair Parts @ 10 Yrs	LS	1	$ 5,000	$ 5,000	$4,266
3	Repair Parts @ 15 Yrs	LS	1	$ 75,000	$ 75,000	$59,109
	Salvage Values @ 20 Years					
4	None	LS	(1)	$ -	$ -	$0
			PERIODIC EXPENSES/PARTS TOTAL			**$66,146**
					TOTAL PW	**$ 205,755**

TABLE 14
HWY 101, EXT. EX. 8"FM at CARPENTERVILLE RD TO PARK VIEW DR.
ANNUAL O&M & PRESENT WORTH OF O&M

Item	Description	Unit	Qty	Unit Cost	Annual Cost	PW
1	Training Labor - Annual	HRS	0	$ 35	$ -	
2	Testing Labor - Annual	HRS	2	$ 35	$ 70	
4	Operational Labor - Annual	HRS		$ 35	$ -	
5	Maintenance/Repair Labor - Annua	HRS	6	$ 35	$ 210	
7	Elec. Power - Annual	KWH		$ 0.09	$ -	
	OPERATIONS AND MAINTENANCE COST TOTAL				$ 280	$ 4,760

PERIODIC EXPENSES/PARTS PRESENT WORTH

Item	Description	Unit	Qty	Unit Cost	Perodic Cost	PW
1	Repair Parts @ 5 Yrs	LS	1		$ -	$0
2	Repair Parts @ 10 Yrs	LS	1	$ 500	$ 500	$427
3	Repair Parts @ 15 Yrs	LS	1		$ -	$0
	Salvage Values @ 20 Years					
4	None	LS	(1)	$ -	$ -	$0
			PERIODIC EXPENSES/PARTS TOTAL			$427
					TOTAL PW	$ 5,187

TABLE 15
ELIMINATION OF MILL BEACH PUMP STATION
ANNUAL O&M & PRESENT WORTH OF O&M (Savings)

Item	Description	Unit	Qty	Unit Cost	Annual Cost	PW
1	Training Labor - Annual	HRS	6	$ 35	$ 210	
2	Testing Labor - Annual	HRS	12	$ 35	$ 420	
3	Vehicle Operation Miles - Annual	MILE	500	$ 1.50	$ 750.00	
4	Operational Labor - Annual	HRS	160	$ 35	$ 5,600	
5	Maintenance/Repair Labor - Annua	HRS	140	$ 35	$ 4,900	
6	Parts - Annual	LS	1	$ 3,500	$ 3,500	
7	Elec. Power - Annual	KWH	50,000	$ 0.09	$ 4,500	
				OPERATIONS AND MAINTENANCE COST TOTAL	**$ (19,880)**	**$ (385,346)**

PERIODIC EXPENSES/PARTS PRESENT WORTH (savings)

Item	Description	Unit	Qty	Unit Cost	Perodic Cost	PW
1	Major Pump Replacement @ 15 yrs.	LS	1	$ 100,000	$ 100,000	$ 59,689
2	Pump Rehabilitation @ 10 yrs	LS	1	$ 50,000	$ 50,000	$ 35,446
3	Control/Electrical @ 5 yrs	LS	1	$ 25,000	$ 25,000	$ 21,049
	Salvage Values @ 20 Years					
4	None	LS	1	$ -	$ -	$ -
				PERIODIC EXPENSES/PARTS TOTAL		**$ (116,184)**
					TOTAL PW	**$ (501,531)**

TABLE 16
TOTAL ANNUAL O&M & PRESENT WORTH OF O&M

Description	Annual Cost	PW
OPERATIONS AND MAINTENANCE COST TOTAL	$ (11,388)	$ (240,978)
PERIODIC EXPENSES/PARTS TOTAL PW		$ (49,611)
TOTAL	$ (11,388)	$ (290,589)

Conclusion

Existing water service mains will provide adequate service to the Lone Ranch area initial development. Lone Ranch will need to construct a booster pump station and water storage tank in order to service higher elevations away from Highway 101 and provide them with fire protection.

Immediately apparent from the results shown in Table 6 is that the initial minimum sewage improvements necessary to provide any service to Lone Ranch will accommodate between 450 to 500 Lone Ranch EDUs. Furthermore, to provide initial sewage service to Lone Ranch, the Taylor Creek Pump Station must be constructed with a minimum capacity of 470 GPM, the 8" diameter force main must be completed to discharge into the existing 24" diameter gravity sewer near Parkview, the 10" sewer line between Creasy Circle and north of Moore St. and the 9" and 12" sewer between Rowland and the Mill Beach Pump Station must be replaced with larger diameter gravity lines. The 10" and 9" lines replaced with at least 21" gravity sewer and the 12" lines with 24" sewer.

The minimum sizes of replacement sewer which will accommodate projected total flows are in several cases, less than previously anticipated. Significantly, our study indicates that the gravity sewer route and pipe sizes previously proposed to run from Mill Beach Pump Station to the WWTP can be achieved with a smaller 24" diameter gravity line (compared to previous size estimates) following a different, shorter, shallower, and more direct path. The construction of this sewer line will allow Mill Beach Pump Station to be removed from service, saving the City considerable expense.

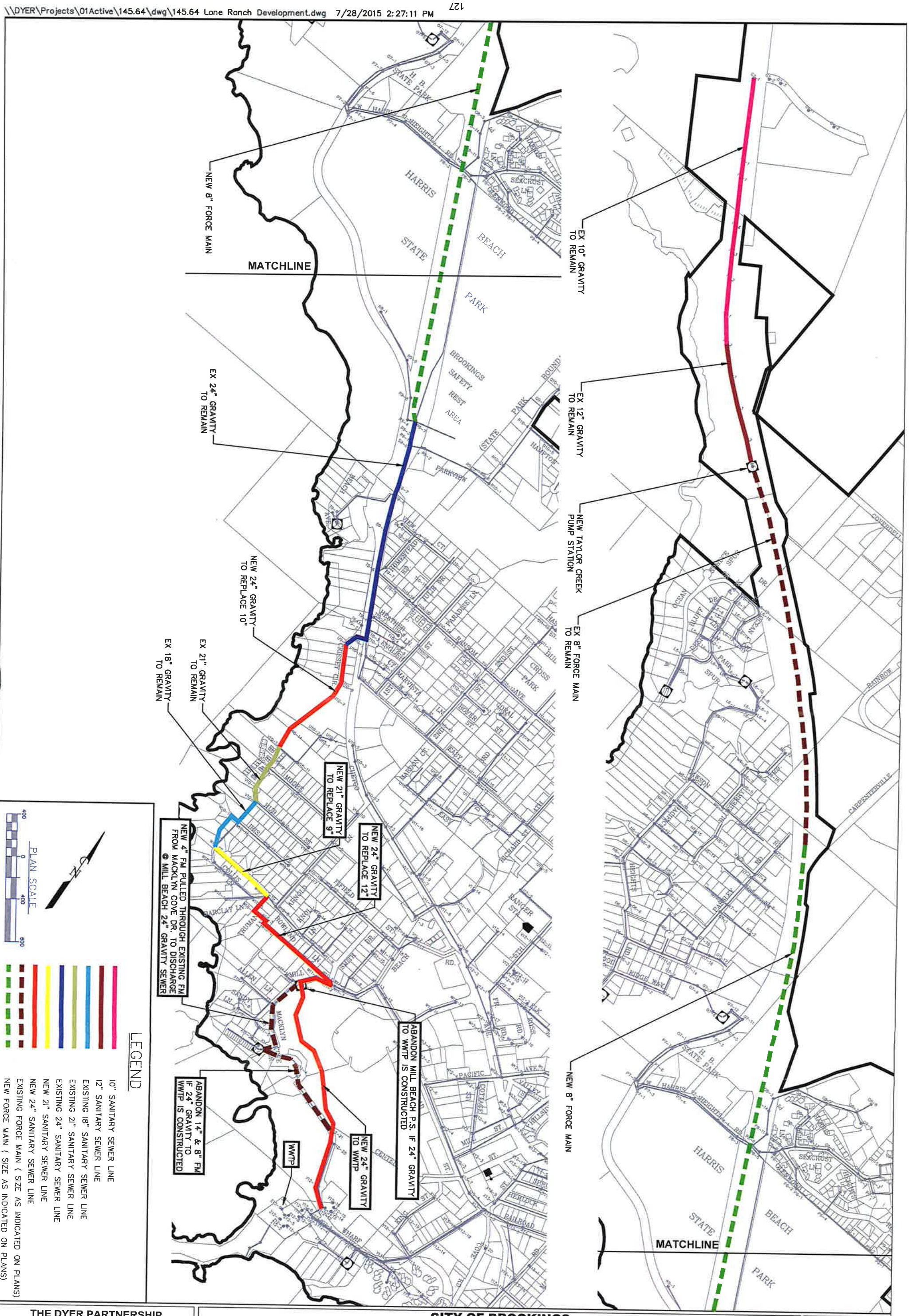
Note that Macklyn Cove lift station currently pumps into the 8" or 14" force main from Mill Beach Pump Station to the wastewater treatment plant (WWTP). If the recommended 24" gravity line is installed from Mill Beach to the WWTP allowing abandonment of the existing 8" and 14" force main from Mill Beach to the WWTP, the existing 4" force main from Macklyn Cove would need an extension pulled through a portion of the abandoned force main from Macklyn Cove to Mill Beach where it would discharge into the new gravity sewer. This would be significantly less expensive than installing a new force main section by conventional trenching and would generally avoid street trenching and repair. Using the exiting 8" force main as the force main itself would not be suitable because, as discussed previously, the minimum flow velocity could not be achieved. This work is included in the Table 11 cost estimate for the new 24" gravity line from Mill Beach to the WWTP.

The Mill Beach Pump Station has a design capacity of 2,775 GPM which is greater than the estimated required capacity. Therefore, it is not necessary to replace this station immediately to provide Lone Ranch with sewage service. However, the replacement of the station with a 24" gravity sewer to the wastewater water treatment plant is highly recommended at the earliest opportunity to save significant energy and future repair/maintenance costs.

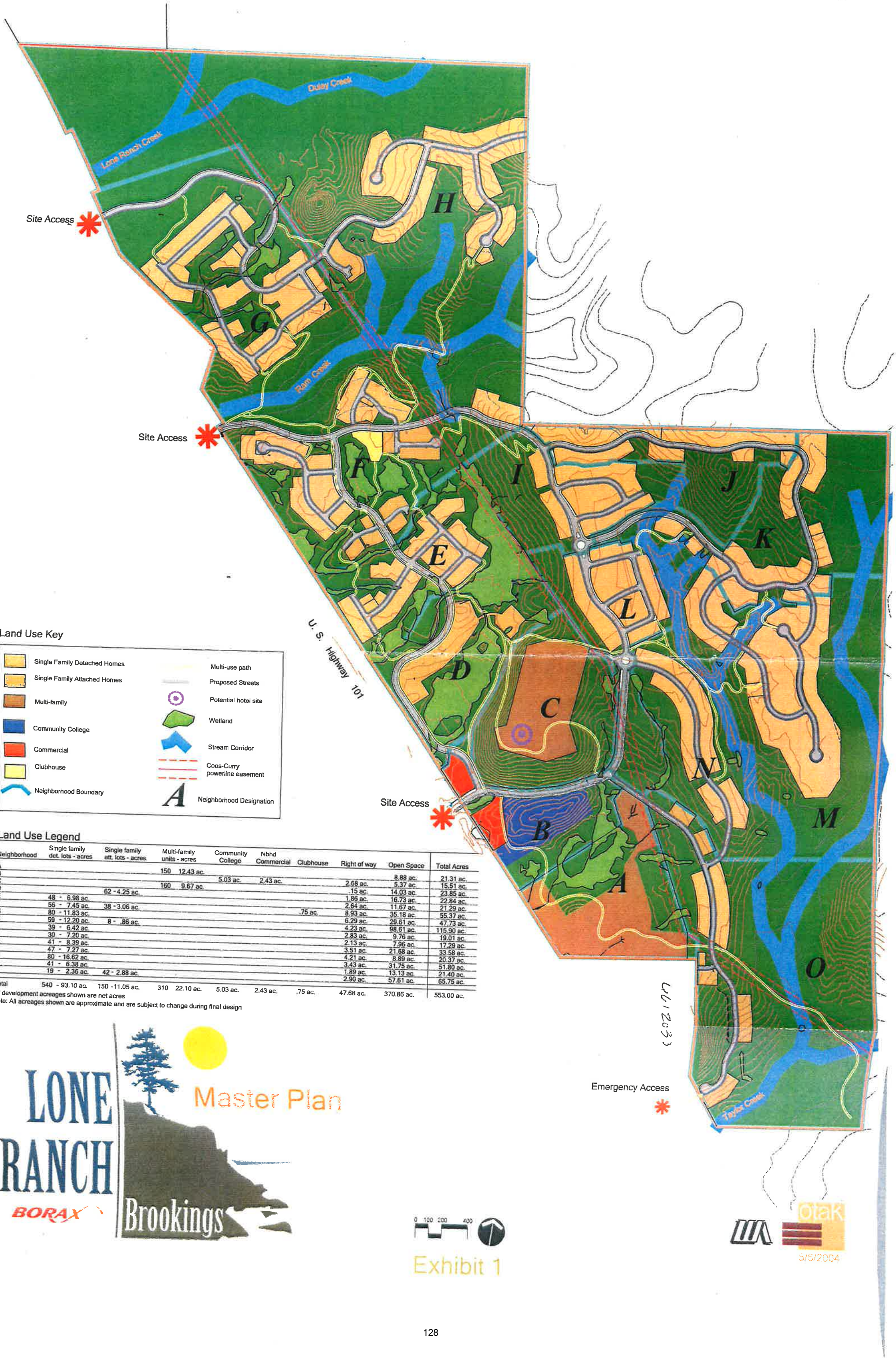
The recommended new and replacement sewer system elements as well as those elements recommended to remain are shown in Figure 1 at the end of this report. It is recommended that any sewer line segments replaced be done so with sewer sized to accommodate all anticipated future growth as shown in this report.

In the case of the new Taylor Creek Pump Station, it is recommended that the pump station be sized to accommodate maximum future flows of 1003 GPM but that the pumps are initially sized for the minimum required flow rate of 470 GPM with room in the station for future expansion of larger pumps sized for maximum future flow rates when required by development.

Furthermore, it is recommended that as design is initiated for each undersized line segment to be replaced, that consideration be given to selection of a different route where beneficial and practical, particularly in the Moore, Hub, and Rowland area so that sewer lines are more accessible for City maintenance.



THE DYER PARTNERSHIP ENGINEERS & PLANNERS	CITY OF BROOKINGS CURRY COUNTY, OREGON	FIGURE NO.
DATE: JULY, 2015	LONE RANCH INFRASTRUCTURE REVIEW	1
PROJECT NO.: 145.64		



Land Use Key

- Single Family Detached Homes
- Single Family Attached Homes
- Multi-family
- Community College
- Commercial
- Clubhouse
- Neighborhood Boundary
- Multi-use path
- Proposed Streets
- Potential hotel site
- Wetland
- Stream Corridor
- Coos-Curry powerline easement
- A — Neighborhood Designation

Land Use Legend

Neighborhood	Single family det. lots - acres	Single family att. lots - acres	Multi-family units - acres	Community College	Nbhd Commercial	Clubhouse	Right of way	Open Space	Total Acres
A			150 12.43 ac.					8.88 ac.	21.31 ac.
B				5.03 ac.	2.43 ac.		2.68 ac.	5.37 ac.	15.51 ac.
C			160 9.67 ac.				.15 ac.	14.03 ac.	23.85 ac.
D		62 - 4.25 ac.					1.86 ac.	16.73 ac.	22.84 ac.
E	48 - 6.98 ac.						2.64 ac.	11.67 ac.	21.29 ac.
F	56 - 7.45 ac.	38 - 3.06 ac.				.75 ac.	8.93 ac.	35.18 ac.	55.37 ac.
G	80 - 11.83 ac.						6.29 ac.	29.61 ac.	47.73 ac.
H	59 - 12.20 ac.	8 - .86 ac.					4.23 ac.	98.61 ac.	115.90 ac.
I	39 - 6.42 ac.						2.83 ac.	9.76 ac.	19.01 ac.
J	30 - 7.20 ac.						2.13 ac.	7.96 ac.	17.29 ac.
K	41 - 8.39 ac.						3.51 ac.	21.68 ac.	33.58 ac.
L	47 - 7.27 ac.						4.21 ac.	8.89 ac.	20.37 ac.
M	80 - 16.62 ac.						3.43 ac.	31.75 ac.	51.80 ac.
N	41 - 6.38 ac.						1.89 ac.	13.13 ac.	21.40 ac.
O	19 - 2.36 ac.	42 - 2.88 ac.					2.90 ac.	57.61 ac.	65.75 ac.
Total	540 - 93.10 ac.	150 -11.05 ac.	310 22.10 ac.	5.03 ac.	2.43 ac.	.75 ac.	47.68 ac.	370.86 ac.	553.00 ac.

All development acreages shown are net acres
Note: All acreages shown are approximate and are subject to change during final design

LONE RANCH
BORAX
Master Plan
Brookings

0 100 200 400

Exhibit 1

LU 2033

oak

5/5/2004

CITY OF BROOKINGS

Council WORKSHOP Report

Meeting Date: May 7, 2018

Originating Dept: City Manager

Signature (submitted by)

City Manager Approval

Subject: County/State Building Inspection Services

Background/Discussion:
Councilor Hodges has requested that this matter be added to the workshop agenda.

The County Building Official John has resigned effective June 28 and there are some hours reductions planned for other part time County Building Department employees, including plan checking and plumbing inspection. These changes could have an impact on services provided in the City…such as plumbing inspection. The County is considering turning all or most building inspection services over to the State.

According to Councilor Brent Hodges, who is a general contractor, plumbing inspection has basically been taken over by the State already. Hodges reports that the construction community has been dealing with the State already for electrical and plumbing with no real problems other than timing...i.e. once a week inspections which don't always fall on favorable days. Hodges reports that this could really hurt the local building community if inspections by the State could only happen at one to two week intervals.

City staff has been aware of possible reductions in County building services for several months and management initiated a plan to "fill the gaps" that may impact the City through the utilization of other City employees. Some gaps would remain. City staff met with County staff several times to discuss alternatives for providing building inspection services. City staff proposed to contract with the County to provide building inspection services in the unincorporated area from Pistol River to the California border. However, County management decided not to proceed in this fashion primarily due to:

1. The City's weighted employee hourly rate of $41.00 as compared to the $35-50.00 hourly rate the County is paying for part time contract employees to perform plan checking and plumbing inspection services.
2. The City performs a higher level of service than the County…such as meeting with contractors and homeowners during the plan development stage…and the County did not wish to pay for this level service.

City Public Works and Parks employees Dennis Tibbets and Julian Sevedra have passed their initial inspection certification examinations and have begun a 20-week on-line structural inspection class. Upon completion of the class, Tibbets will take the plan review examination and Sevedra will take the plumbing inspection examination.

Attachment:

a. Proposal to County.

PROPOSAL
BUILDING INSPECTION SERVICES

The Curry County Community Development Department (CDD) has requested that the City of Brookings consider providing building inspection services for a portion of Curry County. The City proposes the following:

- City will provide plan checking and building inspection services within the Urban Growth Area and the adjacent unincorporated south to the California border, including the communities of Harbor and Winchuck, and the North and South Bank Roads. City will provide an inspection area boundary map.
- Services will be provided under the supervision of the City Building Official utilizing City employees and independent contractors as-needed, except that CDD will maintain responsibility for plumbing inspection until such time as the City has developed plumbing inspection resources.
- City Building Department employees will consult with potential building permit applicants as-needed at Brookings City Hall.
- Building permit applications within the contracted service area will be submitted to the CDD, and permit applications would be assigned to the City for plan check, permit issuance and inspection services.
- CDD will collect and retain all building permit fees collected within the unincorporated area.
- CDD will retain a copy of all records pertaining to projects in the contracted service area and would be responsible for the e-permitting process for such permits.
- County will pay a fee of $41.00 per hour for customer consultation, inspection and plan checking services provided by the City. In addition, City will be paid a mileage rate at the IRS commercial rate (currently $0.545 per mile) for all travel outside of the City Limits. City will keep and maintain detailed records of hours and mileage. City will bill and County will pay monthly.
- City services shall not include land use planning, zoning administration or nuisance abatement code enforcement, but may include abatement of dangerous buildings on a case-by-case basis.