



City of Rockaway Beach

Planning Commission Meeting Agenda

Date: Thursday, November 16, 2023
Time: 5:00 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

Watch live stream here: <https://corb.us/live-stream>
View meeting later here: <https://corb.us/planning-commission/>

Join here to attend remotely:

Planning Commission Meeting

Meeting ID: 827 8726 9255

Passcode: 093554

Dial by your location

253 215 8782 US (Tacoma)

1. **CALL TO ORDER** – Bill Hassell, Planning Commission President
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
President: Bill Hassell
Commissioners: Pat Olson, Zandra Umholtz, Sandra Johnson, Georgeanne Zedrick, Stephanie Winchester, and Nancy Lanyon
City Councilors: Charles McNeilly, Mayor; and Mary McGinnis, Planning Commission Liaison
4. **APPROVAL OF MINUTES**
 - a. October 19, 2023 Meeting Minutes
 - b. October 26, 2023 Special Meeting Minutes
5. **PRESENTATIONS, GUESTS & ANNOUNCEMENTS**
 - a. Streets Capital Improvements Plan Projects - Matt Del Moro, HBH Engineering
6. **STAFF REPORTS**
7. **PUBLIC HEARING**
 - a. Streets Preliminary Capital Improvement Plan Projects
8. **CITIZEN INPUT ON NON-AGENDA ITEMS**
9. **OLD BUSINESS** – None Scheduled
10. **NEW BUSINESS**
 - a. Senate Bill 406 (SB406) Updates
11. **PLANNING COMMISSION COMMENTS & CONCERNS**
12. **ADJOURNMENT**



City of Rockaway Beach

Planning Commission Meeting Minutes

Date: Thursday, October 19, 2023
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

1. CALL TO ORDER

Planning Commission President Hassell called the meeting to order at 4:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Start time: [04:31:30 PM \(00:00:53\)](#)

[Position #5 - Bill Hassell: Present](#)
[Position #4 - Sandra Johnson: Present](#)
[Position #3 - Pat Olson: Present](#)
[Position #7 - Georgeanne Zedrick: Present](#)
[Position #2 - Stephanie Winchester: Present](#)
[Position #6 - Nancy Lanyon: Present](#)
[Position #1 - Zandra Umholtz: Present](#)

Excused: Charles McNeilly, Mayor

Staff Present: Luke Shepard, City Manager; Mary Johnson, City Planner; Scott Fregonese, 3J Consulting; and Ross Williamson, Local Government Law Group, City Attorney (via Zoom)

4. APPROVAL OF MINUTES

Start time: [04:31:51 PM \(00:01:15\)](#)

Johnson made a **motion**, seconded by Umholtz to approve the September 21, 2023, minutes as presented.

The **motion carried** by the following vote:

[Position #4 - Sandra Johnson: Motion](#)
[Position #1 - Zandra Umholtz: 2nd](#)
[Position #5 - Bill Hassell: Approve](#)
[Position #4 - Sandra Johnson: Approve](#)
[Position #3 - Pat Olson: Approve](#)
[Position #7 - Georgeanne Zedrick: Abstain](#)
[Position #2 - Stephanie Winchester: Approve](#)
[Position #6 - Nancy Lanyon: Approve](#)
[Position #1 - Zandra Umholtz: Approve](#)

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS – None Scheduled

6. STAFF REPORTS - None

Due to an internet outage, Hassell moved to recess the meeting until 4:55 p.m.

The **motion carried** by the following vote:

Position #5 - Bill Hassell: Approve
Position #4 - Sandra Johnson: Approve
Position #3 - Pat Olson: Approve
Position #7 - Georgeanne Zedrick: Approve
Position #2 - Stephanie Winchester: Approve
Position #6 - Nancy Lanyon: Approve
Position #1 - Zandra Umholtz: Approve

7. PUBLIC HEARING

Start time: [04:56:09 PM \(00:07:32\)](#)

a. Subdivision #23-01: Consideration of an Application for Tentative Plan Approval of an 85 lot Subdivision of Vacant Land to be named Lake Lytle Estates Phases IV-VII

Hassell opened the public hearing at 4:56 p.m.

Hassell read opening statements, public hearing disclosure statements and procedures, and testifying instructions. He explained that the Applicant is Troy Johns and the agent for the Applicant is OTAK Engineering. Hassell said the hearing will be on an application requesting approval of an 85-lot subdivision of vacant land to be named Lake Lytle Estates Phases IV-VII, on land zoned R-3 (Lower Density Residential).

Hassell invited Commissioners to declare any bias or conflicts of interest. Commissioner Johnson declared a potential conflict of interest, stating that her daughter, Mary Johnson, was a registered property owner within 200 feet of the Applicant's property, and therefore the effect of decisions on the application could have financial or other impacts on her property. Johnson stated that because this was only a potential conflict, and because she believed that she could continue to participate in the meeting without actual bias, she would fully participate in the matter.

There were no challenges from the audience on the basis of bias.

Hassell invited Commissioners to declare any ex-parte contact. Hassell reported that he lives in the Lake Lytle area and often walks his puppy in the project area. He reported that he had a conversation with his neighbor, Craig Braun, telling him the date for the Planning Commission meeting. Hassell said the Braun brought up a concern about rain gutters similar to Francis Ave and 12th Ave, which he said work well. He asked if there would be similar street gutters in the new project. Hassell told him that he didn't know, and he would find out.

Hasell also reported a conversation with his neighbor Denny Callihan also telling him about the upcoming PC meeting. Hassell shared that Callihan expressed concerns about construction traffic on 12th and on Necarney Ave. He also talked about visibility at the 12th and Hwy 101 intersection for large trucks. Hassell reported that he told Callihan that he didn't know if these concerns would be discussed at the meeting.

Hassell reported that he also read Facebook posts, but didn't have any opinion of them.

Commissioner Johnson reported that she walked in the property several times while walking her daughter's dog, and that about a month ago and as leaving property she spoke to a property owner on Necarney near the Applicant's property line. Johnson reported that she didn't recall the owner's name, but mentioned to him that the City would be having public hearings and encouraged him to attend if he had options on the matter.

City Planner Johnson introduced the Staff Report with a PowerPoint presentation. (A copy of the presentation is included in the hearing record.)

City Planner Johnson clarified for Umholtz that condition number 41 on page 24 of the staff report required the Applicant to provide evidence of a 1200C permit, not 12,000C. Johnson also summarized and presented the staff findings for the general provisions included in Section 3.094 of the Zoning Ordinance on page 6 of the staff report.

City Planner Johnson reported that written testimony in opposition to the request was received from Michael King, Richard Dilbeck, and Theodore Hewitt and Margaret Blanke-Hewitt. Linda Battson submitted written testimony at the hearing and City Recorder Thompson read it into the record. (Copies of all correspondence are included in the hearing record.)

Applicant Troy Johns introduced himself and briefly summarized his business. He explained that they intended to build some 3-bedroom, 2-bath homes, and some one-level homes. Johns shared that they would build a model home and have several different homes that could be selected.

There was no testimony in support of or neutral to the application.

Terry Savino, a resident of the neighboring Lake Lytle Estates subdivision, shared her opposition to the proposed street to go through the Francis Street cul-de-sac, which would go through wetlands. She expressed concerns about the proposed neighborhood having only one access point from 12th Street and stated that she believed a connection to the south would be necessary. She expressed additional concerns regarding the application proposal that only open space areas would be wetlands and felt this would be insufficient for the proposed development.

Owe Berg, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns about the additional traffic the proposed neighborhood would have on the intersection of Highway 101 and 12th Street and potential congestion throughout the existing neighborhood. He shared additional concerns about the city's water supply and questioned if the city water supply was sufficient for the additional homes proposed.

James Young, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns the impact the additional traffic would have on the existing roads, particularly at the intersection of Highway 101 and 12th Street, which he stated is already eroding. He stated that the additional traffic would cause the existing road to deteriorate rapidly. He expressed additional concerns regarding the 12th Street bridge and its capacity to handle the additional traffic and heavy machinery that would be necessary to develop. He stated that the 12th Street bridge is already rutted. He shared additional concerns regarding the number of homes in the proposed development that would become short term rentals.

Ted Hewitt, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns regarding the age of the reports and studies included in the application materials. He expressed additional concerns about the amount of traffic the proposed development would generate throughout the neighborhood, as well as at the intersection of Highway 101 and 12th Street. He shared additional concerns regarding the number of homes in the proposed development that would become short term rentals.

Maggie Hewitt, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns regarding the impacts the proposed development would have on livability in the current neighborhood. She shared a personal experience of having lived through quick and expansive development in Portland, which she stated negatively impacted the community and neighborhood feel. She stated that she would like to see the proposed development slowed and that 85 homes would be too much. She shared additional concerns regarding the number of homes in the proposed development that would become short term rentals. Additionally, she voiced concerns about the noise the development construction would create.

Todd Bostick, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns about the number of vehicles and traffic congestion the proposed development would generate. He stated that the intersection of 101 and 12th Street would be worsened with traffic congestion and would become less safe. He shared additional concerns that the existing roads would be damaged through the construction period. He stated that water pressure is already an issue in the Lake Lytle Estates neighborhood and expressed concern that the additional connections to the water system would worsen this problem.

Robert Tarter, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns about the Francis Street connecting through to serve additional homes and stated that the street is not wide enough as is when residents park on the street in front of their homes. He stated that he is opposed to the proposed street to go through the Francis Street cul-de-sac. He shared additional concerns regarding poor water pressure in the neighborhood.

Mary King, a resident of the neighboring Lake Lytle Estates subdivision, shared her opposition to the proposed street to go through the Francis Street cul-de-sac. She stated that she purchased her home because it was located on a cul-de-sac, which she felt kept her autistic child safer, since there is little traffic in the cul-de-sac. She shared that she works for the local school and stated that with their current staffing levels, they would not be able to provide for more children.

Kat Wright, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns regarding the proposed street to go through the Francis Street cul-de-sac. She stated that living on the cul-de-sac makes her feel safe and has less traffic. She expressed concern that her home no longer being located on a cul-de-sac may negatively impact her property value. She stated that there are several children with special needs that live on the cul-de-sac who often play in the road in front of their homes. She shared additional concerns about the number of homes in the proposed development that would become short terms rentals and how this may lead to higher crime in the neighborhood. She stated that she would like to see more housing for the local workforce.

Umholtz asked staff about possible surveys regarding the impact of increased population on the school district. City Planner Johnson responded that traffic studies were a proposed condition of approval, but there were no conditions regarding schools. Fregonese added that while the city typically coordinates with the school districts, they are a separate entity and control their own enrollment forecasts based on population.

Commissioner Johnson referred to a letter from the Department of State Lands (DSL) dated May 21, 2010 that indicated that the City had required that the Frances Street cul-de-sac be redrawn, and asked why it was required. Applicant Troy Johns explained that the City had requested that it be redrawn through the cul-de-sac for Fire Department circulation and he would not go through the cul-de-sac if it was not required. Fregonese clarified for Umholtz that the issue could be addressed with the Fire Department during the final plat application review process to determine whether changes were necessary for circulation. City Planner Johnson added that a proposed condition included evidence of approval from the State Fire Marshall. Fregonese clarified for Lanyon that the City has the authority to require changes from cul-de-sacs to through streets if necessary. He noted that the ordinance encourages street connectivity.

Fregonese confirmed for Commissioner Johnson that the City could add a condition to examine the need for a tsunami evacuation route, if desired.

Winchester asked how the 12th Street Bridge would be evaluated. City Planner Johnson explained that a traffic study was a proposed condition of approval, including a separate analysis of the bridge. She explained that those studies would be presented to the Commission in the final plat approval application.

Winchester asked if there was any plan to have a connection to the south from Nearney Street. City Planner Johnson confirmed that it was outlined in the Transportation System Plan. Fregonese confirmed for Winchester that the traffic study would identify any necessary improvements at the 12th Street intersection.

Zedrick inquired about the road connection to the north of the development. City Planner Johnson explained that it was a County road, and it was anticipated that most traffic would access the development from 12th Street. Fregonese added that the traffic study would provide more information regarding access.

Lanyon commented that it was important the issues with 12th Street be addressed. City Planner Johnson confirmed for Lanyon that the City has the authority to require the establishment of a homeowner's association (HOA) as a condition. In response to a question from Commissioner Johnson, City Planner Johnson said that she would request a copy of Exhibit A that was referenced in

the Applicant's draft Covenants, Conditions and Restrictions (CC&Rs) in the Burden of Proof document dated June 6, 2010.

Umholtz commented that the proposed condition to require an HOA would help relieve concerns about maintenance. There was brief discussion about enforcement of CC&Rs.

Commissioner Johnson asked what conditions would be imposed to address citizen concerns about water adequacy and pressure. City Planner Johnson said that conditions require that engineers evaluate water capacity and provide a report before final plat approval, and also require Fire Marshall approval for fire suppression. Shepard added that both the City Engineer and Public Works staff both noted that significant improvements will be needed. City Planner Johnson and Fregonese reiterated that the final plat review process would include approval of any necessary improvements.

Winchester inquired about playgrounds and common areas. She expressed concern about the lack of a park in the common area. Fregonese noted that the subdivision ordinance didn't specify requirements for parks.

Lanyon expressed concern that wetlands were included in the formula for public space. Fregonese noted that passive recreation such as trails were allowed in the wetland area. Staff confirmed for Lanyon that a stormwater drainage plan was proposed as a condition.

Lanyon inquired about the age of the Burden of Proof documents dated June 6, 2010. Winchester explained that the proposed conditions would require new studies. Commissioner Johnson also expressed concerns about the age of documents. Umholtz commented that her understanding was that this preliminary plat application was providing the original documentation with historical information, and that the proposed conditions would require new studies to address all of their concerns. She further explained that the new information would be reviewed as part of the final plat application process. City Planner Johnson confirmed that Umholtz's understanding was correct.

City Planner Johnson confirmed for Commissioner Johnson that a condition for a public park could be added. In response to a question from Winchester, the Applicant confirmed that a park had been considered near the end of Troy Street.

In rebuttal to the opposing testimony, David Rosenberger, on behalf of the Applicant, addressed the concerns raised by the public. Rosenberger agreed with the public comments that had been made regarding the age of the materials contained in the application. He stated that the application had been approved over 10 years ago, however due to numerous circumstances, the development was not constructed, and the Applicant was required to bring the application back to the city for consideration a second time. At the time the application approval lapsed, the Applicant was advised by the previous City Planner to bring the application back to be reconsidered. He stated that the reports and studies included in the application materials would be updated through the engineering and planning process.

Rosenberger explained that an HOA would be formed for the maintenance of storm facilities and open spaces, and the CC&Rs would be updated.

Rosenberger stated that the proposed street through the Francis Street cul-de-sac is not necessarily something the Applicant would like to do, as there are wetland impacts, but believed an alternative could be determined through the engineering process to reduce the need for the connection.

Rosenberger acknowledged the public's concerns regarding the intersection of Highway 101 and 12th Street and stated that this issue would be addressed through the traffic study. Rosenberger stated that they would be conditioned to look at the 12th Street bridge, which would be done.

Rosenberger acknowledged that there were multiple comments opposed to short-term rentals. He noted that the Applicant would not go against current city standards or regulations, but encouraged the public to address this issue with the City Council.

Rosenberger addressed the public concern regarding the speed at which the development would progress and stated that this would be a phased development, constructed as the market dictated.

Rosenberger stated that water supply concerns would be addressed with the City Engineer and Public Works Department. Rosenberger stated that the concerns raised regarding school impacts could possibly be addressed through development impact fees if those exist within the jurisdiction.

Zedrick inquired about planned connectivity to the south. Hassell and Rosenberger explained that there may be a connection from Necarney south to 6th Street with future developments.

The Applicant waived their right to submit additional written arguments.

Umholtz made a **motion**, seconded by Johnson, to close the Public Hearing and keep the record open until October 26, 2023 for additional written arguments.

The **motion carried** by the following vote:

- [Position #1 - Zandra Umholtz: Motion](#)
- [Position #4 - Sandra Johnson: 2nd](#)
- [Position #5 - Bill Hassell: Approve](#)
- [Position #4 - Sandra Johnson: Approve](#)
- [Position #3 - Pat Olson: Approve](#)
- [Position #7 - Georgeanne Zedrick: Approve](#)
- [Position #2 - Stephanie Winchester: Approve](#)
- [Position #6 - Nancy Lanyon: Approve](#)
- [Position #1 - Zandra Umholtz: Approve](#)

Thompson confirmed for Winchester that any additional written arguments submitted would be considered at the next meeting.

8. CITIZEN INPUT ON NON-AGENDA ITEMS - None

9. OLD BUSINESS - None

10. NEW BUSINESS- None

11. PLANNING COMMISSION COMMENTS & CONCERNS

Start time: [06:59:01 PM \(02:10:25\)](#)

Zedrick thanked City Planner Johnson for all the information she provided.

Lanyon commented on the large amount of material that was presented.

Winchester thanked City Planner Johnson for the information she presented. Winchester added that she appreciated having the City Recorder in attendance.

Commissioner Johnson commented that it was clear that the City needed to address the issue of short-term rentals. Umholtz said that she agreed with Johnson's comments regarding short-term rentals.

Hassell thanked City Planner Johnson and the Commission for the work.

City Planner Johnson clarified for Umholtz that conditions can be imposed on an applicant when the final decision is made.

12. ADJOURNMENT

Start time: [06:59:01 PM \(02:10:25\)](#)

Olson made a **motion**, seconded by Winchester, to adjourn the meeting at 7:22 p.m.

The **motion carried** by the following vote:

[Position #3 - Pat Olson: Motion](#)

[Position #2 - Stephanie Winchester: 2nd](#)

[Position #5 - Bill Hassell: Approve](#)

[Position #4 - Sandra Johnson: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #7 - Georgeanne Zedrick: Approve](#)

[Position #2 - Stephanie Winchester: Approve](#)

[Position #6 - Nancy Lanyon: Approve](#)

[Position #1 - Zandra Umholtz: Approve](#)

MINUTES APPROVED THIS
16TH DAY OF NOVEMBER 2023

William Hassell, President

ATTEST

Melissa Thompson, City Recorder

City of Rockaway Beach

Planning Commission Special Meeting Minutes



Date: Thursday, October 26, 2023
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

1. CALL TO ORDER

Planning Commission President Hassell called the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Start time: [05:00:54 PM \(00:00:28\)](#)

[Position #2 - Stephanie Winchester: Absent](#)

[Position #3 - Pat Olson: Present](#)

[Position #7 - Georgeanne Zedrick: Present](#)

[Position #5 - Bill Hassell: Present](#)

[Position #1 - Zandra Umholtz: Absent](#)

[Position #4 - Sandra Johnson: Present](#)

[Position #6 - Nancy Lanyon: Present](#)

Excused: Charles McNeilly, Mayor

Staff Present: Luke Shepard, City Manager; Mary Johnson, City Planner; and Melissa Thompson, City Recorder.

4. OLD BUSINESS

a. **Subdivision #23-01: Consideration of an Application for Tentative Plan Approval of an 85-lot Subdivision of Vacant Land to be named Lake Lytle Estates Phases IV-VII**

Start time: [05:01:30 PM \(00:01:04\)](#)

Hassell stated that the business before the Planning Commission was the consideration of Subdivision #23-01: An Application for Tentative Plan Approval of an 85-lot Subdivision of Vacant Land to be named Lake Lytle Estates Phases IV-VII.

Hassell explained that the Commission held a Public Hearing on the matter on October 19, 2023, and after the staff report, receipt of correspondence, applicant's presentation, public testimony, applicant rebuttal and Commission questions, the Commission moved to close the Public Hearing and keep the record open until October 26, 2023 for additional written arguments.

Hassell explained the order of business, noting that since the Public Hearing was closed after comments were heard on October 19th, there would be no public comment.

Commissioner Johnson declared a potential conflict of interest, stating that her daughter, Mary Johnson, was a registered property owner within 200 feet of the Applicant's property, and therefore

the effect of decisions on the application could have financial or other impacts on her property. Johnson stated that because this was only a potential conflict, and because she believed that she could continue to participate in the meeting without actual bias, she would fully participate in the matter.

There were no ex-parte contacts since the October 19, 2023 public hearing declared.

City Planner Johnson reported that staff received additional written testimony from Sabrina Richards, Laura & Faye Hinkle, and Theodore Hewitt & Margaret Blanke-Hewitt, and that copies were included in the meeting packet.

City Planner Johnson gave a presentation, providing a review of the matter and additional conditions for consideration based upon the public testimony that was received. (A copy of the presentation is included in the meeting record.)

Zedrick commented that since Lake Lytle Estates is isolated, and that with the amount of proposed housing there may be more children, she wanted to see space dedicated for a small park or something for families.

Commissioner Johnson concurred with Zedrick that such a large development should include a public park in the subdivision plan. There was general consensus from the rest of the Commissioners.

Lanyon asked if there was any City action pending regarding short-term rentals (STRs). Shepard responded that there was nothing pending, but it was very likely that the City Council would consider action in the near future. Shepard further clarified for Lanyon that any new rules that the City Council may impose would likely be in place prior to the final plat application for the development.

Olson made a **motion** that based on the findings of fact and recommendation presented in the City Staff Report and testimony received, the Planning Commission approve Subdivision Application Number 23-01 with the conditions listed in the City Staff Report and as stated by the Staff and authorize the Chair to sign an order to that effect. The **motion died** for lack of a second.

Johnson **moved**, seconded by Zedrick that, based on the findings of fact and recommendations presented in the City Staff Report and testimony received, the Planning Commission approve Subdivision Application Number 23-01 with the conditions listed in the City Staff Report, and with the additional condition as presented by the City Planner regarding the Frances Street cul-de-sac condition, and also with the condition that a public park be added into the subdivision plans, and authorize the Chair to sign an order to that effect.

The motion **carried** by the following vote:

[Position #4 - Sandra Johnson: Motion](#)

[Position #7 - Georgeanne Zedrick: 2nd](#)

[Position #5 - Bill Hassell: Approve](#)

[Position #4 - Sandra Johnson: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #7 - Georgeanne Zedrick: Approve](#)

[Position #2 - Stephanie Winchester: Absent](#)

[Position #6 - Nancy Lanyon: Approve](#)

[Position #1 - Zandra Umholtz: Absent](#)

5. ADJOURNMENT

There being no further business, Hassel adjourned the meeting at 5:28 p.m.

MINUTES APPROVED THIS
16TH DAY OF NOVEMBER 2023

William Hassell, President

ATTEST

Melissa Thompson, City Recorder

DRAFT



501 E First Street
Newberg, Oregon 97132
phone 503-554-9553
fax 503-537-9554

November 8, 2023

Luke Shepard
City Manager
City of Rockaway Beach
276 Hwy 101 S
Rockaway Beach, OR, 97132

Dear Luke,

HBH met with the City of Rockaway Beach City Council at the October 11th work session to discuss a preliminary set of streets to be evaluated for inclusion in the Capitol Improvements Projects over the next five-years. The input received from Council and City Staff at this meeting was added to an initial inventory of streets.

HBH has developed four separate project categories: Rehab and Overlay, Maintenance, New Asphalt Roads, Low Priority New Asphalt Roads. These four categories are described in detail below.

1. Rehab And Overlay
Streets qualifying for work under the Rehab And Overlay section are streets in need of significant asphalt repair. These streets may have additional utility improvements that should be completed prior to the repaving of the road.
2. Maintenance
Streets listed under Maintenance are streets in relatively good condition but are starting to experience signs of distress. These streets do not yet need a full overlay and can instead have their useful life extended through less invasive means such as a crack and slurry seal.
3. New Asphalt Roads
HBH worked with City staff to identify a handful of roads that may be in good enough condition to transition from gravel to asphalt. Working with City staff, this list is very selective. Streets that have subdividable properties or insufficient infrastructure were not considered. Additionally, the only streets considered were streets that have underground utilities in good condition and at future design capacity.
4. High Capital Cost New Asphalt Roads
This final category is gravel roads that were considered for transitioning from gravel to asphalt. However, for a variety of reasons, they may not meet the minimum requirements for paving. It is recommended that newly paved roads be left undisturbed for a period of five years. The roads in this category may have additional undeveloped land, inadequate gravel surfacing, or undersized water and/or sewer mains that may require disturbing the new asphalt road. Additionally, these streets may contain buried water and/or sewer mains constructed out of brittle material. While these pipes are in safe working condition, they are prone to leaks and a risk to new pavement. For these reasons, these roads require capital improvements that put them outside the five-year study window.

In order to prioritize the capital improvements projects for the next five years, HBH worked with City Staff and the City Council to develop five criteria for reviewing streets. The proposed criteria for reviewing streets would center around the following items:

- Road Condition
- Project Cost
- Project Timeline
- Funding Sources/Leveraging Opportunities
- Condition of Buried Utilities

Asphalt Condition will involve an onsite review of the street by HBH staff. For asphalt roads, staff will be looking for signs of distress, including but not limited to cracking, patch failure, potholes, surface deformation, surface defects, and other miscellaneous signs of distress. For gravel roads, this will involve working with City Staff to dig test pits to determine if the existing gravel road is of suitable design for an asphalt overlay, or if a more significant road base reconstruction will be required. As part of the review of the road condition HBH staff will consider the use of the road. This will consider whether the road primarily serves dead end residential traffic, or if it is a high density through street.

Project cost will consider how much value a project adds for a given amount of money. While a road may be small, it may have an outsized impact on the community it is serving. The aim of this criteria is to ensure small projects are not completely removed from rehabilitation simply because they serve a small area.

Project Timeline considers the duration in which repairs may be needed. Some roads may be able to have their useful life dramatically extended with minimal repairs. This is especially true for maintenance projects showing early signs of pavement distress. If left unaddressed, the road may continue to deteriorate at an exponential rate, resulting in a costly rehabilitation project for the City. However, a simple maintenance project could repair the distress and dramatically extend the pavement's useful life. Other roads may be on the verge of being unsafe for vehicle traffic and require an immediate overlay. The timeline for completing the project will have a significant impact on where it lands in the final CIP priority list.

Currently, there is a significant amount of state and federal funding available for municipalities for public works projects. If the City can leverage a street project into obtaining additional funding from an outside agency, this provides an outsized benefit to citizens as it maximizes public funds. For example, if the City can obtain \$250,000 from a state funding agency in order to complete a \$500,000 project on this list, that project may move up in priority as a best use of public funds.

Tables 1-3 below show the proposed projects under the categories described above. Additional streets that were included in the High Capital Cost New Asphalt Roads category have been included under Appendix A. Notes have been added to identify potential additional work items that should be completed either with or prior to paving is completed. The City should strive to ensure newly paved roads are not disturbed for a period of at least five years after paving work has been completed. This may mean postponing a paving project if buried utility improvements may be needed soon.

Table 1 – Rehab & Overlays

Street	Cross Street 1	Cross Street 2	Length (ft)	Notes
N Pacific St	N 3rd Ave	NW 11th Ave	4,300	Currently funded through SCA, but only for Asphalt, water main needs to be replaced, some spot sewer upgrades needed
S Pacific St	S 2nd Ave	S 3rd Ave	450	Need to upgrade water mains
S Pacific St	S 3rd Ave	S 4th Ave	650	Will not be included in report as it is already under design
NE Lake Blvd	NE 12th Ave	NE 15th Ave	650	May need subgrade repairs
S Pacific View Dr	Hillside Dr	End	450	Will need drainage improvements
SE Kesterson Ct	S Pacific View Dr	End	250	Half asphalt, half gravel
S Crest Terrace	S Terrace Dr	End	350	Severely degraded asphalt, exposed aggregate
S Home Ct	S Pacific View Dr	End	80	Listed as asphalt, street view photos appear to be a gravel dead end road
Intersection	S Nehalem Ave	S Juniper St		

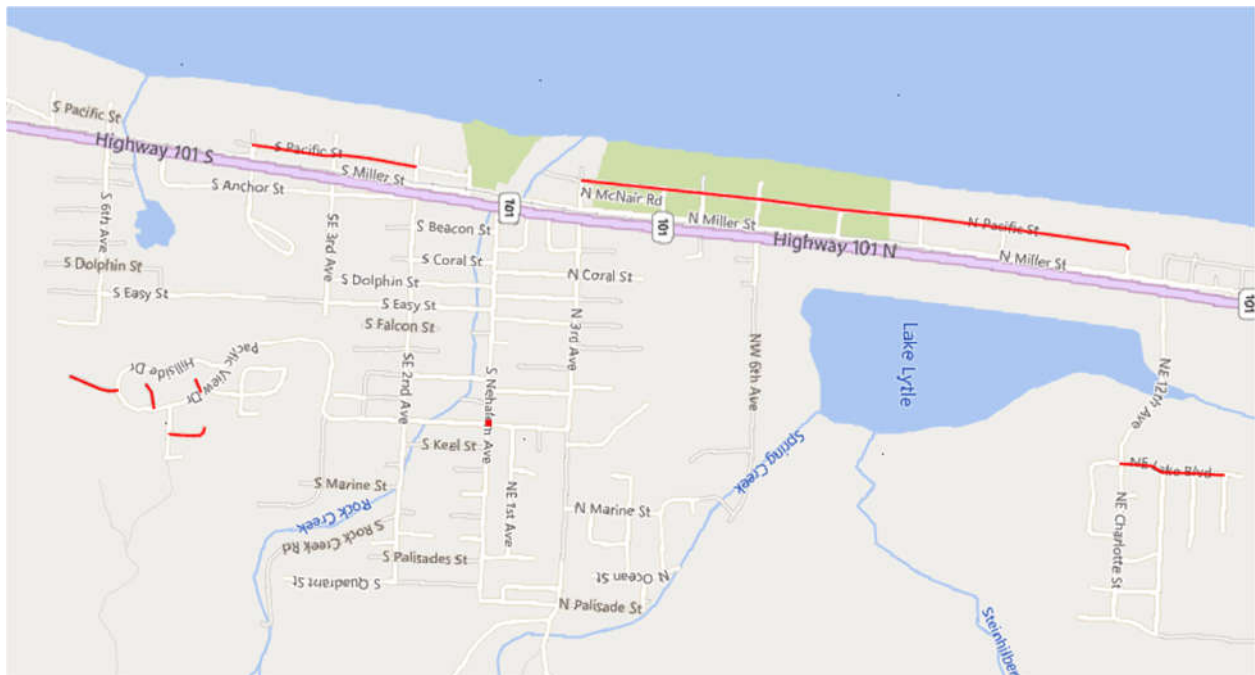


Figure 1 – Proposed Major Road Rehab & Overlay Project Locations

The asphalt roads included in this section are known to be showing signs of severe asphalt distress and contain significant amounts of cracking, potholes, etc. A sample of roads were aimed to be included from various areas of town. The list does not list projects by priority and is only serving as an initial inventory. Streets will be further evaluated once their condition is reviewed in person.

Table 2 – Maintenance Projects

Street	Cross Street 1	Cross Street 2	Length (ft)	Notes
S Quadrant St	S 2nd Ave	S 4th Ave	950	
S Anchor St	S 2nd Ave	SE 5th Ave	2,000	

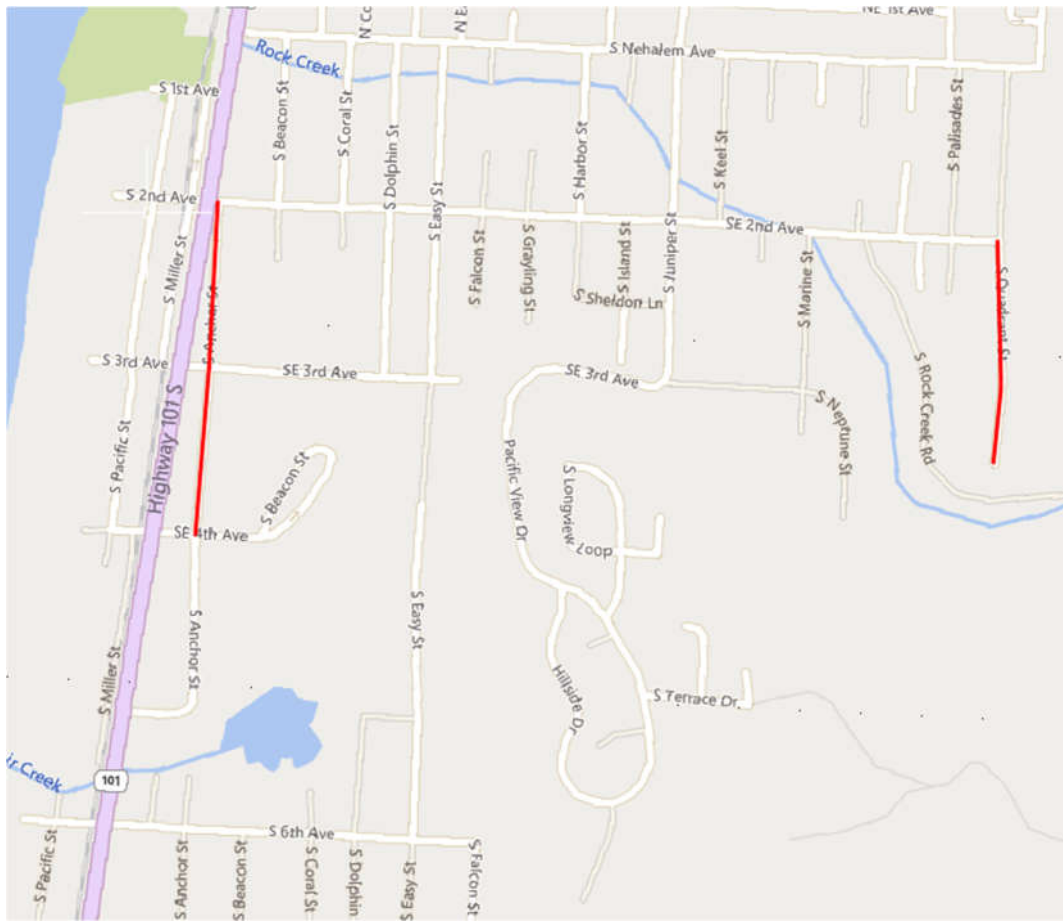


Figure 2 – Proposed Maintenance Project Locations

Roads listed in Table 2 and highlighted in Figure 2 are believed to be candidates for maintenance repairs. This work would potentially include crack sealing projects or similar that would dramatically extend the useful life of the roads at minimal cost to the City. Once street evaluation begins, streets included in this category could move into the major rehab category. Likewise, streets from the major rehab category could be moved to the maintenance category if the asphalt condition isn't as dire as anticipated.

Table 3 – New Asphalt Roads

Street	Cross Street 1	Cross Street 2	Length (ft)	Notes
S Pacific St	S 6th Ave	S 7th Ave	450	Water main has been upgraded and development is wrapped up
S Front St	S 6th Ave	End	350	Water main is listed as 6"
S Anchor St	S 6th Ave	South to End	350	Water main is listed as 6"
S Quadrant St	S Nehalem Ave	S 2 nd Ave	650	12" Water Main, 7+ Buildable Lots
S Palisades St	S Nehalem Ave	S 2 nd Ave	650	4" Water Main, high pressure zone

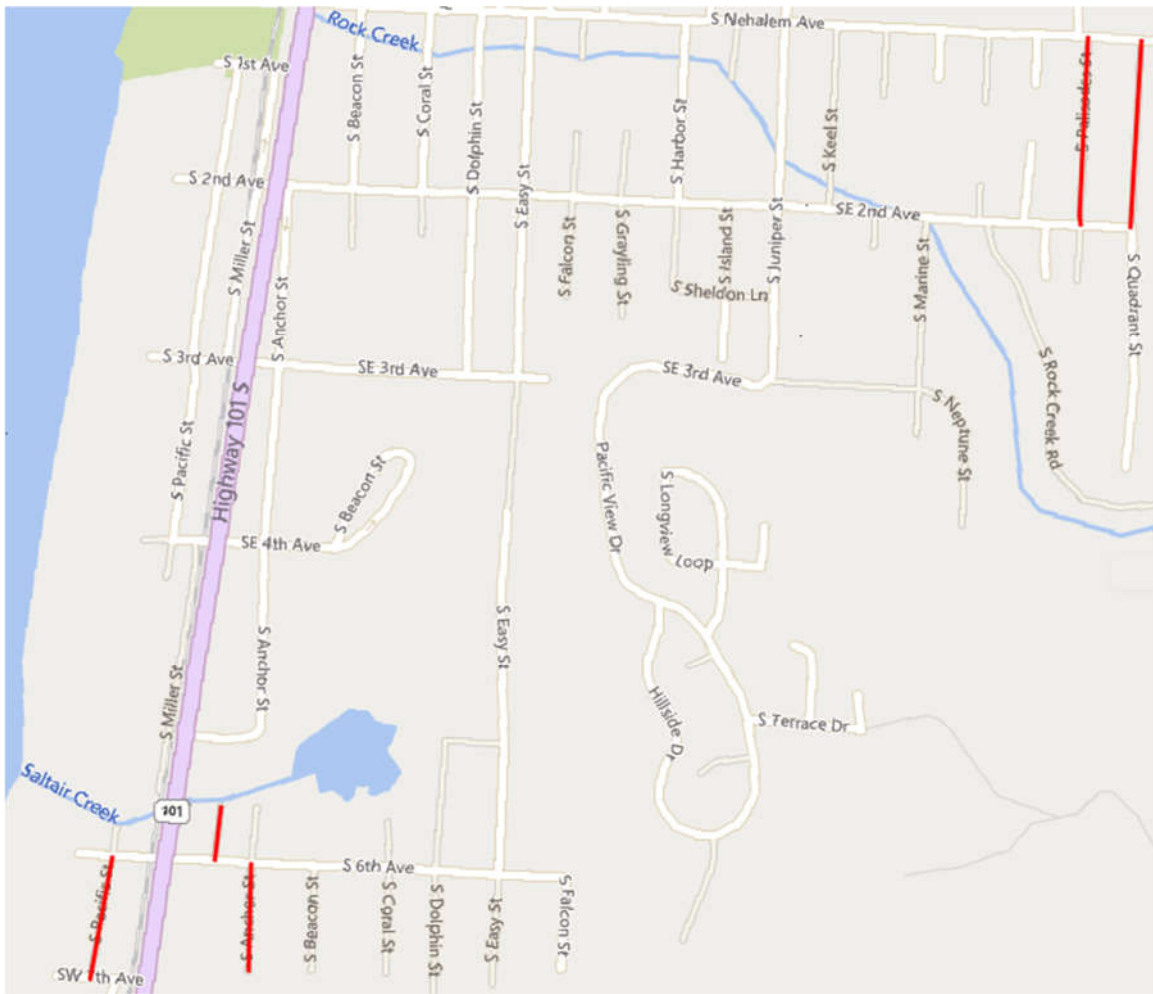


Figure 3 – Proposed New Asphalt Road Projects

This represents a tentative list of gravel streets to evaluate for transition into asphalt roads. These roads are considered mostly fully developed with utilities in sufficient condition and not believed to need short-term upgrades. Traditionally, dead end water mains are recommended to have a minimum of 8" water mains to ensure adequate fire flow is available. Many of these roads have 6" water mains, so pressure tests will be needed to confirm their place on the list.

Appendix A includes an extensive list of streets discussed for conversion from gravel to asphalt. However, most of the streets in the appendix failed to meet the criteria for a street conversion. A couple streets may still be considered in the final report once more information is available.

The goal of the CIP is to limit the work to a realistic planning timeline of five years. The list of streets included above is intended to serve as a preliminary jumping off point. The list may grow with Public input or contract if the work evaluated is anticipated to take a larger chunk of public funds than initially anticipated. While the City may not be able to complete all projects within the 5-year planning horizon, it will serve as a realistic basis to begin completing work. Following receipt of input from the Public, HBH will begin working to evaluate the road conditions in person and develop a more refined list.

It should also be noted the list of roads in this list is still preliminary. Streets may change sections based on an in person evaluation. Additionally, streets may be added or removed based on further information and public input. The inclusion or exclusion of a street on these lists does not guarantee its placement in the final CIP report.

If you have any questions or would like to submit additional information, you can contact me at mdelmoro@hbh-consulting.com or through our office at (503) 554-9553.

Sincerely,

Matt Del Moro, PE
Project Manager

Appendix A – High Capital Cost New Asphalt Roads

Street	Cross Street		Length (ft)	Notes
	Cross Street 1	2		
5th Ave	S Easy St	S Dolphin St	200	4" water main, should be looped to 6"
S Harbor St	S Nehalem Ave	S 2nd Ave	650	2" water mains
S Island St	S 2nd Ave	S Sheldon Ln	300	4" water main
S Harbor St	S 2nd Ave	South to End Timberlake	650	2" water mains
Cedar Cr Cir	N Marine	Dr	500	8" water main, eligible for promotion
Timberlake Dr	NW 6th Ave	Cedar Cr Cir	525	8" water main, eligible for promotion
NW 15th St			200	6" water main and looped, but 6" deadend AC sewer
NW 16th St			275	2" water mains
NW 17th St			225	2" water mains
N Pacific Ln	NW 13th Ave	NW 17th Ave	825	2" water mains
S 3rd St	S Juniper St	East to End	950	Road needs major repairs
S Marine St	S 2nd Ave	South to End	650	No Water Main
N Beacon St	N 3rd Ave	North to End	400	4" AC deadend
S Easy St	S 6th Ave	South to End	400	4" dead end water main
S Neptune St	S 2nd Ave	North to End	200	2" dead end water main, potential for development
N Dolphin St	N 3rd Ave	North to End	350	4" looped water main with 8" AC sewer
N Easy St	N 3rd Ave	North to End	300	6" dead end water with 8" AC sewer
S Anchor St	S 6th Ave	South to End	500	6" dead end water with 8" sewer
S Beacon St	S 6th Ave	South to End	375	4" dead end water with 8" sewer
S Coral St	S 6th Ave	North to End	400	4" dead end water with 8" PVC Sewer
S Coral St	S 6th Ave	South to End	175	Road is near a swamp, check road base
S Dolphin St	S 5th Ave	South to End	850	4" water looped north of S 6th, dead end south of S 6th, 8" Sewer
S Falcon St	S 6th Ave	South to End	375	4" dead end water main, 8" ABS sewer
S Falcon St	S 2nd Ave	North to End	150	4" dead end water main, 6" sewer
S Falcon St	S 2nd Ave	South to End	175	4" dead end water short stub, 6" sewer, developable land.
S Rock Creek Rd	S 2nd Ave	South to End	1350	Can possibly stop well short of this
NW 14th Ave	N Miller St	N Pacific Ln	125	2" water mains
NW 18th Ave	N Miller St	West to End	275	2" water mains
NW 22nd Ave	NW 23rd Ave	South to End	400	4" dead end water, 8" AC Sewer
NW 20th Ave	N Miller St	West to End	275	4" looped (?) water, 6/8" AC Sewer

NW 21st Ave	Scenic Coast RR	West to End	275	4" looped (?) water, 6/8" AC Sewer
NE 20th Ave	Highway 101	East to End	125	2" dead end water, 8" AC sewer
S Beacon St	E Washington St	North to End	325	4" dead end water, no sewer (twin rocks sewer?)
S Coral St	E Washington St	North to End	350	Listed in City Document as "North to Washington St", is this a typo? 4" dead end water, no sewer (twin rocks sewer?), developable
S Dolphin St	E Washington St	North to End	350	4" dead end water, no sewer (twin rocks sewer?), developable
S Dolphin St	E Washington St	South to End	450	4" dead end water, no sewer (twin rocks sewer?), developable
S Easy St	E Washington St	North to End	350	4" dead end water, no sewer (twin rocks sewer?), not developable
S Easy St	E Washington St	South to End	450	4" dead end water, no sewer (twin rocks sewer?), not developable
S Falcon St	E Washington St	North to End	350	Listed in City Document as "North to Washington St", is this a typo? 4" dead end water, no sewer (twin rocks sewer?), developable
S Juniper St	E Washington St	North to End	300	4" dead end water, no sewer (twin rocks sewer?), developable
S Juniper St	E Washington St	South to End	450	4" dead end water, no sewer (twin rocks sewer?), developable
S Keel St	S Nehalem Ave	S 2nd Ave	650	Water main needs to be extended
S Palisades St	S 2nd Ave	South to End	225	2" water main
N Grayling St	N 3rd Ave	South to End	400	4" dead end, 8" PVC, behind school, developable?
N 5th Ave	Highway 101	East to End	275	8" water main, no sewer, not developable, eligible to move up
N 5th Ave	N Juniper St	East to End	125	4" water, no sewer, developable
		Cross Street		
Street	Cross Street 1	2	Length (ft)	Notes
5th Ave	S Easy St	S Dolphin St	200	4" water main, should be looped to 6"
S Harbor St	S Nehalem Ave	S 2nd Ave	650	2" water mains

Senate Bill 406

Sponsored by Senator WEBER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires certain cities in Tillamook County to allow middle housing on residentially zoned lands, to adopt housing production strategies and to accommodate estimated housing needs upon lands inventoried as buildable lands.

A BILL FOR AN ACT

1
2 Relating to housing in Tillamook County; creating new provisions; and amending ORS 197.290,
3 197.293, 197.296 and 197.758 and section 3, chapter 639, Oregon Laws 2019.

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

5 **SECTION 1.** ORS 197.758 is amended to read:

6 197.758. (1) As used in this section:

7 (a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre
8 with a footprint of less than 900 square feet each and that include a common courtyard.

9 (b) "Middle housing" means:

10 (A) Duplexes;

11 (B) Triplexes;

12 (C) Quadplexes;

13 (D) Cottage clusters; and

14 (E) Townhouses.

15 (c) "Townhouses" means a dwelling unit constructed in a row of two or more attached units,
16 where each dwelling unit is located on an individual lot or parcel and shares at least one common
17 wall with an adjacent unit.

18 (2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or
19 more **or within Tillamook County** and each county or city within a metropolitan service district
20 shall allow the development of:

21 (a) All middle housing types in areas zoned for residential use that allow for the development
22 of detached single-family dwellings; and

23 (b) A duplex on each lot or parcel zoned for residential use that allows for the development of
24 detached single-family dwellings.

25 (3) Except as provided in subsection (4) of this section, each city not within a metropolitan
26 service district with a population of more than 10,000 and less than 25,000 shall allow the develop-
27 ment of a duplex on each lot or parcel zoned for residential use that allows for the development of
28 detached single-family dwellings. Nothing in this subsection prohibits a local government from al-
29 lowing middle housing types in addition to duplexes.

30 (4) This section does not apply to:

31 (a) Cities with a population of 1,000 or fewer;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) Lands not within an urban growth boundary;

2 (c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS
3 195.065;

4 (d) Lands that are not zoned for residential use, including lands zoned primarily for commercial,
5 industrial, agricultural or public uses; or

6 (e) Lands that are not incorporated and are zoned under an interim zoning designation that
7 maintains the land's potential for planned urban development.

8 (5) Local governments may regulate siting and design of middle housing required to be permitted
9 under this section, provided that the regulations do not, individually or cumulatively, discourage the
10 development of all middle housing types permitted in the area through unreasonable costs or delay.
11 Local governments may regulate middle housing to comply with protective measures adopted pur-
12 suant to statewide land use planning goals.

13 (6) This section does not prohibit local governments from permitting:

14 (a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

15 (b) Middle housing in areas not required under this section.

16 **SECTION 2.** Sections 3, chapter 639, Oregon Laws 2019, is amended to read:

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

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

20 (b) June 30, 2022, for each local government subject to [*section 2 (2) of this 2019 Act.*] **ORS**
21 **197.758 (2) except as provided in paragraph (c) of this subsection; or**

22 **(c) June 30, 2025, for each city in Tillamook County.**

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

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

30 (4) In adopting regulations or amending a comprehensive plan under this section, a local gov-
31 ernment shall consider ways to increase the affordability of middle housing by considering ordi-
32 nances and policies that include but are not limited to:

33 (a) Waiving or deferring system development charges;

34 (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523,
35 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

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

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

41 **SECTION 3.** ORS 197.290 is amended to read:

42 197.290. (1) A city with a population greater than 10,000 **or within Tillamook County** shall
43 develop and adopt a housing production strategy under this section no later than one year after the
44 city's deadline for completing a housing capacity analysis under ORS 197.296 (2)(a) or (10)(b) or
45 197.297.

1 (2) A housing production strategy must include a list of specific actions, including the adoption
 2 of measures and policies, that the city shall undertake to promote development within the city to
 3 address a housing need identified under ORS 197.296 (6)(b) or (10)(b) or 197.297. Actions under this
 4 subsection may include:

5 (a) The reduction of financial and regulatory impediments to developing needed housing, in-
 6 cluding removing or easing approval standards or procedures for needed housing at higher densities
 7 or that is affordable;

8 (b) The creation of financial and regulatory incentives for development of needed housing, in-
 9 cluding creating incentives for needed housing at higher densities or that is affordable; and

10 (c) The development of a plan to access resources available at local, regional, state and national
 11 levels to increase the availability and affordability of needed housing.

12 (3) In creating a housing production strategy, a city shall review and consider:

13 (a) Socioeconomic and demographic characteristics of households living in existing needed
 14 housing;

15 (b) Market conditions affecting the provision of needed housing;

16 (c) Measures already adopted by the city to promote the development of needed housing;

17 (d) Existing and expected barriers to the development of needed housing; and

18 (e) For each action the city includes in its housing production strategy:

19 (A) The schedule for its adoption;

20 (B) The schedule for its implementation;

21 (C) Its expected magnitude of impact on the development of needed housing; and

22 (D) The time frame over which it is expected to impact needed housing.

23 (4) The housing production strategy must include within its index a copy of the city's most re-
 24 cently completed survey under ORS 456.586 (2).

25 (5) The adoption of a housing production strategy is not a land use decision and is not subject
 26 to appeal or review except as provided in ORS 197.291.

27 (6) A city [*with a population of 10,000 or less*] **not described in subsection (1) of this section**
 28 may develop a housing production strategy as provided in this section.

29 **SECTION 4.** ORS 197.293 is amended to read:

30 197.293. (1) The Land Conservation and Development Commission, in consultation with the
 31 Housing and Community Services Department, shall adopt criteria for reviewing and identifying
 32 cities [*with a population greater than 10,000*] **described in ORS 197.290 (1)** that have not sufficiently:

33 (a) Achieved production of needed housing within their jurisdiction; or

34 (b) Implemented a housing production strategy adopted under ORS 197.290.

35 (2) The criteria adopted by the commission under subsection (1) of this section may include the
 36 city's:

37 (a) Unmet housing need as described in ORS 197.296 (6);

38 (b) Unmet housing need in proportion to the city's population;

39 (c) Percentage of households identified as severely rent burdened as described in ORS 456.586;

40 (d) Recent housing development;

41 (e) Recent adoption of a housing production strategy under ORS 197.290 or adoption of actions
 42 pursuant to a housing production strategy;

43 (f) Recent or frequent previous identification by the Department of Land Conservation and De-
 44 velopment under this section; or

45 (g) Other attributes that the commission considers relevant.

1 (3) The Department of Land Conservation and Development may review cities under the criteria
 2 adopted under subsection (2) of this section for the purposes of prioritizing actions by the depart-
 3 ment, including:

4 (a) Awarding available technical or financial resources;

5 (b) Providing enhanced review and oversight of the city’s housing production strategy;

6 (c) Requiring a report and explanation if a city does not implement an action within the ap-
 7 proximate time frame scheduled within a housing production strategy;

8 (d) Entering into agreements with the city relating to the city’s modification or implementation
 9 of its housing production strategy; or

10 (e) Petitioning the commission to act under ORS 197.319 to 197.335 to require the city to comply
 11 with ORS 197.286 to 197.314 or statewide land use planning goals related to housing or urbanization.

12 **SECTION 5.** ORS 197.296 is amended to read:

13 197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan ser-
 14 vice district regional framework plans and local government comprehensive plans for lands within
 15 the urban growth boundary of a city that is located outside of a metropolitan service district and
 16 has a population of 25,000 or more.

17 (b) The Land Conservation and Development Commission may establish a set of factors under
 18 which additional cities are subject to the provisions of this section. In establishing the set of factors
 19 required under this paragraph, the commission shall consider the size of the city, the rate of popu-
 20 lation growth of the city or the proximity of the city to another city with a population of 25,000 or
 21 more or to a metropolitan service district.

22 (2)(a) A local government shall demonstrate that its comprehensive plan or regional framework
 23 plan provides sufficient buildable lands within the urban growth boundary established pursuant to
 24 statewide planning goals to accommodate estimated housing needs for 20 years:

25 (A) At periodic review under ORS 197.628 to 197.651;

26 (B) As scheduled by the commission:

27 (i) At least once each eight years for local governments that are not within a metropolitan
 28 service district; or

29 (ii) At least once each six years for a metropolitan service district; or

30 (C) At any other legislative review of the comprehensive plan or regional framework plan that
 31 concerns the urban growth boundary and requires the application of a statewide planning goal re-
 32 lating to buildable lands for residential use.

33 (b) The 20-year period shall commence on the date initially scheduled for completion of the re-
 34 view under paragraph (a) of this subsection.

35 (3) In performing the duties under subsection (2) of this section, a local government shall:

36 (a) Inventory the supply of buildable lands within the urban growth boundary and determine the
 37 housing capacity of the buildable lands; and

38 (b) Conduct an analysis of existing and projected housing need by type and density range, in
 39 accordance with all factors under ORS 197.303 and statewide planning goals and rules relating to
 40 housing, to determine the number of units and amount of land needed for each needed housing type
 41 for the next 20 years.

42 (4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, “buildable
 43 lands” includes:

44 (A) Vacant lands planned or zoned for residential use;

45 (B) Partially vacant lands planned or zoned for residential use;

1 (C) Lands that may be used for a mix of residential and employment uses under the existing
2 planning or zoning; and

3 (D) Lands that may be used for residential infill or redevelopment.

4 (b) For the purpose of the inventory and determination of housing capacity described in sub-
5 section (3)(a) of this section, the local government must demonstrate consideration of:

6 (A) The extent that residential development is prohibited or restricted by local regulation and
7 ordinance, state law and rule or federal statute and regulation;

8 (B) A written long term contract or easement for radio, telecommunications or electrical facili-
9 ties, if the written contract or easement is provided to the local government; and

10 (C) The presence of a single family dwelling or other structure on a lot or parcel.

11 (c) Except for land that may be used for residential infill or redevelopment, a local government
12 shall create a map or document that may be used to verify and identify specific lots or parcels that
13 have been determined to be buildable lands.

14 (5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of
15 housing capacity pursuant to subsection (3)(a) of this section must be based on data relating to land
16 within the urban growth boundary that has been collected since the last review under subsection
17 (2)(a)(B) of this section. The data shall include:

18 (A) The number, density and average mix of housing types of urban residential development that
19 have actually occurred;

20 (B) Trends in density and average mix of housing types of urban residential development;

21 (C) Market factors that may substantially impact future urban residential development; and

22 (D) The number, density and average mix of housing types that have occurred on the buildable
23 lands described in subsection (4)(a) of this section.

24 (b) A local government shall make the determination described in paragraph (a) of this sub-
25 section using a shorter time period than the time period described in paragraph (a) of this subsection
26 if the local government finds that the shorter time period will provide more accurate and reliable
27 data related to housing capacity. The shorter time period may not be less than three years.

28 (c) A local government shall use data from a wider geographic area or use a time period longer
29 than the time period described in paragraph (a) of this subsection if the analysis of a wider ge-
30 ographic area or the use of a longer time period will provide more accurate, complete and reliable
31 data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a)
32 of this subsection. The local government must clearly describe the geographic area, time frame and
33 source of data used in a determination performed under this paragraph.

34 (6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than
35 the housing capacity determined pursuant to subsection (3)(a) of this section, the local government
36 shall take one or both of the following actions to accommodate the additional housing need:

37 (a) Amend its urban growth boundary to include sufficient buildable lands to accommodate
38 housing needs for the next 20 years. As part of this process, the local government shall consider the
39 effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include
40 sufficient land reasonably necessary to accommodate the siting of new public school facilities. The
41 need and inclusion of lands for new public school facilities shall be a coordinated process between
42 the affected public school districts and the local government that has the authority to approve the
43 urban growth boundary.

44 (b) Amend its comprehensive plan, regional framework plan, functional plan or land use regu-
45 lations to include new measures that demonstrably increase the likelihood that residential develop-

1 ment will occur at densities sufficient to accommodate housing needs for the next 20 years without
2 expansion of the urban growth boundary. A local government or metropolitan service district that
3 takes this action shall adopt findings regarding the density expectations assumed to result from
4 measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data
5 in subsection (5)(a) of this section. The density expectations may not project an increase in resi-
6 dential capacity above achieved density by more than three percent without quantifiable validation
7 of such departures. For a local government located outside of a metropolitan service district, a
8 quantifiable validation must demonstrate that the assumed housing capacity has been achieved in
9 areas that are zoned to allow no greater than the same authorized density level within the local
10 jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable
11 validation must demonstrate that the assumed housing capacity has been achieved in areas that are
12 zoned to allow no greater than the same authorized density level within the metropolitan service
13 district.

14 (c) As used in this subsection, “authorized density level” has the meaning given that term in
15 ORS 227.175.

16 (7) Using the housing need analysis conducted under subsection (3)(b) of this section, the local
17 government shall determine the overall average density and overall mix of housing types at which
18 residential development of needed housing types must occur in order to meet housing needs over the
19 next 20 years. If that density is greater than the actual density of development determined under
20 subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types
21 determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic
22 review, shall adopt measures that demonstrably increase the likelihood that residential development
23 will occur at the housing types and density and at the mix of housing types required to meet housing
24 needs over the next 20 years.

25 (8)(a) A local government outside a metropolitan service district that takes any actions under
26 subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use
27 regulations comply with goals and rules adopted by the commission and implement ORS 197.286 to
28 197.314.

29 (b) A local government shall determine the density and mix of housing types anticipated as a
30 result of actions taken under subsections (6) and (7) of this section and monitor and record the ac-
31 tual density and mix of housing types achieved following the adoption of these actions. The local
32 government shall compare actual and anticipated density and mix. The local government shall sub-
33 mit its comparison to the commission at the next review of its urban growth boundary under sub-
34 section (2)(a) of this section.

35 (9) In establishing that actions and measures adopted under subsections (6) and (7) of this sec-
36 tion demonstrably increase the likelihood of higher density residential development, the local gov-
37 ernment shall at a minimum ensure that land zoned for needed housing is in locations appropriate
38 for the housing types identified under subsection (3) of this section, is zoned at density ranges that
39 are likely to be achieved by the housing market using the analysis in subsection (3) of this section
40 and is in areas where sufficient urban services are planned to enable the higher density development
41 to occur over the 20-year period. Actions or measures, or both, may include but are not limited to:

42 (a) Increases in the permitted density on existing residential land;

43 (b) Financial incentives for higher density housing;

44 (c) Provisions permitting additional density beyond that generally allowed in the zoning district
45 in exchange for amenities and features provided by the developer;

- 1 (d) Removal or easing of approval standards or procedures;
 - 2 (e) Minimum density ranges;
 - 3 (f) Redevelopment and infill strategies;
 - 4 (g) Authorization of housing types not previously allowed by the plan or regulations;
 - 5 (h) Adoption of an average residential density standard; and
 - 6 (i) Rezoning or redesignation of nonresidential land.
- 7 (10)(a) The provisions of this subsection apply to local government comprehensive plans for
- 8 lands within the urban growth boundary of a city that is located outside of a metropolitan service
- 9 district and has a population of less than 25,000.
- 10 (b) As required under paragraph (c) of this subsection, a city shall, according to rules of the
- 11 commission:
- 12 (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
 - 13 (B) Inventory the supply of buildable lands available within the urban growth boundary to ac-
 - 14 commodate the estimated housing needs determined under this subsection; and
 - 15 (C) Adopt measures necessary to accommodate the estimated housing needs determined under
 - 16 this subsection.
- 17 (c) The actions required under paragraph (b) of this subsection shall be undertaken:
- 18 (A) At periodic review pursuant to ORS 197.628 to 197.651;
 - 19 (B) On a schedule established by the commission for cities with a population greater than 10,000
 - 20 **or within Tillamook County**, not to exceed once each eight years; or
 - 21 (C) At any other legislative review of the comprehensive plan that requires the application of
 - 22 a statewide planning goal relating to buildable lands for residential use.
- 23 (d) For the purpose of the inventory described in this subsection, “buildable lands” includes
- 24 those lands described in subsection (4)(a) of this section.
- 25 (11) If a city with a population of 10,000 or less conducts an inventory of the supply of buildable
- 26 lands or an estimate of housing need, it must satisfy the requirements of subsection (10) of this
- 27 section.

28 **SECTION 6. No later than June 30, 2024, the Land Conservation and Development Com-**

29 **mission shall adopt a schedule by which cities in Tillamook County shall demonstrate suffi-**

30 **cient buildable lands.**

31 _____