



Planning Commission Meeting

6:30PM

Public Safety Building

401 E Third St

Hybrid: Instructions To Join Electronically At www.newbergoregon.gov

Email Comments To: Fe.Bates@Newbergoregon.Gov

May 14, 2026

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

(5-minute maximum per person - for items not on the agenda)

4. CONSENT CALENDAR

- a. [2/12/2026 Planning Commission Meeting Minutes](#)

5. NEW BUSINESS

- a. **Legislative Update review of the land use bills that passed in 2026 and are relevant to the City's Code Maintenance work, which is scheduled for review this summer.**
 - i. [2026 Legislative Session Update](#)

6. CONTINUED BUSINESS

- a. **Review Planning Commission updated Guidelines that are to supplement the Newberg City Council, Board, Committee & Commission Guidelines that were adopted by the City Council on October 20, 2025.**
 - i. [Planning Commission Guidelines](#)
 - ii. [Newberg City Council, Board, Committee & Commission Guidelines](#)

7. ITEMS FROM STAFF

- a. **Anticipated Schedule of Planning Commission Activities**
- b. **Staff Updates for Planning Commission**

8. ITEMS FROM COMMISSIONERS

9. ADJOURNMENT



Planning Commission Meeting

February 12, 2026

CALL MEETING TO ORDER

The Newberg Planning Commission meeting of February 12, 2026 was called to order at 6:30 PM at the Public Safety Building, 401 E Third Street, Newberg, Oregon.

ROLL CALL

Commissioners Present: Kriss Wright
 Jason Dale
 Mathew Mansfield
 Jose Villalpando (Vice Chair)- via Zoom
 Randy Rickert
 Abby Seits (Student Commissioner)

Commissioners Absent: Linda Newton-Curtis(Chair)

City Council Representative: Absent

Staff Present: Community Development Director: Scot Siegel
 Associate Planner: Jeremiah Cromie
 Administrative Assistant/Secretary: Fé Bates

INTRODUCTION OF NEW COMMISSIONERS

Introduction of newly appointed Student Commissioner, Abby Seits

Administrative Assistant Fe Bates reported that the Commission's other newest appointed member declined to serve after receiving the first packet. The position remains vacant.

ELECTION OF NEW CHAIR AND VICE CHAIR

Following discussion of seniority and availability, Commissioner Kriss Wright was nominated for Chair and Commissioner Jose Villalpando was nominated for Vice Chair for the 2026 term.

Motion to elect Commissioner Kriss Wright as Planning Commission Chair for 2026 was made by Commissioner Jason Dale and seconded by Commissioner Randy Rickert. The motion carried unanimously (6-0).

Motion to elect Commissioner Jose Villalpando as Planning Commission Vice Chair for 2026 was made by Commissioner Matthew Mansfield and seconded by Commissioner Jason Dale. The motion carried unanimously (6-0).

PUBLIC COMMENTS

There were no public comments for items not on the agenda.

CONSENT CALENDAR

12/11/2025 Planning Commission Meeting Minutes

Motion to approve the December 11, 2025 Planning Commission meeting minutes was made by Commissioner Randy Rickert and seconded by Commissioner Jason Dale.

The motion carried by voice vote.

QUASI-JUDICIAL PUBLIC HEARINGS

Land Use Appeal APL-26-1: Appeal of 3-lot Partition and 3 Middle Housing Land Division Approvals at 1929 E Orchard Dr (PLNG-25-42)

Chair Wright opened the quasi-judicial public hearing. The required ORS 197.763 legal announcement was read by Student Commissioner Seits. Due to a temporary Zoom connection issue, the announcement and hearing procedures were repeated following a brief recess.

Staff Report

Associate Planner Jeremiah Cromie presented the staff report. The application involves a 3-lot partition of a single parcel at 1929 E Orchard Drive, zoned R-1 (Low Density Residential), with a subsequent Middle Housing Land Division on each partition lot to accommodate a triplex on each, for a total of nine dwelling units. Applicable criteria are found in NMC 15.235. The director's decision approving the application with conditions was issued on January 7, 2026 and was timely appealed by Ryan Adovnik. Staff addressed each of the eight appeal issues raised as follows:

- **Fire turnaround and fire flow:** Tualatin Valley Fire & Rescue (TVFR) approved permit No. 2025-10121. In lieu of a turnaround, TVFR required the buildings to be sprinklered. A fire flow test confirmed the system meets the 1,000 GPM threshold for a 4-inch line.
- **Frontage, operational feasibility, and access:** The access easement on Orchard Drive is 30 feet wide, exceeding the 25-foot minimum. All partition lot frontages exceed 70 feet. Waste Management was notified and raised no objections.
- **Traffic analysis:** The application's traffic generation memo, prepared using ITE methodology, estimated 9 PM peak hour trips. A full traffic impact study is required only when a development generates 40 or more PM peak hour trips. No known safety deficiencies trigger a study under the applicable code section.
- **Utility adequacy:** The applicant submitted a waterline capacity memo and a preliminary stormwater report demonstrating feasibility, including rain garden infiltration facilities supported by geotechnical testing. A final stormwater plan is conditioned as part of the public improvement permit process.
- **Lot coverage, parking, and building height:** No building permits were submitted with this application. All dimensional standards—including 40% lot coverage, off-street parking (1 space per

unit for middle housing as permitted by state law under HB 2001), and the 30-foot height limit—will be evaluated and enforced at the building permit stage as conditions of approval.

- **Future development impacts:** Speculative future development on adjacent parcels is not an applicable approval criterion. No other applications are currently pending on Orchard Drive.
- **Private street maintenance burden:** The maintenance of the existing private street is a private matter among property owners and is beyond the city's regulatory scope for this application type.
- **Public notice:** The city's code does not prescribe the type of envelope used for applicant-issued mailed notices. The required notice content was correct, and the property was posted. The city's own mailing for the appeal hearing was sent on city letterhead.

Senior Engineer Brett Musick further clarified that the existing Orchard Drive private street predates current code provisions (the road easement was created in 1971) and is therefore not subject to new private street standards. The pavement condition conditions require the applicant to match existing paving at the project frontage. Staff recommended adoption of Planning Commission Order 2026-01 denying the appeal and sustaining the January 7, 2026 director's decision with conditions.

Commissioner Questions

Commissioner Mansfield sought clarification on the Commission's scope of review, confirming that unlike a discretionary conditional use permit, this appeal involves more objective partition and middle housing land division criteria derived largely from state law, and that the applicant bears the burden of proof. Staff confirmed that tripled housing is a permitted use in R-1 with a 5,000 square foot minimum lot size, met by all three partition lots, and that the Commission's review is confined to whether applicable code criteria are met.

Applicant Testimony

Applicant Dean Hereford (17809 NE Moraine Drive, Portland, OR 97230) stated that the property has been in his family for over 40 years and that the project has been developed to comply with all city requirements. He acknowledged that the notice envelope bearing his business address may have caused confusion and noted the property had been posted and noticed twice given a prior withdrawn application. Devin Jackson, Principal Engineer of Jackson Civil Engineering, testified that all appeal issues reflected either misunderstood documentation or were addressed by conditions of approval. He emphasized that the application is for a permitted use, not a variance or conditional use, and that the concept plan has demonstrated feasibility for lot coverage and stormwater management, with final compliance confirmed at the building permit stage.

Appellant and Public Testimony

Ryan Adovnik (1910 Orchard Drive), the primary appellant, acknowledged that staff's responses addressed many of his concerns. He raised continuing concerns regarding the narrow physical character of the private street, the lack of any on-street parking, and the cumulative operational challenges of simultaneously accommodating fire access, mail delivery, waste management, and private vehicles at nine new units. He presented photographs illustrating the limited sight lines at the Villa Road intersection. He requested denial and asked that the applicant return with a two-lot plan with single-family homes, and noted his concern about the precedent the approval could set for development of an adjacent vacant parcel. He also expressed dissatisfaction with the notice envelope.

Judy Durkey (1911 Carroll Avenue) questioned whether a current TVFR fire service plan had been made publicly available and raised concerns about the physical proximity of the proposed fire apparatus staging area to a fire hydrant, adequacy of space for waste management containers given the fence at the road terminus, and the insufficiency of a one-space parking requirement given the absence of on-street parking.

Andrea Waybright (1930 Orchard Drive, directly across from the subject property) testified that the street is approximately 18–20 feet wide, that the proposed nine units would double the density of the street within a

footprint equivalent to a backyard, and that the development is out of character with the existing single-family neighborhood. She expressed support for more modest development such as one or two single-family homes on the parcel.

Applicant Rebuttal

Mr. Hereford reiterated that the required fire and sprinkler systems mean the proposed dwellings will be safer than existing homes on the street. He stated he received only one phone call from neighbors throughout the process and expressed his intent to develop quality, affordable housing. Mr. Jackson noted that the project involves a permitted use meeting adopted code standards, that the concept of inconsistent housing styles already characterizes the street, and that the applicant would be willing to discuss formation of an HOA for street maintenance purposes.

Deliberation

Commissioner Mansfield confirmed his understanding that the Commission's role is limited to evaluating whether applicable objective code criteria are met, and acknowledged that livability and neighborhood character—while legitimate concerns—are not criteria applicable to this type of application. Commissioner Rickert concurred.

Chair Wright acknowledged the public safety concerns raised regarding road width and pedestrian conditions, and proposed an amendment to condition a traffic and road safety study. That motion did not receive a second and was tabled. Commissioner Dale noted that the Planning Commission acts in a quasi-judicial capacity and cannot deny an application that meets all applicable criteria on grounds outside those criteria.

Motion to adopt Planning Commission Order 2026-01, denying the appeal and sustaining the January 7, 2026 Community Development Director's decision approving PLNG-25-42 with conditions, was made by Commissioner Jason Dale and seconded by Commissioner Randy Rickert. The motion carried unanimously (6-0).

CONTINUED BUSINESS

a. Discuss newly adopted City Council, Board, Commission & Committee Guidelines and if the Planning Commission would like to adopt additional rules that would accompany the 2025 Committee Guidelines.

Administrative Assistant Fe Bates and Director Siegel outlined areas where the Planning Commission's existing rules differ from or conflict with the newly adopted 2025 City Council Board, Commission & Committee Guidelines. Key points of discussion included testimony time limits, the optional nature of formal minute approval under state law, the retention of quasi-judicial conflict-of-interest and ex parte requirements (which are more rigorous than the council rules), and the updated hearing scripts prepared for the Commission. The Commission expressed a preference to maintain its existing procedures where they are more rigorous than the council's, and directed staff to return with a revised draft that removes conflicting language while preserving Planning Commission-specific provisions.

Motion directing staff to prepare a revised set of Planning Commission rules and procedures that removes conflicts with the 2025 Council Guidelines while retaining existing Planning Commission-specific procedures was made by Chair Kriss Wright and carried by voice vote.

ITEMS FROM STAFF

Anticipated Schedule of Planning Commission Activities

Director Siegel advised that the Housing Capacity Analysis is anticipated to come before the Commission this spring as the first long-range planning project of the year. No quasi-judicial hearings are currently

scheduled. He noted that a short legislative session is underway with numerous pending land use bills and offered to schedule a work session for the Commission to review recent and pending state legislative changes.

Staff Updates for Planning Commission

Administrative Assistant Fe Bates reminded commissioners that Statement of Economic Interest (SEI) filings are due and that notification emails from the City Recorder had been sent to commissioners' city email accounts.

ITEMS FROM COMMISSIONERS

Chair Wright raised the issue of public notice envelopes following the testimony received during the evening's hearing. SHe proposed that a code amendment be added to the city's code maintenance docket requiring land use notice mailings to be sent in plain envelopes without advertising or promotional markings. Director Siegel confirmed that this recommendation is within the Commission's purview and that it could be added to the code maintenance docket for future action.

ADJOURNMENT

Chair Wright adjourned the February 12, 2026 Planning Commission meeting: 8:46 p.m.

Attest:

Kriss Wright, Planning Commission Chair

Fé Bates, Secretary

May 7, 2026

TO: Newberg Planning Commission

FR: Scot Siegel, Community Development Director

RE: 2026 Legislative Session Update

The attached Oregon Department of Land Conservation and Development (DLCD) Legislative Update summarizes the land use bills that passed in 2026 (Attachment 1). This memo reviews those bills that have been signed by the Governor and are relevant to the City's Code Maintenance work. The Planning Commission work session on May 14 will focus on the bills that can be addressed during Code Maintenance, which is scheduled for review this summer.

Not every bill that passes requires a city code change. Some bills pertain to agricultural zoning and apply only to counties, for example. Others are operational without code changes, such as HB 4035's (SB 1537's) one-time UGB expansion process which Newberg is using and other bills that have expiration dates. Additionally, some bills apply only to state agencies or require state rulemaking before local implementation.

HB 4037 (2026) Housing Omnibus Bill

The Housing Omnibus Bill of 2026 (Attachment 2) contains the following provisions that affect local land use decision making and necessitate code changes.

Section 17, Review of Housing Applications, subsection (5)

- a) Limits land use application noticing to property owners within 100 feet of the subject property for housing developments of less than 20 dwelling units. *Current notification requirements may continue to apply to larger housing applications.*
- b) Prohibits mandatory public hearings for all housing applications.
- c) Limits local appeal rights on housing applications to the applicant only.

The City must amend NMC 15.100 Land Use Processes and Procedures to comply with the above state preemptions. Exceptions include applications for developments on lands with Goal 5 resources, including historic landmarks, wetlands, and stream corridors. Options include, 1) reducing the required notification area from 500 feet to 100 feet for developments of less than 20 dwelling units; or 2) discontinue mailed noticing altogether for these developments as only

the applicant has the right to appeal similar to the City's existing Type I procedure. The bill does not affect middle housing, which is already reviewed through the Type I process.

With HB 4037, the Legislature sought to increase predictability in the land use process for housing. By limiting public notice mailings and appeal rights for developments of less than 20 dwellings, the processing time for permits may be reduced. However, the City may receive more inquiries, records requests, and feedback, including complaints, through other forums including public meetings and social media.

Mailed legal notices are not the only way to inform the community about housing developments. Notices will continue to be posted on sites for applications that are subject to the Type II, Type III, or Type IV procedures, including conditional use permits and zone changes. Information is also available OpenGov, the City's online enterprise permitting and licensing software. Additionally, the City posts information about applications that require notice on the Community Development web page and may do the same for other development approvals.

Newberg can also use other communication tools such as news releases and utility billing notices for projects with community-wide interest, for example those involving the development of new parks, street extensions, or temporary road closures.

Section 26, subsection (9), Residential Development on Commercial Lands

Section 26 amends ORS 197A.445 (formerly SB 8 (2021)¹) which requires local jurisdictions to allow certain types of deed-restricted affordable housing on lands not zoned for residential use. The bill limits the amount of commercial land within *planned mixed-use developments* that may be developed with housing. This occurs infrequently in Newberg. Therefore, the city need not amend its code and instead can apply the statute directly when an application qualifies.

Section 27, Technical Fixes

Section 27 amends ORS 92.031 to clarify the expiration of middle housing land division preliminary plats. These plats expire 3 years after approval, or a period equal to that allowed by the city for other plats or plans submitted concurrently with the middle housing land division if different. A minor code amendment would help clarify this.

¹ Land that is subject to this provision is land owned by a public agency, nonprofit religious organization, or nonprofit public benefit organization whose primary purpose is the development of affordable housing. Affordable housing is defined as housing that is affordable to households earning 80 percent of the area median income or less for every unit, or 60 percent AMI average across all units. Other standards also apply.

Other Legislation and State Rules That Do Not Currently Require Code Changes

Other land use bills the City tracks include those approved in prior legislative sessions that have delayed effective dates or are pending rulemaking. The City does not codify bills that are pending rulemaking, or as noted above, are used infrequently such that it is more practical to apply the statutes directly. Currently, rulemaking is underway for HB 2138 (2025), which pertains to middle housing, particularly cottage clusters, and infill development, as follows:

HB 2138 (2025) – Middle Housing Revisions

The following are provisions of HB 2138 that change(d) how Newberg regulates middle housing. *Note the effective dates vary per topic.*

- Middle housing land divisions:
 - Allowed on lots with pre-existing nonconforming middle housing units.
 - Removes the noticing requirement and local appeals process for Middle Housing Land Divisions and Expedited Land Divisions. Only the applicant receives notice and may appeal. *This has been updated by HB 4037 (2026).*
 - *Effective July 17, 2025.*
- Middle Housing and Middle Housing Land Divisions to be allowed on lots with Accessory Dwelling Units (ADU's), and Middle Housing Land Divisions may now result in a single-family dwelling together on the same "child" lot, or a duplex on the same "child" lot. This provision is *effective January 1, 2027.*
- Traffic Impact Analyses or traffic-related exactions not required for middle housing projects of 12 units or less, and on lots created by a land division more than five years prior. This provision is *effective January 1, 2027.*
- Where an ADA accessible (Type A) or affordable (<120% Area Median Income) middle housing unit is proposed within a duplex or triplex, the city must allow one additional unit, creating a triplex or fourplex. For townhouses, a quadplex or cottage cluster, two additional units are allowed. This provision is *effective January 1, 2027.*
- In zones that allow five or more units (multifamily housing) on a lot, the city must allow additional density and limited parking for single-room occupancy (SRO) units. Newberg code currently does not define SROs. This provision is *effective January 1, 2027.*
- Voids all recorded covenant provisions that prohibit middle housing (and manufactured housing) otherwise allowed by zoning. This provision is *effective January 1, 2027.*

HB 2138 (2025) also directed LCDC to adopt rules before January 1, 2028, that further remove regulatory barriers to housing, as follows:

- Eliminate siting and design standards that prevent or discourage the development of manufactured, site-built, or prefabricated housing;
- Define “unreasonable cost and delay” that affects ADUs and SROs;
- Provide incentives for cottage clusters and define “small footprint or floor area”. This replaces the 900 sq. ft. “footprint” limitation on cottage cluster units established in Oregon Administrative Rules adopted under HB 2001 (2019) Middle Housing;
- Amend siting and design parameters for middle housing types;
- Amend the permissible “discretionary criteria” that local jurisdictions may apply when the code provides both *clear and objective* and alternative *discretionary* tracks;
- Develop a model for requiring System Development Charges for residential development types. *Presumably this will be aimed at reducing housing costs.*
- Estimate what is a reasonable amount of buildable land or “zoned capacity” for planned housing in buildable lands inventories.

SB 974 (2021)

- SB 974, Section 8, prohibits the application of design standards to residential developments with 20 or more units (except for multifamily buildings) inside urban growth boundaries. The prohibition does not apply to applications for 19 or fewer single dwelling units, manufactured dwellings, or units of middle housing. It also does not limit standards regulating setbacks, building height, accessibility, public health and safety, water quality, natural hazards, stream corridors and wetlands, historic landmarks, the Willamette River Greenway, or non-land use regulations such as building and fire codes and engineering design standards.

The City has not codified Section 8 due to its limited applicability and because the provision sunsets (is automatically repealed) January 1, 2033. Instead, staff will apply the statute directly when an application qualifies.

- SB 974, Section 3 (2021), effective July 1, 2026, changes how local governments process applications for rezonings, planned unit developments, and variances for residential developments. Subsection 3(7) states, “The initial decision on the application must be made without a hearing. A local government may provide for a hearing on appeal of the

initial decision.” This will be addressed in the 2026 code maintenance package, as discussed above.

OAR 660-023-0210 Cultural Areas Rule

On December 4, 2025, the Land Conservation and Development Commission adopted rules for cultural resources including archeological sites and objects (OAR 660-023-0210) that are already protected under state and federal law.

The rule takes effect **January 1, 2027**, and does not require that we amend our comprehensive plan or development code. The cultural areas rule is intended to strengthen communication between tribes and local governments by requiring notice for development applications involving ground disturbance, urban growth boundary (UGB) amendments, and certain rural applications. The rule also provides direction for how a local government evaluates significance of cultural landscape features when identified by tribes and determines appropriate protection measures for significant sites.

The rule defines required local government procedures for sending notice to tribes and sharing those comments with applicants and decisionmakers. It also outlines how tribal responses must be incorporated into the local record while protecting confidential information about archaeological sites. According to the Oregon Department of Land Conservation and Development, “The rule does not affect established treaty rights and is consistent with the government-to-government consultation responsibilities expected by state agencies.”

Although not required, for clarity in administration, this year’s Code Maintenance package will include an amendment adding tribal noticing to NMC 15.100.120.

Conclusion

This item is informational only. The Planning Commission may want to provide feedback on the above items prior to reviewing the Annual Code Maintenance Package this summer.



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

TO: Interested Persons, Local Governments, and State Agencies

FROM: Alexis Hammer, J.D., Legislative and Policy Manager
Alyssa Bonini, J.D., Legislative and Policy Coordinator
Adam Marl, Legislative and Policy Coordinator

www.oregon.gov/LCD



DATE: April 1, 2026

SUBJECT: **2026 Land Use Legislation Report**

Introduction

This report describes legislation passed in the 2026 Oregon Legislative Session related to state land use statutes or the land use planning programs administered by the Department of Land Conservation and Development (DLCD or department) and regulated by the Land Conservation and Development Commission (LCDC or commission). This report is also available on the DLCD website. This report summarizes each legislative measure but does *not* provide a comprehensive breakdown of each bill. Therefore, we recommend this report be used as a reference and that readers refer to the bills and their history directly for a full picture of legislative intent and law. **Please consult an attorney for legal advice about these bills.**

This report includes links to the [Oregon Legislative Information System \(OLIS\)](#) page for each bill. From those pages, readers can access bill language, measure history, and related testimony.

State law requires DLCD to notify local governments when new statutory requirements require changes to local comprehensive plans, regional framework plans, or ordinances implementing these plans.* The application of these statutory changes should be determined by local planning staff and legal counsel.

Note: Sections where the deadline for local government compliance is different from the bill's effective date are bolded.

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

DLCD 2025-27 Budget

The table below provides an overview of DLCD’s 2025-27 Legislatively Approved Budget, which includes the department’s budget from the start of the biennium, with changes implemented from the 2026 legislative session.

	2025-27 Legislatively Adopted	HB 5204 (2026)	2025-27 Legislatively Approved
General Fund	\$49,533,762	\$672,698	\$50,206,460
Other Funds	\$12,898,404	\$4,591,896	\$17,490,300
Federal Funds	\$14,049,024	\$4,819,369	\$18,868,393
Total Funds	\$76,481,190	\$10,083,963	\$86,565,153
Positions / Full-Time Equivalent	111 / 110.22	-1 / -1.00	110 / 109.22

Total grant funding available to local governments: \$16.8 million

HB 5204 – Close of Session Bill

Chief Sponsor(s): Representative Tawna Sanchez

Effective date: March 10, 2026

Summary: HB 5204 is the statewide budget rebalance bill for the 2025-2027 biennium. This bill includes provisions that modify agencies’ budgets, across the executive branch. The following sections apply to DLCD’s budget specifically:

- Section 212: Additional other funds expenditure limitation, \$202,013, to spend funding provided by interagency agreements with project partners.
- Section 213: Additional federal funds expenditure limitation, \$4,599,793, to spend funding from two National Oceanic and Atmospheric Association grant awards to support land and estuary preservation work.
- Section 223: Additional other funds expenditure limitation, \$4,350,409, to spend carryover funding for the Housing Accountability and Production Office and the Community Green Infrastructure grant programs.
- Sections 224-225: Net-zero technical adjustment to deposit an existing \$3.5 million General Fund appropriation, provided in SB 5528 (2025), into the department’s Housing Accountability and Production Office fund.
- Section 331: Statewide compensation plan adjustments.
 - General Fund \$1,213,237
 - Other Funds expenditure limitation \$201,631
 - Federal Funds expenditure limitation \$219,576
- Section 341: Reductions implemented to balance the State General Fund budget.
 - Elimination of one limited duration Natural Hazards Mitigation Planner position (1.00 FTE). This position was unfilled due to the loss of grant funding for the position. Reduction includes \$40,539 General Fund, which was 20% of position costs as required match, and \$162,157 other funds expenditure limitation.
 - Reduction of \$500,000 General Fund from funding provided for the department’s middle housing rulemaking under HB 2138 (2025). The department will be able

to successfully complete this rulemaking project, even with reduced funding levels.

Key Legislation

Housing and Economic Development

HB 4035 – SB 1537 (2024) One-time UGB Expansion Reforms

Chief Sponsor(s): Representative Pam Marsh

Effective date: March 6, 2026

Summary: HB 4035 modifies the one-time UGB expansion process created by SB 1537 (2024) by lowering the threshold for a city’s demonstrated need from having a higher percentage of severely cost-burdened households to having a higher percentage of cost-burdened households compared to the state average. The bill increases the maximum acreage for cities with a population of 25,000 or more from 100 net residential acres to 150 net buildable acres. It expands the eligibility of resource lands when 80% or more of the land in the surrounding quarter-mile area are resource lands and no higher-priority land applications are available. The City of Woodburn is exempted from the higher priority lands requirement.

This bill replaces the definition of “undeveloped” for the purposes of identifying internal tracts of land that may disqualify a city from participating with the requirement that the tract is no larger than 20 net buildable acres, contains no permanent buildings, has not been entitled, and is not adjacent to improved public utilities that are suitable for immediate connection.

The City of Woodburn is exempt from complying with the posting, public notice, and public comment requirements for the one-time expansion and is required to adopt a master plan meeting density and affordability requirements. No fewer than 600 units are to be developed on the site.

HB 4035 explicitly authorizes the Land Conservation and Development Commission to issue grants.

HB 4037 – Housing Omnibus

Chief Sponsor(s): Representative Pam Marsh

Effective date: June 5, 2026

Summary: HB 4037 makes a variety of land use-related changes affecting DLCD authority and local development processes, including expanding LCDC’s enforcement order authority to cities with populations of less than 10,000; directing the commission to revise urban reserve prioritization rules so local governments may assign lower priority to lands where extending urban services would not be cost effective due to built constraints; and modifying local review procedures for housing applications by limiting notice requirements to owners within 100 feet of the subject property or within 500 feet for developments of 20+ units, removing mandatory public hearings, and limiting appeals to applicants.

This bill requires LCDC to complete urban reserves rule changes by January 1, 2027, without

convening a RAC. The bill also updates requirements for developing affordable housing on commercial lands within planned mixed-use developments by requiring applicants to add back an equivalent commercial area if their proposal would reduce commercial acreage below 80% of what the adopted plan allows.

HB 4082 – Affordable Senior and Manufactured Housing One-time UGB Expansion

Chief Sponsor(s): at the request of Governor Tina Kotek

Effective date: June 5, 2026

Summary: HB 4082 allows cities and Metro to add land (up to 100 net buildable acres for cities with a population of 25,000+ and up to 50 net buildable acres for cities <25,000) to an urban growth boundary, without demonstrating housing need, specifically for affordable senior housing and manufactured dwellings. The bill prohibits Metro from conducting hearings to review or select petitions under this process and requires a determination of substantial compliance within 120 days. The concept plans required by this legislation must subject at least 80% of dwelling units, excluding manufactured dwellings and prefabricated structures, to affordability restrictions of at least 30 years for households earning at or below 120% AMI, and the non-manufactured housing must be designated as housing for seniors with accessibility standards meeting Type B requirements for at least 80% of the units.

HB 4084 – Joint Permitting Council

Chief Sponsor(s): at the request of Governor Tina Kotek

Effective date: June 5, 2026

Summary: HB 4084 establishes the Joint Permitting Council, which is comprised of state agency and economic development representatives appointed by the Governor who are tasked with administering a fast-track permitting program. Qualifying projects must exceed the following capital investment thresholds:

- \$100 million for a project within the UGB of a metropolitan service district
- \$50 million for a project that is not located within the UGB of a metropolitan service district or a nonurban county
- \$25 million for a project within a nonurban county

Projects must also advance job creation or growth in GDP through a target industry cluster, as defined by Business Oregon. There is a program limit of 15 fast-tracked projects. The council is required to provide annual reports to the governor and the Department of Administrative Services on these projects.

This bill requires state agencies to publish a comprehensive catalog of available permits related to economic development and report to the governor on permitting delays, opportunities to expedite permitting, applicant feedback, and fee relief for delayed permits within 120 days of the measure's effective date.

The legislation expands eligibility for the enterprise zone program by allowing businesses engaged in an identified priority industry or those who are otherwise ineligible if certain criteria are met.

HB 4084 prevents any qualified property of an authorized business in an enterprise zone with an operating data center from entering into a written agreement with the enterprise zone sponsor to:

1. Extend the period during which the qualified property is exempt from taxation beyond the allowable three years;
2. Agree to flexible hiring timelines; or
3. Approve alternative performance criteria.

Data center properties are prohibited from being authorized as an eligible business firm prior to 90 days after the adjournment of the 2027 legislative session.

HB 4108 – City of Eugene Voluntary Noncontiguous Annexations

Chief Sponsor(s): Representative Fragala

Effective date: January 1, 2027

Summary: HB 4108 allows the City of Eugene to annex certain noncontiguous land without holding a public hearing or sending it to a public vote when all owners of the land submit a petition for annexation and the land is:

- Within the city’s urban growth boundary;
- designated residential or mixed use;
- connected to receive water, wastewater, and stormwater services; and
- accessible by public road.

Resource Lands

HB 4153 – Farm Stores

Chief Sponsor(s): Representative Breese-Iverson

Effective date: January 1, 2027

Summary: Creates a new “farm store” use permitted on lands zoned for exclusive farm use (EFU) or mixed farm and forest land under ORS 215.213(1)(r) and ORS 215.283(1)(o). A farm store may be established as a permitted use as long as the following qualifications are met:

1. The farm store sells farm products produced by the farm operating the farm store;
2. The farm store does not use more than 10,000 square feet of one or more permanently enclosed structures; and
3. The tract on which the farm store is located is:
 - a. At least 80 acres with at least 45 acres employed for farm use as defined at ORS 215.203(2)(a);
 - b. At least 40 acres but fewer than 80 acres with at least 25 acres employed for farm use as defined at ORS 215.203(2)(a);
 - c. At least 20 acres but fewer than 40 acres with at least 15 acres employed for farm use as defined at ORS 215.203(2)(a); or
 - d. Fewer than 20 acres if at least 10 acres are employed for farm use or the farm store operates as part of a farm unit that has earned at least \$10,000 in gross farm income over the preceding two years. A “farm unit” means all parcels that a

single farm operation farms, regardless of whether the operation owns or leases the parcels.

A farm store may not be used in conjunction with a psilocybin-producing fungi crop or marijuana crop. Activities that may occur under a farm store permit include:

1. **Retail sales:** A farm store may sell farm and process farm retail products produced in the local agricultural area, as well as non-farm related items. Non-farm related retail items must take place inside permanent farm store structures and may not take up more than 25% of the floor area.
2. **Food service:** A farm store is allowed to sell beverages and food that is prepared for immediate consumption. To support this, a farm store can have on-site kitchen facilities licensed by the Oregon Health Authority (ORS 624.010 – 624.121), but the kitchen facilities may not function like a café or drive-through dining establishment.
3. **Agri-tourism:** A farm store may not be used for lodging or as a dwelling, but may be used to host agri-tourism activities including:
 - a. Farm tours
 - b. Educational exhibits or classes
 - c. Crop mazes
 - d. Play structures
 - e. Farm-to-table meals
 - f. Animal petting and feeding exhibits
 - g. Hay or tractor rides; or
 - h. Other seasonal or holiday events

Farm stores may use temporary structures or mobile vending units in conjunction with agri-tourism activities. There is no limit on the number, duration, or scale of agri-tourism activities permitted in conjunction with a farm store.

Because the farm store use is located in ORS 215.213(1)(r) and ORS 215.283(1)(o), local governments are required to offer farm stores as a permitted use on EFU lands. A local government with jurisdiction over a farm store can adopt into their land use codes siting standards relating to access/egress/parking, traffic management, noise management, hours of event operation, sanitation and solid waste. A county may not apply more restrictive standards than are provided in statute.

HB 4130 – Farm Use Definition

Chief Sponsor(s): Representative Boshart Davis

Effective date: January 1, 2027

Summary: Expands the definition of “farm use” found at ORS 308A.056 to include land under certain farm processing facilities and adjacent lands used in conjunction with such a facility as eligible for the special farmland tax assessment program. This bill does not change the definition of “farm use” found in ORS 215.203 and OAR 660-033-0020.

EFU landowners seeking special assessment are required to file an application with the county assessor on or before April 1 of the first assessment year during which assessment is sought. EFU landowners seeking special assessment are required to include in their application:

1. All information reasonably required to demonstrate that the land the owner seeks special assessment for is used in conjunction with a processing facility as defined at ORS 308A.056.
2. An affidavit or affirmation of the applicant that all statements made in the application are true.

Non-EFU landowners seeking special assessment are required to include in their application:

1. Information demonstrating that the processing facility meets the definition provided at ORS 308A.056
2. Signature of anyone with a vested legal interest in the property;
3. Documentation proving the signor's interest in the property, if the the person's authority to sign is not a matter of public record; and
4. An affidavit or affirmation of the applicant that all statements made in the application are true.

Operations interested in applying a special assessment to processing facilities and their adjacent lands used in conjunction with the processing facility may do so beginning for property tax years that start on or after July 1, 2027.

HB 4031 – Solar Siting Acceleration

Chief Sponsor(s): Representative Lively

Effective date: June 5, 2026

Summary: Amends ORS 469.320 to exempt an energy facility from needing an Energy Facility Siting Council (EFSC) site certificate if the energy facility produces power from a renewable energy source, qualifies for certain federal renewable energy tax credits, and submits a land use application to the local government with jurisdictional authority over the facility on or before December 31, 2028. Instead, qualifying applications will be processed at the local level by county government.

HB 4076 – Land Use Exceptions for Energy Projects Using Existing Interconnection

Chief Sponsor(s): Representative Lively

Effective date: June 5, 2026

Summary: HB 4076 requires the Energy Facility Siting Council (EFSC) to approve an exception to statewide land use planning goals when a power generating facility will deliver electricity to the grid using an existing energy facility's surplus interconnection, will not exceed the existing energy facility's interconnection capacity, and will not require new transmission lines more than two miles away from the existing facility's site boundaries.

Local governments may justify an exception to statewide land use planning goals to allow for the development of a renewable energy facility on agricultural lands if the proposed facility will use an existing energy facility's point of interconnection that is not being utilized, will not exceed the existing energy facility's interconnection capacity, and will not require new transmission lines more than two miles away from the existing facility's site boundaries. In its justification for an exception, a county is required to adopt findings addressing:

- A. The availability of nonresource lands suitable for the proposed use;

- B. The availability and use of existing infrastructure, access and rights of way;
- C. Public health and safety;
- D. Compatibility with surrounding agricultural and rural uses;
- E. A mitigation plan to address potential impacts to surrounding land uses, farm practices and water resulting from the construction or operation of the facility; and
- F. Compliance with local, state or federal requirements.

Ocean and Coastal

SB 1525 – Blue Economy Task Force

Chief Sponsor(s): Senate Interim Committee on Energy and Environment

Effective date: June 5, 2026

Summary: The bill creates a Task Force to study Oregon’s blue economy sectors, economic development plans and strategies, and identify opportunities to support the growth of sustainable blue economy businesses while maintaining the health of Oregon’s coastal ecosystems. Task Force members will be legislatively appointed and will represent a range of interests including business, tourism, environmental, finance, labor, and academia. Representatives from Oregon’s federally recognized Tribes, and the chair of the Ocean Policy Advisory Council (OPAC) or the chair’s designee will also serve as members of the Task Force.

The Task Force is responsible for studying and reporting on the existing state of Oregon’s blue economy sectors and identifying opportunities for the state to facilitate or enhance these sectors while preserving and protecting Oregon’s coastal ecosystems. This may include recommendations for legislation. State agencies will support the Task Force in this work and, to the extent permitted by law, furnish information and advice that members consider necessary to carry out their duties. The Task Force’s final report is due to the Legislative Assembly and to OPAC by September 15, 2027. The Task Force is repealed on December 31, 2027.

SB 1525 also gives the Oregon Ocean Science Trust the ability to create and maintain a 501(c)(3) nonprofit organization.

Contact Information

If you have questions or comments about the report or other legislation, please contact:

- Alexis Hammer, J.D., Legislative and Policy Manager at alexis.hammer@dlcd.oregon.gov or 971-718-4545
- Alyssa Bonini, J.D., Legislative and Policy Coordinator (Natural Resources) at alyssa.bonini@dlcd.oregon.gov or 971-458-3866
- Adam Marl, Legislative and Policy Coordinator (Housing/Economic Development) at adam.marl@dlcd.oregon.gov or 971-446-8834

**Enrolled
House Bill 4037**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Housing and Homelessness for Representative Pam Marsh)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 92.031, 197.320, 197A.140, 197A.400, 197A.445, 270.010, 270.030, 270.100, 307.213, 307.214, 307.216, 307.221, 307.225, 307.227, 307.229, 307.231, 307.233, 455.628 and 458.352 and section 22, chapter 476, Oregon Laws 2025; and prescribing an effective date.

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

CITY AND COUNTY HOUSING PROJECT FUNDING PROGRAMS

SECTION 1. Section 2 of this 2026 Act is added to and made a part of ORS 307.213 to 307.237.

SECTION 2. (1) As used in ORS 307.213 to 307.237, “eligible housing project” means a project to construct housing, or to convert a building from a nonresidential use to housing, that is:

(a) Affordable to households with low income or moderate income as those terms are defined in ORS 458.610;

(b) If for-sale property, a single-family dwelling, middle housing as defined in ORS 197A.420 or a multifamily dwelling that is affordable as described in paragraph (a) of this subsection for a period determined in accordance with subsection (2) of this section; or

(c) If rental property:

(A)(i) Middle housing as defined in ORS 197A.420;

(ii) A multifamily dwelling;

(iii) An accessory dwelling unit as defined in ORS 215.501; or

(iv) Any other form of affordable housing or moderate income housing; and

(B) Rented at a monthly rate that is affordable to households with an annual income not greater than 120 percent of the area median income, such affordability to be maintained for a period determined in accordance with subsection (2) of this section.

(2)(a) The affordability of eligible housing project property shall be maintained for at least as long as the agency loan related to the property remains outstanding.

(b) Notwithstanding paragraph (a) of this subsection, the Housing and Community Services Department may establish terms and conditions by which the affordability restrictions may be terminated upon foreclosure of the property by a permitted mortgage lender.

SECTION 3. ORS 307.213 is amended to read:

307.213. As used in ORS 307.213 to 307.237:

(1) "Agency loan" means a loan made by the Housing and Community Services Department pursuant to a program adopted under ORS 307.221.

(2) "Assessor," "tax collector" and "treasurer" mean the individual filling that county office so named or any county officer performing the functions of the office under another name.

(3) "County tax officers" and "tax officers" mean the assessor, tax collector and treasurer of a county.

(4) "Eligible costs" means the following costs associated with an eligible housing project:

(a) Infrastructure costs, including, but not limited to, system development charges;

(b) Predevelopment costs;

(c) Construction costs; and

(d) Land write-downs.

(5) "Eligible housing project" **has the meaning given that term in section 2 of this 2026 Act.** *[means a project to construct housing, or to convert a building from a nonresidential use to housing, that is:]*

[(a) Affordable to households with low income or moderate income as those terms are defined in ORS 458.610;]

[(b) If for-sale property, a single-family dwelling, middle housing as defined in ORS 197A.420 or a multifamily dwelling that is affordable as described in paragraph (a) of this subsection continuously from initial sale for a period, to be established by the Housing and Community Services Department and the sponsoring jurisdiction, of not less than the term of the agency loan related to the for-sale property; or]

[(c) If rental property:]

[(A)(i) Middle housing as defined in ORS 197A.420;]

[(ii) A multifamily dwelling;]

[(iii) An accessory dwelling unit as defined in ORS 215.501; or]

[(iv) Any other form of affordable housing or moderate income housing; and]

[(B) Rented at a monthly rate that is affordable to households with an annual income not greater than 120 percent of the area median income, such affordability to be maintained for a period, to be established by the department and the sponsoring jurisdiction, of not less than the term of the agency loan related to the rental property.]

(6) "Eligible housing project property" means the taxable real and personal property constituting the improvements of an eligible housing project.

(7) "Fee payer" means, for any property tax year, the person responsible for paying ad valorem property taxes on eligible housing project property to which *[a project grant awarded]* **project funding** under ORS 307.225 relates.

(8) "Fire district taxes" means property taxes levied by fire districts within whose territory all or a portion of eligible housing project property is located.

(9) "Nonexempt property" means property other than eligible housing project property in the tax account that includes eligible housing project property.

(10) "Nonexempt taxes" means the ad valorem property taxes assessed on nonexempt property.

(11) "Project funding" means a project grant or a project loan.

(12) "Project funding agreement" means an agreement entered into between a sponsoring jurisdiction and a developer under ORS 307.225 for a project grant or a project loan.

(13) "Project grant" means a grant awarded by a sponsoring jurisdiction under a project funding program adopted pursuant to ORS 307.214.

(14) "Project loan" means a loan made by a sponsoring jurisdiction under a project funding program adopted pursuant to ORS 307.214.

(15) "Sponsoring jurisdiction" means:

(a)(A) A city with respect to eligible housing projects located within the city boundaries; or

(B) A county with respect to eligible housing projects located in urban unincorporated areas of the county; or

(b) The governing body of a city or county described in paragraph (a) of this subsection.

SECTION 4. ORS 307.214 is amended to read:

307.214. (1)(a) A sponsoring jurisdiction may adopt by ordinance or resolution a project funding program under which the sponsoring jurisdiction awards project grants and makes project loans to developers for eligible costs.

(b) Before adopting the project funding program, the sponsoring jurisdiction shall consult with the governing body of any city or county with territory inside the boundaries of the sponsoring jurisdiction.

(2) The ordinance or resolution shall set forth:

(a) The kinds of eligible housing projects for which a developer may seek project funding under the program; and

(b) Any eligibility requirements to be imposed on projects and developers in addition to those required under ORS 307.213 to 307.237.

(3)(a) A project grant and a project loan:

[(a)] (A) *[Shall be in]* **May not exceed** the amount determined under ORS 307.216 (3); *[and]*

[(b)] (B) May include reimbursement for eligible costs incurred for up to 12 months preceding the date on which the eligible housing project received local site approval[.];

(C) **Shall be secured by an affordable housing covenant, as defined in ORS 456.270, that:**

(i) **Is recorded in first position in the real property records of the county in which the eligible housing project is located; and**

(ii) **Requires the project to remain affordable in accordance with section 2 of this 2026 Act; and**

(D) **May be transferred and assumed, in whole or in part, on terms and conditions established by the Housing and Community Services Department or the sponsoring jurisdiction, by any subsequent purchaser of the eligible housing project property or a portion of the property.**

(b) **Notwithstanding paragraph (a)(C)(i) of this subsection, if the sponsoring jurisdiction has pledged in repayment of the agency loan its full faith and credit and taxing authority and an alternative source of revenue acceptable to the department under ORS 307.223, the department may establish terms and conditions by which the affordable housing covenant may be made subordinate to a primary deed of trust, mortgage or other security instrument securing financing for the eligible housing project property.**

(4)(a) Eligible housing project property *[for which a developer receives a project grant for eligible costs]* **that is granted exemption under ORS 307.227** may not be granted any **other** exemption, partial exemption or special assessment of ad valorem property taxes *[other than the exemption granted under ORS 307.227]*.

(b) *[A sponsoring jurisdiction may not award a project grant to a developer under ORS 307.216 for an]* Eligible housing project **property** that is located in an urban renewal area **may not be granted exemption under ORS 307.227.**

(5) A sponsoring jurisdiction may amend an ordinance or resolution adopted pursuant to this section at any time. The amendments shall apply only to applications submitted under ORS 307.216 on or after the effective date of the ordinance or resolution.

SECTION 5. ORS 307.216 is amended to read:

307.216. (1)(a) A sponsoring jurisdiction that adopts a project funding program pursuant to ORS 307.214 shall prescribe an application process, including forms and deadlines, by which a developer may apply for project funding with respect to an eligible housing project.

(b) An application for project funding must include, at a minimum:

(A) A description of the eligible housing project;

(B) A detailed explanation of the affordability of the eligible housing project;

(C) An itemized description of the eligible costs for which the project funding is sought;

(D) The proposed schedule for completion of the eligible housing project;

(E) A project pro forma demonstrating that the project would not be economically feasible but for receipt of the project funding moneys; and

(F) Any other information, documentation or attestation that the sponsoring jurisdiction considers necessary or convenient for the application review process.

(c)(A) The project pro forma under paragraph (b)(E) of this subsection shall be on a form provided to the sponsoring jurisdiction by the Housing and Community Services Department and made available to [grant] **project funding** applicants.

(B) The department may enter into an agreement with a third party to develop the project pro forma template.

(2)(a) The review of an application under this section shall be completed within 90 days following the receipt of the application by the sponsoring jurisdiction.

(b) Notwithstanding paragraph (a) of this subsection:

(A) The sponsoring jurisdiction may in its sole discretion extend the review process beyond 90 days if the volume of applications would make timely completion of the review process unlikely.

(B) The sponsoring jurisdiction may consult with a developer about the developer's application, and the developer, after the consultation, may amend the application on or before a deadline set by the sponsoring jurisdiction.

(3) The sponsoring jurisdiction shall:

(a) Review each application;

(b) Provide the tax officers of the county in which the eligible housing project property is located with the estimated real market value and tax lot information of the property;

(c) Request that the county tax officers provide to the sponsoring jurisdiction the increment determined under ORS 307.218;

(d) Set the term of the agency loan that will fund the project funding award for a period not to exceed the greater of:

(A) Ten years following July 1 of the first property tax year for which the completed eligible housing project property is estimated to be taken into account; or

(B) If agreed upon by the sponsoring jurisdiction and the department, the period required for the agency loan principal, and fees, if any, to be repaid in full;

(e) Set the amount of the project funding that may be awarded to the developer under ORS 307.225 (2) by multiplying the increment determined under ORS 307.218 by the term of the agency loan; and

(f)(A) Provisionally approve the application as submitted;

(B) Provisionally approve the application on terms other than those requested in the application; or

(C) Reject the application.

(4)(a) The sponsoring jurisdiction shall forward provisionally approved applications to the [Housing and Community Services] department.

(b) The department shall review the provisionally approved applications for completeness, including, but not limited to, the completeness of the project pro forma submitted with the application under subsection (1)(b)(E) of this section and the increment computed under ORS 307.218, and notify the sponsoring jurisdiction of its determination.

(5)(a) If the department has determined that a provisionally approved application is incomplete, the sponsoring jurisdiction may:

(A) Consult with the applicant developer and reconsider the provisionally approved application after the applicant revises it; or

(B) Reject the provisionally approved application.

(b) If the department has determined that a provisionally approved application is complete, the approval shall be final.

(c) The sponsoring jurisdiction shall notify each applicant and the department of the final approval or rejection of an application and the amount of the project funding award.

(d) The rejection of an application and the amount of a **project grant award or project loan** may not be appealed, but a developer may reapply for project funding at any time within the applicable deadlines of the project funding program for the same or another eligible housing project.

(6) Upon request by a sponsoring jurisdiction, the department may assist the sponsoring jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this section.

SECTION 6. ORS 307.221 is amended to read:

307.221. (1)(a) The Housing and Community Services Department shall develop a program to make agency loans to sponsoring jurisdictions to fund project grants and project loans awarded under the sponsoring jurisdiction's project funding program adopted pursuant to ORS 307.214.

(b) The agency loans shall be interest free for the term set by the sponsoring jurisdiction under ORS 307.216.

(2) For each application approved under ORS 307.216 (5)(b), the Housing and Community Services Department shall:

(a) Enter into an agency loan agreement with the sponsoring jurisdiction for a payment in an amount equal to the total of:

(A) The agency loan proceeds in an amount equal to the project funding award for the application set under ORS 307.216 (3); and

(B) The administrative costs set forth in subsection (3) of this section; and

(b) Pay to the sponsoring jurisdiction the total amount set forth in paragraph (a) of this subsection out of the Housing Project Revolving Loan Fund established under ORS 307.237.

(3) The administrative costs referred to in subsection (2)(a)(B) of this section are:

(a) An amount not greater than five percent of the agency loan proceeds to reimburse the sponsoring jurisdiction for the costs of administering the project funding program, other than the costs of tax administration; and

(b) An amount equal to one percent of the agency loan proceeds to be transferred to the county in which the sponsoring jurisdiction is situated to reimburse the county for the costs of the tax administration of the project funding program by the county tax officers.

(4) The Housing and Community Services Department may:

(a) In order to maximize repayment and compliance with affordability requirements:

(A) Compromise, adjust or modify agency loans; and

(B) Adjust, modify, subordinate or release the terms of contracts, agreements or restrictions entered into in connection with agency loans.

(b) Assign any and all agency loan amounts made under this section to the Department of Revenue for collection as provided in ORS 293.250.

(5) The Housing and Community Services Department may:

(a) Consult with the Oregon Business Development Department about any of the powers and duties conferred on the Housing and Community Services Department by ORS 307.213 to 307.237; and

(b) Adopt any rule it considers necessary or convenient for the administration of ORS 307.213 to 307.237 by the Housing and Community Services Department.

SECTION 7. ORS 307.225 is amended to read:

307.225. (1) Upon entering into an agency loan agreement with the Housing and Community Services Department under ORS 307.221, a sponsoring jurisdiction shall offer a project funding agreement to each developer whose application for project funding was approved under ORS 307.216 (5)(b).

(2) The project funding agreement shall:

(a) Include a project grant award or project loan in the amount set under ORS 307.216 (3); and

(b) Contain terms that:

(A) Are required under ORS 307.213 to 307.237 or the ordinance or resolution adopted by the sponsoring jurisdiction pursuant to ORS 307.214.

(B) Do not conflict with ORS 307.213 to 307.237 or the ordinance or resolution adopted by the sponsoring jurisdiction pursuant to ORS 307.214.

[(3) Upon entering into a project funding agreement with a developer, a sponsoring jurisdiction shall adopt an ordinance or resolution setting forth the details of the eligible housing project that is the subject of the project funding agreement, including but not limited to:]

[(a) With respect to a project grant or a project loan:]

[(A) A description of the eligible housing project;]

[(B) An itemized description of the eligible costs;]

[(C) The amount and terms of the grant project award or project loan principal; and]

[(D) A statement declaring that the project funding has been awarded in response to the housing needs of communities within the sponsoring jurisdiction; and]

[(b) With respect to a project grant, written notice that the eligible housing project property is exempt from property taxation in accordance with ORS 307.227.]

(3)(a) Except as provided in paragraph (b) of this subsection, upon entering into a project funding agreement with a developer, a sponsoring jurisdiction shall adopt an ordinance or resolution setting forth the details of the eligible housing project that is the subject of the project funding agreement, including but not limited to:

(A) A description of the eligible housing project;

(B) A statement indicating whether the eligible housing project property is exempt from property taxation under ORS 307.227;

(C) An itemized description of the eligible costs;

(D) The amount and terms of the grant project award or project loan principal; and

(E) A statement declaring that the project funding has been awarded in response to the housing needs of communities within the sponsoring jurisdiction.

(b) A sponsoring jurisdiction is not required to adopt an ordinance or resolution under paragraph (a) of this subsection if:

(A) The ordinance or resolution adopted under ORS 307.214 delegates authority to review developer applications under ORS 307.216 to a designated authority;

(B) The sponsoring jurisdiction has agreed to repay the agency loan in accordance with ORS 307.223; and

(C) The eligible housing project property will not be exempt from property taxation under ORS 307.227.

(4) Unless otherwise specified in the project funding agreement, as soon as practicable after the ordinance or resolution required under subsection (3) of this section becomes effective, the sponsoring jurisdiction shall distribute the agency loan proceeds received from the department under ORS 307.221 (2)(a)(A) to the developer as the project grant moneys or project loan principal awarded under this section.

(5) The sponsoring jurisdiction shall forward to the tax officers of the county in which the eligible housing project is located a copy of the project funding agreement, the ordinance or resolution and any other material the sponsoring jurisdiction considers necessary for the tax officers to perform their duties under ORS 307.213 to 307.237 or the ordinance or resolution.

(6)(a)(A) Upon request, the department may assist *[the]* a sponsoring jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this section.

(B) Upon request, any city or county may assist a sponsoring jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this section or ORS 307.216.

(b) The department may take any action with respect to a city or county assisting a sponsoring jurisdiction under this subsection that it may take with respect to the sponsoring jurisdiction itself.

SECTION 8. ORS 307.227 is amended to read:

307.227. (1) Upon receipt of the copy of a project *[grant]* **funding** agreement and ordinance or resolution from the sponsoring jurisdiction under ORS 307.225 (5) **that grants exemption under this section to eligible housing project property**, the assessor of the county in which eligible housing project property is located shall:

- (a) Exempt the eligible housing project property in accordance with this section;
- (b) Assess and tax the nonexempt property in the tax account as other similar property is assessed and taxed; and
- (c) Submit a written report to the sponsoring jurisdiction setting forth the assessor's estimate of the amount of:
 - (A) The real market value of the exempt eligible housing project property; and
 - (B) The property taxes on the exempt eligible housing project property that would have been collected if the property were not exempt.
- (2)(a) The exemption shall first apply to the first property tax year that begins after completion of the eligible housing project to which the *[grant]* **project funding** relates.
- (b) The eligible housing project property shall be disqualified from the exemption on the earliest of:
 - (A) July 1 of the property tax year immediately succeeding the date on which the fee payment obligation under ORS 307.231 that relates to the eligible housing project, if any, is repaid in full;
 - (B) The date on which the annual fee imposed on the fee payer under ORS 307.231, if any, becomes delinquent;
 - (C) The date on which foreclosure proceedings are commenced as provided by law for delinquent nonexempt taxes assessed with respect to the tax account that includes the eligible housing project; or
 - (D) The date on which a condition specified in ORS 307.233 (1) occurs.
- (c) After the eligible housing project property has been disqualified from the exemption under this subsection, the property shall be assessed and taxed as other similar property is assessed and taxed.
- (3) For each tax year that the eligible housing project property is exempt from taxation, the assessor shall enter a notation on the assessment roll stating:
 - (a) That the property is exempt under this section; and
 - (b) The presumptive number of property tax years for which the exemption is granted, which shall be the term of the agency loan agreement relating to the eligible housing project set under ORS 307.216.

SECTION 9. ORS 307.229 is amended to read:

307.229. (1) Repayment of agency loans made under ORS 307.221 shall begin, in accordance with ORS 307.231, after completion of the eligible housing project funded by the project grant or project loan to which the agency loan relates, or after another date or other circumstances agreed to by the parties to a project funding agreement under ORS 307.223.

(2)(a) The sponsoring jurisdiction shall determine the date of completion of an eligible housing project.

(b)(A) If an eligible housing project is completed before July 1 of the assessment year, repayment shall begin with the property tax year that begins on July 1 of the assessment year.

(B) If an eligible housing project is completed on or after July 1 of the assessment year, repayment shall begin with the property tax year that begins on July 1 of the succeeding assessment year.

(c) After determining the date of completion under paragraph (a) of this subsection, the sponsoring jurisdiction shall notify the Housing and Community Services Department and the county tax officers of the determination.

(3)(a) [A] **An agency loan shall remain outstanding until repaid in full.**

(b) **An agency loan may be repaid at any time.**

(4) **Upon payment in full of an agency loan, the sponsoring jurisdiction may release or modify any affordability restrictions applicable to the eligible housing project property to which the agency loan relates.**

SECTION 10. ORS 307.231 is amended to read:

307.231. (1) Unless repayment of the agency loan made under ORS 307.221 has been otherwise provided for under ORS 307.223, the fee payer for eligible housing project property that has been granted exemption under ORS 307.227 shall pay an annual fee for the term that shall be the

presumptive number of property tax years for which the property is granted exemption under ORS 307.227 (3)(b).

(2)(a) The amount of the fee for the first property tax year in which repayment of the agency loan is due under ORS 307.229 (1) shall equal the total of:

(A) The portion of the increment determined under ORS 307.218 that is attributable to the eligible housing project property to which the fee relates; and

(B) The administrative costs described in ORS 307.221 (3) divided by the term **in years** of the project [*grant*] **funding** agreement entered into under ORS 307.225.

(b) For each subsequent property tax year, the amount of the fee shall be 103 percent of the amount of the fee for the preceding property tax year.

(3)(a) Not later than July 15 of each property tax year during the term of the fee obligation, the sponsoring jurisdiction shall certify to the assessor each fee amount that became due under this section on or after July 16 of the previous property tax year from fee payers with respect to eligible housing projects located in the sponsoring jurisdiction.

(b) The assessor shall place each fee amount on the assessment and tax rolls of the county and notify:

(A) The sponsoring jurisdiction of each fee amount and the aggregate of all fee amounts imposed with respect to eligible housing project property located in the sponsoring jurisdiction.

(B) The Housing and Community Services Department of each fee amount and the aggregate of all fee amounts with respect to all eligible housing project property located in the county.

(4)(a) The assessor shall include on the tax statement of each tax account that includes exempt eligible housing project property the amount of the fee imposed on the fee payer with respect to the eligible housing project property.

(b) The fee shall be collected and enforced in the same manner as ad valorem property taxes, including nonexempt taxes, are collected and enforced.

(5)(a) For each property tax year in which a fee is payable under this section, the treasurer shall:

(A) Estimate the amount of operating taxes as defined in ORS 310.055 and local option taxes as defined in ORS 310.202 levied by fire districts that would have been collected on eligible housing project property if the property were not exempt;

(B) Distribute out of the fee moneys the estimated amounts determined under subparagraph (A) of this paragraph to the respective fire districts when other ad valorem property taxes are distributed under ORS 311.395; and

(C) Transfer the net fee moneys to the [*Housing and Community Services*] department for deposit in the Housing Project Revolving Loan Fund established under ORS 307.237 in repayment of the loans to which the fees relate.

(b) Nonexempt taxes shall be distributed in the same manner as other ad valorem property taxes are distributed.

(6) Any person with an interest in the eligible housing project property on the date on which any fee amount becomes due shall be jointly and severally liable for payment of the fee amount.

(7) Any agency loan amounts that have not been repaid when the fee payer has discharged its obligations in full under this section remain the obligation of the sponsoring jurisdiction that obtained the agency loan from the department under ORS 307.221.

(8) Any fee amounts collected in excess of the agency loan amount shall be distributed in the same manner as other ad valorem property taxes are distributed.

SECTION 11. ORS 307.233 is amended to read:

307.233. (1)(a) A developer that received a project [*grant*] **funding** award under ORS 307.225 shall become liable for immediate payment of outstanding annual fee payments, if any, imposed under ORS 307.231 for the entire term of the fee if:

(A) The developer has not completed the eligible housing project within three years following the date on which the project [*grant*] **funding** moneys were distributed to the developer;

(B) The eligible housing project changes substantially from the project for which the developer's application was approved such that the project would not have been eligible for the project [grant] funding; or

(C) The developer has not complied with a requirement specified in the project [grant] funding agreement **or with associated affordability requirements and restrictions.**

(b) The sponsoring jurisdiction may, in its sole discretion, extend the date on which the eligible housing project must be completed.

[(2) If the sponsoring jurisdiction discovers that a developer willfully made a false statement or misrepresentation or willfully failed to report a material fact to obtain a project grant with respect to an eligible housing project, the sponsoring jurisdiction may impose on the developer a penalty not to exceed 20 percent of the amount of the project grant so obtained, plus any applicable interest and fees associated with the costs of collection.]

(2) A sponsoring jurisdiction may impose on a developer, homeowner or other project representative a penalty not to exceed 20 percent of the amount of the project funding obtained with respect to an eligible housing project, plus any applicable interest and fees associated with the costs of collection, upon discovery that the developer, homeowner or other project representative willfully made a false statement or misrepresentation or willfully failed to report a material fact:

(a) To obtain the project funding; or

(b) Relating to the compliance requirements associated with the eligible housing project.

(3) Any amounts imposed under subsection (1) or (2) of this section shall be a lien on the eligible housing project property and the nonexempt property in the tax account.

(4) The sponsoring jurisdiction shall provide written notice of any amounts that become due under subsections (1) and (2) of this section to the county tax officers and the Housing and Community Services Department.

(5)(a) Any and all amounts required to be paid under this section shall be considered to be liquidated and delinquent, and the Housing and Community Services Department shall assign such amounts to the Department of Revenue for collection as provided in ORS 293.250.

(b) Amounts collected under this subsection shall be deposited, net of any collection charges, in the Housing Project Revolving Loan Fund established under ORS 307.237.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

SECTION 12. ORS 458.352 is amended to read:

458.352. (1) As used in this section:

(a) "Average income" means an income that complies with income restrictions determined at the advice and consent of the Oregon Housing Stability Council, but not to exceed the greater of 100 percent of the statewide or local area median income adjusted for household size as determined annually by the Housing and Community Services Department using United States Department of Housing and Urban Development information.

(b) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.

(c) "Nonprofit corporation" means a corporation that is exempt from income taxes under section 501(c)(3) or (4) of the Internal Revenue Code as amended and in effect on December 31, 2016.

(2) The Housing and Community Services Department shall provide one or more loans to nonprofit corporations to create manufactured dwelling park preservation and development programs that invest in, and provide loans for, the preservation, development and expansion of affordable manufactured dwelling parks in this state, including through:

(a) The repair or reconstruction of parks destroyed by natural disasters; or

(b) The acquisition and development of land for parks or for the expansion of parks in areas that have been affected by a natural disaster.

(3) To be eligible for a loan under this section, a nonprofit corporation shall demonstrate to the satisfaction of the department that the nonprofit corporation:

(a) Is a community development financial institution, **or was certified on October 1, 2025, as a community development financial institution by the Community Development Financial Institutions Fund at the United States Department of the Treasury;**

(b) Is operating statewide to support investment in, and acquisition, renovation and construction of, affordable housing;

[(b)] (c) Has the ability and capacity to provide the services and reporting required of the program described in subsections (4) and (6) of this section; and

[(c)] (d) Meets other requirements established by the department regarding financial risk and availability or accessibility of additional resources.

(4) An eligible nonprofit corporation, with input from the department, shall develop a manufactured dwelling park development and preservation program that:

(a) Invests in, and loans funds to, other nonprofit corporations, housing authorities, manufactured dwelling park nonprofit cooperatives as defined in ORS 62.803, local units of government as defined in ORS 466.706, agencies as defined in ORS 183.310, or any entity in which a nonprofit corporation has a controlling share, to:

(A) Purchase or refinance manufactured dwelling parks that will maintain the parks as parks long term; or

(B) Construct, develop, expand, repair or reconstruct parks, including parks destroyed by natural disasters;

(b) Emphasizes, when providing loans under paragraph (a) of this subsection, the financing of parks whose residents are predominantly members of households with income less than average income; and

(c) Preserves the affordability of the park space rent to park tenants who are members of households with income less than average income.

(5) An eligible nonprofit corporation shall create a park development and preservation account to be used by the nonprofit corporation for the manufactured dwelling park preservation program and shall deposit the moneys loaned by the department into the account.

(6) An eligible nonprofit corporation shall ensure that all financial activities of the program are paid from and into the park development and preservation account created under subsection (5) of this section. Each nonprofit corporation shall report to the department no less than semiannually, showing the expenses and incomes of the park development and preservation account and the results of the manufactured dwelling park development and preservation program.

(7) A loan made by the department under this section:

(a) May require the nonprofit corporation to pay interest.

(b) May not require the nonprofit corporation to make any loan payments before the maturity date of the loan.

(c) Must have a maturity date of no later than September 15, 2036.

(d) May have its maturity date extended by the department.

(e) Shall have all or part of the unpaid balance forgiven by the department in an amount not to exceed the losses incurred on investments or loans made by the nonprofit corporation under subsection (4)(a) of this section.

(f) May include such agreements by the nonprofit corporation practical to secure the loan made by the department and to accomplish the purposes of the program described in subsection (4) of this section.

(8) The department or the State Treasurer shall deposit moneys received in servicing the loan into the General Housing Account of the Oregon Housing Fund created under ORS 458.620.

SECTION 13. The Housing and Community Services Department, Oregon Department of Administrative Services or Department of Justice shall amend the grant agreement with Network for Oregon Affordable Housing (NOAH) made under section 51, chapter 13, Oregon Laws 2023, to allow the grant and proceeds from the grant to be used for financing:

(1) Housing projects that will:

(a) Have an affordability term of no less than five years, notwithstanding section 51 (2)(a), chapter 13, Oregon Laws 2023.

(b) Be sold or rented as the primary residence for a household with an income less than or equal to 120 percent and greater than 60 percent of the area median income, as defined in ORS 456.270, notwithstanding section 51 (2)(b), chapter 13, Oregon Laws 2023.

(2) Not to exceed \$1,000,000 per eligible project, notwithstanding section 51 (3)(a), chapter 13, Oregon Laws 2023.

NOTE: Section 14 was deleted by amendment. Subsequent sections were not renumbered.

LAND CONSERVATION AND DEVELOPMENT COMMISSION ORDERS

SECTION 15. ORS 197.320 is amended to read:

197.320. The Land Conservation and Development Commission shall issue an order requiring a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions or actions into compliance with the goals, acknowledged comprehensive plan provisions, land use regulations, housing production strategy or housing acceleration agreements if the commission has good cause to believe:

(1) A comprehensive plan or land use regulation adopted by a local government not on a compliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance.

(2) A plan, program, rule or regulation affecting land use adopted by a state agency or special district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance.

(3) A local government is not making satisfactory progress toward performance of its compliance schedule.

(4) A state agency is not making satisfactory progress in carrying out its coordination agreement or the requirements of ORS 197.180.

(5) A local government has no comprehensive plan or land use regulation and is not on a compliance schedule directed to developing the plan or regulation.

(6) A local government has engaged in a pattern or practice of decision-making that violates an acknowledged comprehensive plan or land use regulation. In making its determination under this subsection, the commission shall determine whether there is evidence in the record to support the decisions made. The commission shall not judge the issue solely upon adequacy of the findings in support of the decisions.

(7) A local government has failed to comply with a commission order entered under ORS 197.644.

(8) A special district has engaged in a pattern or practice of decision-making that violates an acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.020.

(9) A special district is not making satisfactory progress toward performance of its obligations under ORS chapters 195, 197 and 197A.

(10) A local government's approval standards, special conditions on approval of specific development proposals or procedures for approval do not comply with ORS 197A.400 [(1) or (3)].

(11) A local government is not making satisfactory progress toward meeting its obligations under ORS 195.065.

(12) A local government within the jurisdiction of a metropolitan service district has failed to make changes to the comprehensive plan or land use regulations to comply with the regional framework plan of the district or has engaged in a pattern or practice of decision-making that violates a requirement of the regional framework plan.

(13) A city [with a population of 10,000 or greater, as defined in ORS 197A.015,] that:

(a) Has a pattern or practice of violating housing-related statutes or implementing policies that create unreasonable cost or delay to the production of housing [as described in ORS 197A.400 (1)];

- (b) Has a pattern or practice of creating adverse disparate impacts to state or federal protected classes or inhibiting equitable access to housing choice[, *as described in ORS 197A.100 (2)(b) to (d)*];
- (c) Has failed to enter into a housing acceleration agreement as required under ORS 197A.130 (6); or
- (d) Has materially breached a term of a housing acceleration agreement under ORS 197A.130 (8), including a failure to meet the timeline for performance under ORS 197A.130 (8)(a)(A).

BUILDING PLAN REVIEW

SECTION 16. ORS 455.628 is amended to read:

455.628. (1) The Department of Consumer and Business Services or a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 may not require a plan review for one and two family dwellings [*that are of conventional light frame construction, as defined by the department by rule*], if:

(a) The plans for the dwelling are designed and stamped by a professional engineer registered under ORS 672.002 to 672.325 or an architect registered under ORS 671.010 to 671.220; and

(b) The engineer or architect is certified by the Director of the Department of Consumer and Business Services under ORS 455.720 as being qualified to examine one and two family dwelling plans.

(2) The department or municipality is exempt from liability for any damages arising from the nonperformance of a plan review pursuant to this section.

REVIEW OF HOUSING APPLICATIONS

SECTION 17. ORS 197A.400 is amended to read:

197A.400. (1)(a) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating:

(A) The development of housing; and

(B) Tree removal [*codes*] related to the development of housing.

(b) 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.

(C) May be contained in a comprehensive plan, land use regulation or an ordinance relating to housing adopted by a city that adopts, including by reference, a model ordinance adopted by the Land Conservation and Development Commission that comports with any qualifications, conditions or applicability of the model ordinance.

(c) This subsection applies only within:

(A) An urban growth boundary;

(B) An unincorporated community designated in a county's acknowledged comprehensive plan after December 5, 1994;

(C) Nonresource land; or

(D) An area zoned for rural residential use as defined in ORS 215.501.

(2) The provisions of subsection (1) 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 greater.

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

(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) 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 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 (1) 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 (1) of this section.

(4) Subject to [subsection (1)] **subsections (1) and (5)** 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.

(5) For applications subject to subsection (1) of this section, the local government:

(a) May provide notice of the application only to owners of record of property on the most recent property tax assessment roll where such property is located within 100 feet, or within 500 feet for developments of 20 units or more, of the property that is the subject of the notice;

(b) May not require a public hearing prior to making a decision on the application; and

(c) May provide an opportunity for a local appeal only to the applicant.

(6) Notwithstanding ORS 197.825, only the applicant may appeal a decision made under subsection (5) of this section to the Land Use Board of Appeals.

SECTION 18. The amendments to ORS 197A.400 by section 17 of this 2026 Act become operative on July 1, 2026.

NOTE: Section 19 was deleted by amendment. Subsequent sections were not renumbered.

RESIDENTIAL TENANCIES IMPACTED BY DISASTERS

SECTION 20. Section 21 of this 2026 Act is added to and made a part of ORS 90.100 to 90.465.

SECTION 21. If a tenancy is affected by a natural disaster, as defined in ORS 197A.440, unless the parties agree otherwise following the natural disaster:

(1) For a dwelling unit that is destroyed, the tenancy is immediately terminated and the parties are not further obligated under the rental agreement or this chapter, except that:

(a) The landlord shall, pursuant to ORS 90.300, return to the tenant any deposit and prepaid rent, including prorated rent from the date of the natural disaster.

(b) Unless a tenant is responsible for the natural disaster, the tenant is not responsible for cleanup of the premises.

(c) After the abatement of the emergency, the landlord shall notify the tenant and provide the tenant an opportunity to return to the premises to search for valuables. The landlord may require the tenant to sign a release of liability related to the tenant's presence at the premises.

(2) If an occupant or tenant remains in the dwelling unit following termination of the tenancy under subsection (1) of this section, the landlord may issue a termination notice in the manner provided by ORS 90.380 (5)(b).

(3) A tenant does not owe rent while the dwelling unit is inaccessible due to the natural disaster or the destruction of the dwelling unit. A dwelling unit is considered inaccessible while a governmental agency has posted the dwelling unit as unsafe or unlawful to occupy.

(4) This section does not apply to rental agreements subject to ORS 90.505 to 90.850.

USE OF STATE PROPERTY FOR HOUSING

SECTION 22. ORS 270.010 is amended to read:

270.010. [(1) *It shall be*] **It is** the policy of the State of Oregon to hold in state ownership no more state-owned real property than is necessary to conduct official business, with allowance for reasonably foreseeable demands of the future. The acquisition, sale, exchange, lease, retention and management of state-owned real property shall be subject to a statewide plan that will encourage the transfer through sale or lease of state-owned real property already in state ownership to private ownership and use so as to minimize state investment in such land and place such land on the tax rolls.

[(2) *In transferring state-owned real property through sale or lease, to the extent consistent with applicable trust responsibilities, the state policy shall be to give right of first refusal to purchase in the following order:*]

[(a) *To the lessee of the land.*]

[(b) *Where the intended activity or use is similar to that of adjacent properties within the region:*]

[(A) *To adjacent landowners.*]

[(B) *To residents within the region.*]

[(C) *To persons outside the region.*]

SECTION 23. ORS 270.100 is amended to read:

270.100. (1)[(a)] Before offering for sale any real property or equitable interest in real property that the state owns, the state agency acting for the state in the sales transaction shall report to the Oregon Department of Administrative Services that the state agency intends to sell or transfer the real property or the equitable interest. The department, or an agency the department specifically designates, shall notify other state agencies authorized to own real property of the intended sale or transfer to determine whether acquiring the real property or interest in the real property would be advantageous to another state agency.

[(b)(A)] **(2) To the extent consistent with applicable trust responsibilities,** the department shall give the [*first opportunity after other state agencies*] **opportunity** to acquire, purchase, exchange or lease real property or an interest in real property that the State of Oregon disposes of or sells to **the following, in order of priority:**

(a) Other state agencies.

(b) Any lessee of the land.

[(i)] (c) The following entities, **in order of priority,** on the condition that the entities will develop housing on the real property [*that will be occupied by families and individuals with an income no greater than 80 percent of the median family income for the county in which the real property is located*] **only for households whose income is not greater than 120 percent of the area median income:**

[(I) *Nonprofit organizations; and*]

[(II)] **(A) Indian tribes, as defined in ORS 97.740[; and].**

[(ii)] **(B) Political subdivisions, as defined in ORS 271.005.**

(C) Nonprofit organizations or housing authorities as defined in ORS 456.005.

(D) Any person.

(d) The adjacent property owner, where the intended activity or use is similar to that of adjacent properties within the region.

(e) Political subdivisions, as defined in ORS 271.005.

[(B) *The state agency responsible for selling or transferring the property or the equitable interest may require at the time of*] **Upon the sale or transfer, the department may require** that a political subdivision [*must*]:

(A) Use [*state real property or an equitable interest in real property sold or transferred to the political subdivision*] **the real property** for a public purpose or benefit[, *and that the political subdivision*].

(B) May not resell the real property or the equitable interest to a private purchaser.

(f) The entities listed under paragraph (c) of this subsection, in order of priority, on the condition that the entities will develop housing on the real property without regard to the affordability of the housing.

[(c)] (3) If a state agency that intends to sell or transfer real property or an equitable interest in real property has not disposed of the real property or the equitable interest under [paragraph (a) or (b) of this] subsection (2)(a) or (b) of this section, the state agency shall cause the real property to be appraised by one or more competent and experienced appraisers in accordance with rules the department adopts. Except as provided in ORS 273.825, if the property has an appraised value exceeding \$5,000, the property or an equitable interest in the property may not be sold to any private person except after notice calling for such proposals as set forth in ORS 270.130.

[(d)] (4) The department shall adopt rules to carry out the provisions of this section.

[(2)] (5) Before a state agency acquires any real property or interest in real property, except for highway right of way that the Department of Transportation acquires, park properties that the State Parks and Recreation Department acquires and property within the approved projected campus boundaries for public universities listed in ORS 352.002, the state agency shall report to the Oregon Department of Administrative Services that the state agency intends to acquire the real property or the interest in real property. The department shall notify other state agencies that own land that the state agency intends to acquire real property or an interest in real property to determine whether another state agency desires to sell or transfer property that would meet the needs of the acquiring agency. In accordance with rules the Oregon Department of Administrative Services adopts, if no other state agency desires to sell or transfer property that would meet the needs of the agency that intends to acquire real property or an interest in real property, the agency may acquire the real property or interest in real property, consistent with applicable provisions of law.

[(3)] (6) Before any terminal disposition of real property or an interest in real property, the state agency acting for the state in the transaction must secure approval of the transaction from the Oregon Department of Administrative Services.

[(4)] (7) Subsection [(3)] (6) of this section does not apply to terminal disposition of the following real property:

- (a) Property that the State Department of Fish and Wildlife controls;
- (b) State forestlands that the State Forestry Department controls;
- (c) Property that the Department of Transportation controls;
- (d) Property that the Department of State Lands controls;
- (e) Property that public universities listed in ORS 352.002 control;
- (f) Property that the legislative branch of state government controls;
- (g) Property that the judicial branch of state government controls; and
- (h) Property that the State Parks and Recreation Department controls.

[(5)] (8) Notwithstanding the provisions of subsection [(4)] (7) of this section, prior approval by the Oregon Department of Administrative Services is required for the terminal disposition of public land for less than the fair market value of the public land.

[(6)] (9) The provisions of ORS 184.634, 270.005 to 270.015, 270.100 to 270.190, 273.416, 273.426 to 273.436, 273.551 and 308A.709 (1)(a) to (d) do not apply to:

(a) A home or farm that the Department of Veterans' Affairs acquires or sells under ORS 88.720, 406.050, 407.135, 407.145, 407.375 or 407.377.

(b) Real property that the Housing and Community Services Department acquires or sells under the provisions of ORS 456.515 to 456.828 or ORS chapter 458.

(c) Real property that the Oregon Health Authority or the Department of Human Services acquires or sells under ORS 410.075 or 416.340.

SECTION 24. ORS 270.030 is amended to read:

270.030. (1) Notwithstanding ORS [270.010 (2) or] 270.100 to 270.190, a state agency may transfer, convey, donate, exchange or lease to an eligible Indian tribe, as defined in ORS 307.181, any real property or interest in real property owned by the agency at such price and on such terms as the agency may determine.

(2) Notwithstanding ORS 273.775 to 273.790, an agency disposing of real property or interest in real property under this section also may convey the mineral and geothermal resource rights in the real property to the Indian tribe.

URBAN RESERVES

SECTION 25. (1) On or before January 1, 2027, the Land Conservation and Development Commission shall amend its rules related to the prioritization of lands being added to an urban reserve in order to allow local governments to assign lower priority to land for which the provision of future urban services, as defined in ORS 195.065, is not reasonable or cost effective due to existing topographical or other physical constraints including built constraints.

(2) Notwithstanding any provision in ORS 183.325 to 183.410, rules adopted under this section shall be adopted without an advisory committee.

RESIDENTIAL DEVELOPMENT ON COMMERCIAL LANDS

SECTION 26. ORS 197A.445 is amended to read:

197A.445. (1) As used in this section:

(a) “Affordable housing” means residential property:

(A) In which:

(i) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income;

(ii) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; or

(iii) A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income; and

(B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.

(b) “Area median income” means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109;

(B) A nonprofit corporation that is organized as a religious corporation;

(C) A nonprofit corporation that is organized as a public benefit corporation whose primary purpose is the development of affordable housing;

(D) A housing authority, as defined in ORS 456.005; or

(E) A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.

(4) Subsections (2) and (3) of this section:

(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.

(b) Do not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

(c) Except as provided in paragraph (d) of this subsection, do not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

(d) Do apply to property described in paragraph (c)(C) and (D)(i) of this subsection if more than 60 percent of the lands within the urban growth boundary that the property is within are located within a tsunami inundation zone or if more than 30 percent of the lands within the urban growth boundary that the property is within are located within a 100-year floodplain.

(5) The development of housing under subsection (2) of this section may occur only:

(a) Within an urban growth boundary; and

(b) On lands zoned to allow for industrial uses only if the property is:

(A) Publicly owned;

(B) Adjacent to lands zoned for residential uses or schools; and

(C) Not specifically designated for heavy industrial uses.

(6) The development of housing under subsection (3) of this section:

(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;

(b) May not occur on lands zoned to allow industrial uses;

(c) May require the payment of a system development charge as defined in ORS 223.299 only if:

(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or

(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and

(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:

(A) The amount that may be required for the existing commercial use; or

(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.

(7) The development of housing allowed under subsection (4)(d) of this section may only occur:

(a) Within an urban growth boundary located no more than 10 miles from the Pacific Ocean;

(b) In areas that require compliance with minimum federal regulations under the National Flood Insurance Program or with local floodplain development regulations adopted by the applicable local government, provided that the local regulations are equal to or more stringent than the minimum federal regulations;

(c) In locations that do not include floodways or other areas with higher risks of greater water velocity and debris flow;

(d) In communities with emergency response, evacuation and post-disaster plans that have been updated for the housing development; and

(e) In areas that are not public parks.

(8) A local government may prohibit affordable housing or require a zone change or conditional use permit to develop affordable housing in areas described in subsection (4)(d) of this section.

(9)(a) An applicant who applies to develop affordable housing under this section within a planned mixed-use development shall, if the development would cause the amount of lands available for commercial uses within the planned mixed-use development to be reduced to less than 80 percent of the amount in the adopted planned mixed-use development, amend the planned mixed-use development to allow an additional area not smaller than the proposed housing development.

(b) As used in this subsection, “planned mixed-use development” means an area of land:

(A) Larger than 10 acres; and

(B) Subject to a land use approval or binding development agreement adopted by the local government that establishes areas or minimum acreages for commercial uses and includes residential or other uses.

[9] **(10)** A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

[(10)(a)] **(11)(a)** Subsection [(9)] **(10)** of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection [(9)] **(10)** of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

TECHNICAL FIXES

SECTION 27. ORS 92.031 is amended to read:

92.031. (1) As used in this section, “middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or 197A.421.

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) Separate utilities, other than water or wastewater, for each dwelling unit;

(b) A proposal for development of middle housing that is in compliance or must comply with the Oregon residential specialty code and land use regulations under ORS 197A.420 (5) that are applicable to the original lot or parcel and which may consist of:

(A) A single duplex, triplex, quadplex, cottage cluster or structure containing townhouses;

(B) Additional units as allowed by ORS 197A.421 (3); and

(C) Retained or rehabilitated existing units allowed under ORS 197A.420 (4), if any;

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

(B) Pedestrian access from each dwelling unit to a private or public road;

(C) Any common use areas or shared building elements;

(D) Any dedicated driveways or parking; and

(E) Any dedicated common area;

(d) Exactly one dwelling unit on each resulting lot or parcel, except for:

- (A) Lots, parcels or tracts used as common areas; or
 - (B) Lots or parcels with a detached single-unit dwelling and accessory dwelling unit or a duplex as allowed under ORS 197A.420 (4); and
 - (e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.
- (3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:
- (a) Subject to subsection (6) of this section, prohibit the further division of the resulting lots or parcels.
 - (b) Require that a notation appear on the final plat indicating that the approval was given under this section.
 - (4) In reviewing an application for a middle housing land division, a city or county:
 - (a) Shall apply the procedures applicable to an expedited land division under ORS 197A.140, if requested by the applicant and without regard to the criteria in ORS 197A.142 (1).
 - (b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197A.420.
 - (c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.
 - (d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or, only if requested by the applicant, ORS 197A.140.
 - (e) Shall allow the submission of an application for a tentative plan for a middle housing land division before, after or at the same time as the submission of an application for building permits for the middle housing.
 - (f) May require the dedication of right of way if the original parcel did not previously provide a dedication.
 - (g) May require separate water and wastewater utilities for each dwelling unit.
 - (h) Shall allow any existing units allowed under ORS 197A.420 (4) to be considered a single middle housing unit and allow for the unit to be allocated its own lot or parcel by the division.
 - (5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.
 - (6) Notwithstanding ORS 197A.425 (1) and subsection (4)(d) and (e) of this section, a city or county may prohibit or add approval criteria to the allowance of a new accessory dwelling unit on, or a subsequent middle housing land division of, a lot or parcel resulting from a middle housing land division:
 - (a) To the extent allowed under this section and ORS 197A.420; and
 - (b) Provided that the middle housing land division lots or parcels may be used to create housing that is at or above the minimum density for the zoning of the land.
 - (7) Notwithstanding any other provision of ORS 92.010 to 92.192, within the same calendar year as an original partition that was not a middle housing land division, a city or county may allow one or more of the resulting vacant parcels to be further partitioned into not more than three parcels through a middle housing land division.
 - (8) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within:
 - (a) Three years [of] **following** the tentative approval; or
 - (b) **A period equal to that allowed by the city or county for the plat or plan that is submitted concurrently with the division as described in ORS 92.044.**
 - (9) Nothing in this section prohibits a city or county from requiring a final plat before issuing building permits.

SECTION 28. ORS 197A.140 is amended to read:

197A.140. Notwithstanding any other requirement applicable to a land use decision under ORS chapter 197 or 197A, for an application that is reviewed as an expedited land division based on the request of the applicant:

(1) A decision is not subject to the requirements of ORS 197.797.

(2) A local government:

(a) Shall make a decision to approve or deny the application within 63 days of receiving a completed application as described in ORS [215.246] **215.427** or 227.178, based on whether the application satisfies the substantive requirements of the applicable land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations.

(b) May not hold a hearing on the application or allow any third party to intervene to oppose the application.

(c) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination. The determination must include an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.

(d) Shall provide notice of the decision to the applicant but may not require that notice be given to any other person.

(e) May assess an application fee calculated to recover the estimated full cost of processing an application based on the estimated average cost of such applications. Within one year of establishing a fee under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing expedited land decisions.

(3) Only the applicant may appeal an expedited land division made under this section.

SECTION 29. Section 22, chapter 476, Oregon Laws 2025, is amended to read:

Sec. 22. (1) On or before January 1, 2028, the Land Conservation and Development Commission shall adopt rules that must include:

(a) Prohibiting or restricting siting and design standards that prevent or discourage, or have the effect of preventing or discouraging, the siting of middle housing that is manufactured, site-built or prefabricated;

(b) Establishing parameters on unreasonable cost or delay for siting and design standards for accessory dwelling units and single room occupancies under standards allowed under ORS 197A.425 and 197A.430;

(c) Regulating cottage clusters for the purposes of incentivizing the provision of smaller, less expensive housing, shared community amenities and other public benefits and including regulations that implement the term "small footprint or floor area" as used within the definition of cottage clusters in ORS 197A.420;

(d) Amending siting and design parameters for middle housing types;

(e) Amending permissible discretionary criteria applied by local government in evaluating housing under ORS 197A.400 (3);

(f) Developing model system development charges for residential development types for optional adoption or incorporation by local governments; and

(g) Establishing procedures to estimate the reasonable zoned housing capacity of an area as part of an inventory of buildable lands or housing capacity under ORS 197A.270, 197A.280 and 197A.350.

(2) In adopting rules under this section, the commission shall:

(a) Emphasize improving the efficiency of the development process with a focus on increasing housing production, availability and affordability, especially that of middle housing, accessory dwelling units and single room occupancies.

(b) To the extent practicable, implement recommendations in the reports produced under section 5 (1) to (3), chapter 110, Oregon Laws 2024.

(c) Implement the principles in ORS 197A.025.

(d) Adopt operative and applicable dates for the rules, subject to section 3, chapter 639, Oregon Laws 2019.

[(e)] (3) **The Department of Land Conservation and Development shall** provide a report on or before July 1, 2028, to the interim committees of the Legislative Assembly relating to land use, in the manner provided in ORS 192.245, on the feasibility and advisability of providing safe harbor protections for cities that use the commission’s model system development charges under subsection (1)(f) of this section or otherwise incentivizing the use of the models.

CAPTIONS

SECTION 30. The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

EFFECTIVE DATE

SECTION 31. This 2026 Act takes effect on the 91st day after the date on which the 2026 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by House February 18, 2026

Received by Governor:

Repassed by House March 5, 2026

.....M.,....., 2026

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2026

.....
Julie Fahey, Speaker of House

.....
Tina Kotek, Governor

Passed by Senate March 4, 2026

Filed in Office of Secretary of State:

.....M.,....., 2026

.....
Rob Wagner, President of Senate

.....
Tobias Read, Secretary of State

PLANNING COMMISSION PARTICIPATION GUIDELINES

These Guidelines supplement the Newberg City Council, Board, Committee & Commission Guidelines (Attachment A), adopted by the City Council on October 20, 2025.

For topics not specifically addressed in these Guidelines, refer to the Newberg City Council, Board, Committee & Commission Guidelines.

Planning Commission Members Standards of Conduct & Expectations

Newberg Planning Commission members will strive to:

- 1) Trust and respect the opinions of fellow commission members, staff, and the public and actively participate in the decisions of the Planning Commission.
- 2) Attend all Planning Commission meetings.
- 3) Notify the planning staff of an absence as soon as practical prior to the meeting time.
- 4) Make every attempt to resolve any personal conflict with a fellow Planning Commissioner prior to bringing the conflict to the attention of the Planning Commission.
- 5) Study material presented in a timely manner and informed on the issues that come before the commission.
- 6) Follow the Planning Commission Guidelines and the Newberg City Council, Board, Committee & Commission Guidelines.

Newberg Planning Commission members will:

- 1) Be courteous and respectful of citizens and create a welcoming environment that actively involves citizens in the governmental process.
- 2) Communicate in clear, concise and audible verbal and written communications.
- 3) Use a friendly and sincere tone of voice.
- 4) Honor and act on all requests for action and/or information in a timely and courteous manner.
- 5) Discuss issues, but not personalities, with non-commission members.
- 6) After an issue has been voted on, commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the Planning Commission, even if their personal opinion differs from the Planning Commission's decision.
- 7) Vote on all motions before the Commission, or explain the reasons for abstaining.

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Newberg Planning Commission Guidelines

SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules

The Planning Commission will adopt commission rules that are not in conflict with City Council, Board, Committee & Commission Guidelines by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on ~~debating, voting, membership, attendance, agendas, and other~~ matters that are specific to the Planning Commission. The rules are intended to serve as a guide for the Planning Commission. One of the goals of the Planning Commission is to work with the residents of Newberg and provide a positive atmosphere at Planning Commission meetings. These rules provide the basic outline required to work together. The commission may need to vary from these rules from time to time to best serve the public interest.

Rule 1.2 Questions about these Rules

All questions regarding these rules will be resolved by majority vote of the commission.

Rule 1.3 Presentation of Rules to Planning Commission Members

These Planning Commission rules will be presented to all Planning Commission members at or before the time they take the oath of office.

Rule 1.4 Amendments to Planning Commission Rules

Amendments to these Planning Commission rules will be made by resolution.

SECTION 2 – GENERAL RULES

Rule 2.1 Public Meetings Law

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 2.2 Quorum

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 2.3 Lack of Quorum

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 2.4 Rules of Order

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 2.5 Enforcement of Rules

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 2.6 Suspension of Rules

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 2.7 Commissioners Duties to Uphold Rules and Decorum

Refer to Chapter 8 - Ethics, Decorum, Outside Statements; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 2.8 Removal of Any Person for Violation of Rules

Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the commissioners present. The ~~planning~~ Community Development Director or Chair may summon the assistance of the police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the ~~planning~~ Community Development Director or chair should fail to act, any Commissioner may obtain the floor and move to require enforcement of this rule, upon an affirmative vote of the majority of the Commissioners present, the police or administrative staff will be authorized to remove the person(s) as ~~the chair so directs~~ directed.

Rule 2.9 Records of Proceedings

Refer to CHAPTER 6 – Minutes; of the Newberg City Council, Board, Committee & Commission Guidelines.

SECTION 3 – PLANNING COMMISSION MEMBERS

Rule 3.1 Attendance

It is the duty of each Planning Commissioner to attend all Planning Commission meetings unless excused. Following a report of misconduct or failure to meet attendance requirements, a Commissioner may be recommended by the Planning Commission for removal. The Mayor may remove a Planning Commissioner, subject to approval by the City Council. Per Newberg Code ~~2.15.250(C)~~, ~~a member who is absent from two consecutive meetings without an excuse as approved by the Planning Commission is rebuttably presumed to be in nonperformance of duty and the city council shall declare the position vacant unless finding otherwise following the hearing.~~ 2.15.005(D), Any member who fails to attend at least 75 percent of the regular meetings in any one year of this term shall be disqualified from serving on the board, commission or committee unless absences are determined to be excused. Upon certification of such disqualification by the board, commission or committee chair, the member will be replaced by the city council as is provided for the filling of vacancies.

Rule 3.2 Excused Absences

Refer to CHAPTER 2 – Meeting Time, Location and Frequency; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 3.3 Report of Absences

~~The planning director will report to the city council any time a commissioner has four or more absences in a twelve-month period, along with the reasons for any excused absences. The planning director also will report to the city council any time a commissioner has two or more unexcused absences in a twelve-month period. The purpose of this notice is to inform the council of the member's attendance, and does not require any particular action by the council unless they so elect.~~ The Community Development Director will advise the Commission when a Commissioner is approaching disqualification for failure to meet attendance requirements.

Rule 3.4 Mayor as Ex-Officio Member of the Planning Commission

Refer to CHAPTER 7 – Appointments; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 3.5 Student Planning Commissioner

The student Planning Commissioner is a high school student who applies for the position by filling out an application for the city committee ~~and gives the City of Newberg a letter of recommendation from a teacher.~~ The mayor selects an individual student and the city council approves the mayor's nomination. The student Planning Commissioner is expected to attend all Planning Commission meetings, unless excused by the Planning Commission. The student commissioner serves a one year term and is ~~allowed and encouraged to participate in all Planning Commission events and activities except for voting~~ a voting member. ~~The chair shall seek the opinion of the student prior to any significant votes.~~ It will be the responsibility of the student member to read the required legal announcements at the beginning of public hearing.

Rule 3.6 Planning Commissioner Training

The City shall offer training to Planning Commissioners to educate them in their duties. It shall be the duty of any newly appointed Planning Commissioner to attend a basic training session from staff within 30 days of his or her appointment. It shall be the duty of any re-appointed Planning Commissioner to attend at least a one-hour training session from staff or offered by the City within 12 months of the beginning of that person's appointed term. Planning Commissioners are strongly encouraged to attend training of some kind annually.

SECTION 4 – PRESIDING OFFICER

Rule 4.1 Chair

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 4.2 Vice Chair

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 4.3 Chair Pro Tem

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 4.4 Election of Chair and Vice Chair

At the first meeting of each year, or upon vacancy of the current chair or vice chair, the commission shall elect a chair and vice chair for the remainder of the calendar year. The commission's policy is to rotate the positions by seniority in such a fashion that each member has the opportunity to serve first as vice-chair, and then the following year as chair. Newly appointed members will be placed at the bottom of the current rotation to allow them to serve a few years first as commissioner then later as chair and vice chair. In case multiple members are appointed at the same time, the commission will decide seniority by vote. The policy does not compel any member to serve as chair who is unwilling, nor does it compel election when the majority determines the commission would be better served by election of different officers. The commission shall consent to the election of each chair and vice chair and absent such consent, shall elect positions by majority vote.

SECTION 5 – PLANNING COMMISSION MEETINGS

Rule 5.1 Regular Meetings

Section 12 of the city charter provides that the Planning Commission must meet at least once a month at a time and place designated by the Planning Commission. The Planning Commission designates through these rules that the regular meetings of the commission will be held on the second Thursday of each month, except on holidays in which event the commission will meet on the second Wednesday. The commission also will meet on the fourth Thursday if business so requires.

Rule 5.2 Meeting Times and Places

The regular meetings of the commission will begin at ~~7:00 p.m.~~ 6:30 p.m. Regular Planning Commission meetings will take place in the Public Safety Building in the ~~training~~ Denise Bacon room at 401 E. Third St., unless specifically

designated to occur at another location. Any other such location will be noted in the notice of the meeting. There will be no new items presented after 10:00 p.m. except by vote of the Planning Commission.

Rule 5.3 Notice of Meeting

The notice of the regular meeting of the Planning Commission, including the agenda which lists items to be considered by the Planning Commission, will be given in accordance with the OPML. However, the notice does not limit the matters that can be considered by the Planning Commission nor prevent the Commission from taking up any matter brought before the commission in accordance with the OPML.

Rule 5.4 Special Meetings

Refer to CHAPTER 2 – Meeting Time, Location and Frequency; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 5.5 Cancellation of Meeting

Refer to CHAPTER 2 – Meeting Time, Location and Frequency; of the Newberg City Council, Board, Committee & Commission Guidelines.

SECTION 6 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION

Rule 6.1 Preparation of Agenda

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 6.2 Non-Agenda Items

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 6.3 Time for Submission of Items

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 6.4 Staff Reports

Normally the staff will send a [Memorandum](#) or report for each Planning Commission item to be considered by the Planning Commission at least seven days prior to the commission meeting.

Rule 6.5 Agenda Availability

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 6.6 Regular Meeting Agenda

The order of business for all regular Planning Commission meetings shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting at the Chair's discretion.

1. CALL MEETING TO ORDER

2. **ROLL CALL**
3. **ELECTION OF CHAIR & VICE CHAIR(Yearly)**
4. **PUBLIC COMMENTS**
5. **CONSENT CALENDAR**
6. **PUBLIC HEARINGS**
 - a. **Quasi-judicial Public Hearings**
 - b. **Legislative Public Hearings**
7. **CONTINUED BUSINESS**
8. **NEW BUSINESS**
9. **ITEMS FROM STAFF**
10. **ITEMS FROM COMMISSIONERS**
11. **ADJOURNMENT**

Rule 6.7 Consent Calendar

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

SECTION 7 – PROCEDURES AT MEETINGS

Rule 7.1 Call to Order

Refer to Chapter 1-General Governance; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.2 Public Comment on Non-Agenda Items

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.3 Legislative Public Hearings

For legislative hearings, the commission will follow the legislative hearing format shown in Exhibit “1”. The Planning Commission’s legislative authority is usually exercised by the adoption of a resolution.

Rule 7.4 Quasi-judicial Public Hearings

For quasi-judicial hearing, the commission will follow the quasi-judicial hearing format shown in Exhibit “2”. The Planning Commission’s quasi-judicial authority is usually exercised by adoption of an Order when the commission is the final decision maker, and by adoption of a resolution when the commission is a recommending body only.

Rule 7.5 Public Comment Registration

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.6 Public Testimony

Refer to CHAPTER 4 – Land Use Hearings; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.7 Time Limits for Testimony

Refer to CHAPTER 4 – Land Use Hearings; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.8 Written Testimony

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.9 Ex parte Contact

Refer to CHAPTER 4 – Land Use Hearings; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.10 Questions of Speakers

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.11 Order of Deliberation

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.12 Speaking and Addressing the Chair

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.13 Motions, Seconds, and Decisions by Unanimous Consent

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.14 Voting and Abstaining from Voting

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.15 Tabled Items

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

Rule 7.16 Reconsideration

Refer to CHAPTER 5 – Motions, Debate, Public Comment and Voting; of the Newberg City Council, Board, Committee & Commission Guidelines.

SECTION 8 – ELECTRONIC MAIL AND ELECTRONIC COMMUNICATION

Rule 8.1 Electronic Mail and Electronic Communication

E-mail or other forms of electronic communication may be used to schedule meetings, send informative messages, or request information from other Planning Commissioners or the planning director, except as limited by these rules or other applicable law. E-mail or other electronic communication may not be used to discuss policy issues with a quorum of the Planning Commission at one time or a quorum of a standing advisory body in any manner which would be in violation of the OPML. All Planning Commission e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure.

Rule 8.2 Electronic Mail and Electronic Communication Regarding Quasi-Judicial Items

Commissioners shall refrain from sending electronic communication regarding the substance of any quasi-judicial item. If commissioners receive e-mail or electronic communication concerning the substance of any quasi-judicial item, they shall forward the communication to the ~~planning~~ [Community Development](#) Director. As such information may be ex parte contact, commissioners shall avoid reading such communication outside the period the record is open for written comment. If reading such items is unavoidable, the commissioner shall declare the ex parte contact.

SECTION 9 - RELATIONSHIP WITH THE CITY COUNCIL

Rule 9.1 Role of Planning Commission in Relation to the City Council

Members of the Planning Commission are appointed by the mayor with consent of the city council. The mayor and council appoint them to provide study and perspective on issues beyond what the council can provide. Commissioners provide the highest value providing independent recommendations and not anticipating or mimicking what they feel the council's decision on a matter would be.

After the city council has voted on an issue that previously has been before the Planning Commission, commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the city council, even if their personal opinions or the commission's decisions differ from the city council's decision.

Rule 9.2 Joint Meetings with City Council or Other Boards

The commission should periodically hold joint meetings with the city council to share directly information and perspectives regarding particular issues. The mayor shall preside at such joint meetings.

The commission also may have joint meetings with other boards or commissions, such as the traffic safety commission. The chairs of the boards shall determine the agenda and the manner of facilitating the meeting.

Rule 9.3 Planning Commission Presentations at City Council Work Sessions

The city council has established a work session before council meetings, and has invited the Planning Commission to make presentations on any matter during that meeting. The commission may appear as a whole, the chair or vice-chair may represent the commission, or the commission may appoint one or more members to represent the commission to the council. The Planning Commission chair shall notify the mayor as far in advance as possible and at least one week in advance of the meeting if the commission wishes to make use of this time

Rule 9.4 Attendance at and Participation in City Council Meetings

In legislative matters, after the Planning Commission has taken action on an item, the mayor or city manager may request that the chair or chair's designee attend a city council meeting to report the commission's recommendation. The Planning Commission also may appoint a representative to attend the city council meeting and convey the commission's recommendation.

On quasi-judicial items, the Planning Commission's report to the council consists of their written decision, findings and the record. Commission members do not speak at the council meeting unless requested by the city council or mayor.

Otherwise, Planning Commissioners may attend any meeting of the city council. They may speak to the council for themselves as a citizen on any item.

**Exhibit “1”-Scripts
To Planning Commission Guidelines**

OUTLINE FOR PUBLIC HEARINGS

► QUASI-JUDICIAL LAND-USE ◀

1. CALL TO ORDER

Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Script
	Presiding Officer: This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

This is the time for Commissioners to disclose any ex-parte communication. If it results in bias- they are to excuse themselves from participating in the hearing and to exit the Chamber	Script
	Presiding Officer: Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex-parte contract or an objection to the jurisdiction? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. REQUEST FOR QUASI-JUDICIAL LEGAL ANNOUNCEMENT

ORS 197.797 requires certain statements to be made at the commencement of a public hearing. Student Commissioner or Staff is to read the Quasi-Judicial Legal Announcement	Script
	Presiding Officer: Student Commissioner please read the Quasi-Judicial Legal Announcement.

4. STAFF REPORTS

Staff will present the staff report summarizing the project, statement of the applicable criteria, and recommendation to the Commission verbally and with a slide presentation.	Script
	Presiding Officer: Now we will hear a report from our staff on this item. <i>Commissioners may ask brief questions for Clarification.</i>

Exhibit “1”-Scripts To Planning Commission Guidelines

5. CALL FOR PUBLIC TESTIMONY

<p>The presiding officer announces time limits</p> <p>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be many testimonies.</p>	Script
	<p>Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the Commission and staff.</p> <p>We will hear from:</p> <ul style="list-style-type: none"> • Applicant (principal proponent): 20 Min • Those in favor(proponent): 5 Min each • Those opposed (opponent): 5 Min Each • Other interested parties who are undecided: 5 Min Each • At the end the Applicant (principal proponent) will have a chance to offer a rebuttal: 10 Min <p>Each person outside the applicant will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.</p>

6. QUESTIONS FROM THE COMMISSIONERS OF PROPONENTS AND OPPONENTS FROM THE FLOOR

<p>Commission may ask clarifying questions of speakers.</p>	Script
	<p>Presiding Officer: Do any members of the Commission have questions for those who have given testimony?</p>

7. CLOSE OF HEARING/PUBLIC TESTIMONY

<p>No Further information shall be received after the close of the hearing except specific questions directed to Staff.</p>	Script
	<p>Presiding Officer: Public testimony is called to a close.</p> <p><i>(A Hearing may be reopened to receive additional testimony, evidenced or argument upon majority vote of the body.)</i></p>

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script
	<p>Presiding Officer: Could we please hear the recommendation from staff on this issue?</p>

Exhibit “1”-Scripts To Planning Commission Guidelines

9. PLANNING COMMISSION DELIBERATION; DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

10. ACTION BY THE PLANNING COMMISSION

Orders - Action requires passage of an order; the relevant motion should be:

<p>The body may approve or reject the proposal with adopted findings that support its decision.</p> <p>Anyone can make a motion.</p> <p>Presiding Officer must restate Motion in full. (Officer May call on staff for assistance)</p> <p>All motions must receive a second or it dies.</p> <p>Vote: Roll Call Vote</p> <p>Amendments are voted on first then the Main Motion if voted on as amended</p>	<p style="text-align: center;">Script</p> <p>Motion: I make a motion to approve Order [#####], [Title].</p> <p>Presiding officer: A motion has been made to (repeat motion).</p> <ul style="list-style-type: none"> • Do I hear a Second to the Motion as it stands? (Pause for Second) • Motion has been seconded- Is there any further discussion? (Pause for discussion.) • Staff, please take a roll call vote on the motion to (repeat motion). <p>Presiding officer: The motions [passes or passes unanimously or fails]</p>
	If Motion fails, Script
	<p>Presiding officer: Motion (repeat motion) has failed due to (state reason). Do we have another Motion or would anyone like to present an amendment to the motion? (Pause for discussion)</p> <p>New or Amended Motion: I make a motion to approve Order [#####] with Amendments (State Amendments)</p> <p>Presiding officer: A motion with amendments has been made to (repeat motion).</p> <ul style="list-style-type: none"> • Do I hear a Second to the Motion as it stands? (Pause for Second) • Motion has been seconded- Is there any further discussion? (Pause for discussion.) • Staff, please take a roll call vote on the motion (repeat motion) with amendments (repeat amendments) <p>Presiding officer: The motions [passes or passes unanimously or fails]</p>
Majority of Quorum	
Orders require majority of the quorum for passage.	
A Tie Vote Fails	
7 members present	4 votes required for passage

Exhibit “1”-Scripts To Planning Commission Guidelines

6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage

**Exhibit “1”-Scripts
To Planning Commission Guidelines**

OUTLINE FOR PUBLIC HEARINGS

► LEGISLATIVE PUBLIC HEARING ◀

1. CALL TO ORDER

Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Script
	Presiding Officer: This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

This is the time for Commissioners to disclose any ex-parte communication. If it results in bias, they are to excuse themselves from participating in the hearing.	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? <i>(If yes, a member should be acknowledged by the presiding officer and state their declaration.)</i>

3. STAFF REPORTS

Staff will present the staff report summarizing the project, statement of the applicable criteria, and recommendation to the Commission verbally and with a slide presentation.	Script
	Presiding Officer: Now we will hear a report from our staff on this item. <i>Commissioners may ask brief questions for Clarification.</i>

Exhibit “1”-Scripts To Planning Commission Guidelines

4. PUBLIC TESTIMONY

<p>The presiding officer announces time limits</p> <p>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be many testimonies.</p>	Script
	<p>Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the Commission and staff.</p> <p>We will hear from:</p> <ul style="list-style-type: none"> • Principal proponent (if not Staff): 20 Min • Those in favor(proponent): 5 Min each • Those opposed (opponent): 5 Min Each • Other interested parties: 5 Min Each <p>Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.</p>

5. CLOSE OF PUBLIC TESTIMONY

<p>No Further information shall be received after the close of the hearing except specific questions directed to Staff.</p>	Script
	<p>Presiding Officer: Public testimony is called to a close.</p> <p><i>(A Hearing may be reopened to receive additional testimony, evidence or argument upon majority vote of the body.)</i></p>

6. RECOMMENDATIONS FROM STAFF

	Script
	<p>Presiding Officer: Could we please hear the recommendation from staff on this issue?</p>

7. PLANNING COMMISSION DELIBERATION; DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

<p>Councilors should seek acknowledgement and then speak on the issue.</p>	Script
	<p>Presiding Officer: Now I'll open the floor for the Commission to deliberation. Would anyone like to speak on this matter?</p>

8. DECISIONS

Resolutions - Action usually requires passage of a resolution; the relevant motion should be:

<p>The body may approve or</p>	Script
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Exhibit “1”-Scripts To Planning Commission Guidelines

<p>reject the proposal with adopted findings that support its decision.</p> <p>Anyone can make a motion.</p> <p>Presiding Officer must restate Motion in full. (Officer May call on staff for assistance)</p> <p>All motions must receive a second or it dies.</p> <p>Vote: Roll Call Vote</p> <p>Amendments are voted on first then the Main Motion if voted on as amended</p>	<p>Motion: I make a motion to approve Resolution [#####], [Title].</p> <p>Presiding officer: A motion has been made to (repeat motion).</p> <ul style="list-style-type: none"> • Do I hear a Second to the Motion as it stands? (Pause for Second) • Motion has been seconded- Is there any further discussion? (Pause for discussion.) • Staff please take a roll call vote on the motion to (repeat motion). <p>Presiding officer: The motions [passes or passes unanimously or fails]</p>
If Motion fails, Script	
	<p>Presiding officer: Motion (repeat motion) has failed due to (state reason). Do we have another Motion or would anyone like to present an amendment to the motion? (Pause for discussion)</p> <p>New or Amended Motion: I make a motion to approve Resolution [#####] with Amendments (State Amendments)</p> <p>Presiding officer: A motion with amendments has been made to (repeat motion).</p> <ul style="list-style-type: none"> • Do I hear a Second to the Motion as it stands? (Pause for Second) • Motion has been seconded- Is there any further discussion? (Pause for discussion.) • Staff please take a roll call vote on the motion (repeat motion) with amendments (repeat amendments) <p>Presiding officer: The motions [passes or passes unanimously or fails]</p>
Majority of Quorum	
Orders require majority of the quorum for passage.	
A Tie Vote Fails	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage

Newberg City Council, Board, Committee & Commission Guidelines 2025

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CHAPTER 1 – General Governance

I. Rules of Procedure

- A. These rules are intended to govern City Council and all boards, committees, and commissions (hereafter referred to as standing committees) of the city.
- B. Unless otherwise provided by charter or ordinance, Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.¹ These rules are adopted according to NMC, Charter, Ch III, Section 11.
- C. Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

II. Quorum

- A. A quorum is required to conduct official city business.²
- B. The members of the council are the city councilors and mayor. The members of a standing committee are as defined at their creation. Fifty percent plus one of the members of the council or a standing committee shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- C. In the event a quorum is not present, the members of the governing body present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule II D.
- D. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.
 - 1. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a

¹ Robert's Rules of Order Newly Revised, 12th edition, section 49:21.

² NMC Charter, CH 3, Section 13.

certain time while attendance is being compelled.

III. Presiding Officer

A. City Council:

1. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.³
2. If the mayor is absent or otherwise unable to preside, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.⁴
3. If both the mayor and the president of the council are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
 - a. The city recorder shall call the council to order and call the roll of the members.
 - b. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
 - c. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
 - d. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.
 - e. This process may be used to elect a presiding officer for a portion of a meeting if the mayor or council president is unable to preside over a single item.

B. Standing and Ad-Hoc Committees:

1. The chair shall preside over all meetings.
2. In the chair's absence the vice chair shall preside over the meeting.
3. If both the chair and vice chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
 - a. The staff liaison shall call the meeting to order and call the roll of the

³ (NMC, Charter, Ch III, Section 9)

⁴ (NMC, Charter, Ch III, Section 10).

members.

- b. Those members present shall elect, by majority vote, a temporary presiding officer for the meeting.
- c. Should either the chair or vice chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
- d. The presiding officer shall retain all rights and privileges of a member when acting in this capacity.
- e. This process may be used to elect a presiding officer for a portion of a meeting if the chair or vice chair is unable to preside over a single item.

IV. Other Elected and Appointed Officers

- A. City Manager. The city manager is required to attend all meetings of the council, unless excused by council, and is permitted to participate in any discussion; however, the city manager has no authority to cast a vote on any decision rendered by the council.⁵
- B. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion on legal questions, either written or oral.
- C. City Recorder. The city recorder or designee shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.

V. Agendas

- A. The city recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.
- B. Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.⁶
- C. The mayor's approval shall be required for the publication of an agenda of any council meeting.
- D. With the consent of the mayor, the city manager may remove any items on the council agenda at any time prior to a meeting convening. The presiding officer

⁵ (NMC, Charter, Ch VIII, Section 34, e, 1.)

⁶ Note: Some actions taken by council and or standing committees may require even more notice. All legal requirements for notice shall be followed.

shall announce such removal under announcements/proclamations.

- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager and get the approval of the mayor at least 10 days prior to the meeting. A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.
- F. If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting council member at least seven days prior to the meeting. If denied, the requesting council member may request, during the meeting and in open session, that the item be placed on the agenda. If the requesting council member obtains the support of at least one other council member, the item will be included on the agenda.
- G. Notwithstanding anything to the contrary above, the council may consider items which are not listed on a published agenda.
- H. Written Communications to Council
 - 1. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
 - 2. The city manager may, under their discretion, bring any matter raised by unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report which sets forth the reason the matter should be considered by the council, and making a recommendation for council action.
- I. All items submitted to the council packet will require an executive summary of the decision before the council, and items over 100 pages in length will require an index, or hyperlinks, to the specific sections and attachments.
- J. Items that are legislative in nature, or that are deemed complex, will have a work session before the hearing, resolution, or main decision point is brought before the council. This may be waived by a majority of council.

VI. Order of Business

The order of business for all regular meetings of City Council shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting with the approval of the mayor. Agendas for special meetings may follow this order or be adjusted according to the purpose of the meeting. Committees may follow this order or set their own agenda order as desired.

- A. **Call to order**
- B. **Roll call**

- C. **Pledge of Allegiance**
 - D. **Announcements**
 - E. **Proclamations and Awards**
 - F. **City Manager's Report**
 - G. **Public comment on items not on the agenda**
 - H. **Consent Agenda**
 - I. **Continued Business**
 - J. **New Business**
 - K. **Council Business**
 - L. **Adjournment**
- A. **Call to Order.** The presiding officer shall call all meetings of the council to order.
 - B. **Roll Call.** The city recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.
 - 1. The attendance shall be properly reflected in the minutes.
 - 2. If roll call determines that a quorum is not present, this shall be addressed by Rule II.
 - C. **Pledge of Allegiance** This will be led by the presiding officer.
 - D. **Announcements.** Announcements are intended to be procedural in nature, such as an item being removed from the agenda, motions to reorder, insert or change agenda items. This also includes motions to remove items from the consent calendar.
 - E. **Proclamations and Awards.** Proclamations are awards or recognition of individuals by the council.
 - F. **City Manager's Report.** The City Manager will give a report at each regular council meeting with updates from all departments of the city. The first report of each month will include narrative information, the second report of each month will include statistical information. The council may ask questions of the city manager upon conclusion of the report being given. The city manager may call upon his staff to assist in answering questions.
 - G. **Public Comment - See Chapter 5, Section III.**
 - H. **Consent Agenda.** To expedite the council's business, routine agenda items shall be placed on the consent agenda.
 - 1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

2. Any item on the consent agenda may be removed for separate consideration by any member.
 3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.
- I. Continued Business. This section of the agenda will include items that are being returned to council after previous introduction, work session, or consideration at a recent meeting.
 - J. New Business. This section of the agenda will include items that are being considered for the first time. This may include topics freshly presented to council after a period of more than six months.
 - K. Council Business. To include appointments, reports from councilors on standing committees, nominations and similar council business.
 - L. Adjournment. Meetings will be adjourned by the presiding officer.

CHAPTER 2 – Meeting Time, Location and Frequency

I. City Council

- A. Regular meetings
 1. The council shall meet every first and third Monday evening of each month, except for meetings falling on designated holidays, which will be held on the next business day. Regular meetings shall begin at 6 p.m. Should there be a lack of business, lack of quorum, or other conflict, the meeting may be cancelled, with consent of the mayor, providing at least one meeting occurs in the given month.⁷ Regular meetings will limited to 4 hours and will be adjourned by 10pm except by majority vote of the body.
- B. Special meetings
 1. Special meetings may be called by the presiding officer or by request of three members.
 2. Notice of a special meeting of council shall be given to all members of the council and the city manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the council and city manager by telephone.
 3. Special meetings shall be noticed in accordance with Oregon’s public

⁷ NMC, Charter, Chapter 3, Section 12

meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the city manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings.

C. Emergency meetings

1. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
2. Emergency meetings may be called by the mayor by the request of three members of council, or by the city manager.
3. Emergency meetings may only be held by City Council.
4. Notice of the emergency meeting shall be given to each member of the council, the city manager, and all reasonable attempts will be made to inform each local newspaper, radio, and television station which has requested notice of meetings.
5. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.
6. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions.

1. Executive sessions may only be held by City Council. Executive sessions may be called by the presiding officer, at the request of three members of council, by the city manager, or by the city attorney.
2. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Generally, the city recorder will be present to take minutes, if excused, another minute taker will be identified.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.
4. Cameras, tape recorders, and other recording devices may not be used in executive sessions, except for any official executive session recording made by city staff.
5. All executive sessions will be held in person only, without a virtual attendance option, unless a virtual option is approved by a majority vote in open session.

E. Work Sessions

1. Work sessions are permitted to present information in preparation for regular or special meetings.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the council or committee is not permitted to take formal or final action on any matter at a work session.
4. Work sessions may be called by the presiding officer, at the request of three members of Council, by the city manager, or by the city attorney.
5. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

II. Board, Commission, and Committee Meetings

- A. Shall meet according to the schedule produced by the city recorder's office each year. This will be developed in accordance with the code, resolution, law, and necessity. Committees may add additional meetings or reschedule meetings if necessary.
- B. Must be properly noticed in accordance with Oregon Public Meetings Law.
- C. Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

III. Location

- A. Council meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms. Board, commission, and committee meetings will be held in various locations as appropriate, as noticed on the meeting agenda, and simultaneously through Zoom or another virtual meeting platform.
- B. In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.
- C. At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)
- D. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
- E. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but

should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

IV. Notice

- A. The city recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

V. Attendance

- A. Members of council or committees shall advise the presiding officer and city manager/city recorder/staff liaison if they will be unable to attend any meetings.
- B. Under Article VII, Section 32 of the charter, a council position becomes vacant upon declaration of the council if the member of council is absent from the city for 30 days or more without council consent, or from all meetings of the council within a 60-day period without council consent.
- C. Committee members may be excused from their position if they are not present for at least 75% of meetings in a year in accordance with Title II, Chapter 2.15.005 (D.) of the Newberg Municipal Code.
- D. Members may attend meetings in person or virtually by phone or video conferencing.

CHAPTER 3 – Ordinances and Resolutions

I. Ordinances

- A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein. Sections 16 and 17 of city charter provide that the council exercises its legislative authority by adoption of ordinances.
- B. Except as authorized by subsection (C), adoption of an ordinance shall, before being put upon its final passage, be fully and distinctly read in open council meeting.
- C. The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- D. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts that ordinance.
- E. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.
- F. After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the city recorder's name and title.

- G. A script for the adoption of an ordinance will be followed to ensure compliance with these rules. See attachments.
- H. Effective Date: An ordinance shall take effect 30 days after adoption or at a later date to be specified in the ordinance.
 - 1. The following shall take effect immediately upon its passage:
 - a. Ordinances making appropriations and the annual tax levy; and
 - b. Emergency ordinances.

II. Resolutions

- A. Resolutions considered by and voted upon by the council or committee shall adhere to the rules outlined here.
- B. An affirmative vote of a majority of the council or committee present shall be necessary to pass a resolution.
- C. When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3 month window.
- D. Reconsideration
 - 1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
 - 2. No motion shall be made more than once.
 - 3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.
- E. Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings

- A. Any party may speak in person or through their attorney.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.

- C. If a party desires to make its testimony or evidence available as part of the meeting’s agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, or 2 days ahead for all other meetings.⁸ If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted to the city recorder or designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting’s agenda packet.
- D. No person may speak more than once without obtaining permission from the presiding officer.
- E. Upon being recognized by the presiding officer, any member may question any person who testifies.
- F. As directed by the presiding officer, staff may question any person who testifies.
- G. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- H. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder or staff liaison shall note the numbers of such persons for the record in the minutes. Persons testifying are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.
- I. The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, “in favor” or “opposed”, to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.⁹

II. Quasi-Judicial Land Use Matters

A. Scope of Review

- 1. All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals.

B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications

- 1. A member of the council or commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.

⁸ (see Chapter 5, Section 3

⁹ (See also, Part II, Quasi-Judicial Land Use Matters - Hearing Procedures)

- b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.
 - c. The member has a bias, as determined by applicable law, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.
2. Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) and (c) above.
- 1. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.

C. Burden of Proof

- 1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- 2. The decision shall be based on the applicable standards and criteria as set forth in the city’s municipal code, including if applicable the city’s comprehensive plan and any other land use standards imposed by state law or administrative rule.
- 3. Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- 4. City staff may submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.

D. Hearing Procedures

The order of hearings in quasi-judicial land use matters shall be:

1. *Land Use Hearing Disclosure Statement*

The city attorney, presiding officer, or their designee, shall read the land use hearing disclosure statement, which shall include:

- a. A list of the applicable criteria;
- b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use

regulation which the person believes to apply to the decision;

- c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council or other hearing body and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
- d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. *Call for ex-parte contacts*

- a. The presiding officer shall inquire whether any member has had ex-parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.
- b. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view. Ex parte contact can also be access to evidence or information that is not available to the public or the hearing body, which may include visiting the site of a land use application.

2. *Call for recusals*

- a. The presiding officer shall inquire whether any member must recuse from participating in the hearing due to a conflict of interest.
- b. Actual Conflict of Interest: If a member announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse themselves and leave the hearing. The recusal is recorded in the minutes.
- c. Potential Conflict of Interest: If a member has a potential conflict of interest, they can declare the potential conflict and continue participation in the matter. The declared potential conflict is recorded in the minutes.
- d. Any member announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding unless the person’s vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

3. *Staff summary*

- a. Planning staff shall present a summary and recommendation concerning the proposal.

4. *Presentation of the Case*

- a. Proponent’s case. Twenty minutes total.

- b. Persons in favor. Five minutes per person.
- c. Persons opposed. Five minutes per person.
- d. Other interested persons. Five minutes per person.
- e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

5. *Close of hearing*

- a. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

6. *Deliberations*

- a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Findings and Order*

- a. The body may approve or reject the proposal.
- b. The body shall adopt findings to support its decision.
- c. The body may incorporate findings proposed by the proponent, the opponent or staff in its decision.

B. Continuances

- 1. A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statutes. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.
- d. There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation.¹⁰

III. Legislative Land Use Matters

A. Hearings Procedures

- 1. The order of procedures for hearings on legislative land use matters shall be:
- 2. *Call for abstentions*
 - a. Inquire whether any member wishes to abstain from participation in the

¹⁰ See ORS 227.178.

hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder or designated staff shall record the abstention in the minutes.

3. *Staff summary*

- a. Staff shall present a summary of the proposal, statement of the applicable criteria, and recommendations concerning the proposal.

4. *Presentation of the Case*

- a. Staff Presentation or Proponent's case. As approved by the presiding officer.
- b. Persons in favor. Five minutes per person.
- c. Persons opposed. Five minutes per person.
- d. Other interested persons. Five minutes per person.

5. *Close of hearing*

- a. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.

6. *Deliberations*

- a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Reopening Hearing*

- a. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

CHAPTER 5 – Motions, Debate, Public Comment and Voting

I. Motions

A. The following rules shall apply to motions:

1. All motions shall be distinctly worded using plain language.
2. If a motion does not receive a second, it dies.
3. The body will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. Any motion shall be reduced to writing if requested by a member.
5. A motion to amend can be made to a motion that is on the floor and has been seconded.
6. Amendments are voted on first, then the main motion if voted on as amended.

7. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table; (Put the issue on indefinite hold.)
 - b. To call for the previous question; (End debate and immediately vote.)
 - c. To postpone; (Delay until a specified time.)
 - d. To refer; or (Send the matter to another committee or person for more information or a recommendation.)
 - e. To amend. (To change the motion on the table.)
8. A motion may be withdrawn by the mover at any time without the consent of the body.
9. A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
10. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
 - a. A call for the question fails without a majority vote.
 - b. Debate on the main subject resumes if the motion fails.
11. A motion that receives a tie vote fails.
12. The presiding officer shall cause the motion to be stated before the vote.
13. A motion to adjourn cannot be amended.

B. Motion to Reconsider

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

II. Debate

- A. The following rules shall govern the debate of any item being discussed by the council or committee:
1. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
 2. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

III. Public Comment

A. Public Comment

1. Public comment may be received at regular council meetings, standing committee meetings, and certain ad hoc committee meetings. The public shall have the right to comment at City Council meetings on all items that require a vote by the City Council, and the City Council will accept public comment unrelated to agenda items. Because of the limited role, purpose, and authority of standing committees and ad hoc committees, and in order to promote efficiency and maintain order, standing committees will only receive public comment related to the subject of the committee or topics at that meeting, while ad hoc committees will receive public comment only to the extent it is specifically included in their directives. .
2. When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.
3. Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the council or city staff.

B. Public Comment Registration

1. Those giving public comment are required to register on the city website (by noon on the day of the meeting) or in person at the public meeting before making comments and/or providing input at the meeting.
2. Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.
 - a. For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.
 - b. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.
 - c. A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.
3. Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.
 - a. Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom

or other virtual meeting platforms or phone comments will be received without prior registration.

C. Non-Agenda Items and Consent Calendar

1. Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar will speak under general public comments. Those people will be given the opportunity to speak for no more than five 5 minutes. Speakers may share their time at the discretion of the mayor.
2. The maximum time allowed for public comments, including all speakers, is thirty 30 minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

D. Agenda Item other than Consent Calendar

1. Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

E. Written Materials

1. Comments including any attachments (written comment, images, etc.), can be emailed to the City Recorder or dropped off at City Hall by 12:00 p.m. (noon) the Friday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for council review. Written comment must be accompanied by a public comment registration form.
2. If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.
3. Written comments will not be read into the record.

F. Electronic Materials

1. Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.
2. Speakers must provide the materials in a format compatible with city software to the City Recorder on the Friday prior to the council meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.

G. Multiple Speakers

1. Should there be more speakers than can be heard during the 30 minutes allowed for public comment, the presiding officer may reduce the time allotted to each speaker or may extend the comment period.

H. Council or Member Inquiries

1. Councilors or committee members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall limit questions to no more than three minutes. The presiding officer may intervene if a member is violating the spirit of this guideline.

IV. Voting

The following rules shall apply to voting on matters before the council. The express approval of a majority of a quorum of the council is necessary for any council decision, except as otherwise set forth in these rules or when the charter requires approval by a majority of the council. For standing committees, the express approval of a majority of the quorum is necessary for any decision.

A. Consent Agenda

A majority of quorum present is required to approve the matters on a consent agenda.

B. Resolutions

A majority of quorum present shall be required to pass a resolution.

C. An Ordinance

A majority of all council members is required to pass an ordinance.

D. Emergency Ordinance

An emergency ordinance shall require the majority of quorum present.

E. Budget

The budget shall require majority of quorum present to pass.

F. Suspension of Rules

A majority of quorum present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the city's charter shall not be suspended or rescinded.

G. All votes shall be recorded in the minutes and may not be by secret ballot.

H. Ties

Tie votes shall indicate a denial of the proposal. If the tie is a matter that has

been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.

CHAPTER 6 – Minutes

I. Generally

- A. All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.
- B. The minutes shall be action minutes and contain the following information:
 - 1. The date, time and place of the meeting;
 - 2. The members present and absent;
 - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - 4. The results of all votes and the vote of each member by name; and
 - 5. The substance of any discussion.

CHAPTER 7 – Appointments

I. Appointments of City Staff

- A. The council appoints and can remove those positions identified in the city's charter. This includes City Attorney and Municipal Judge.
- B. Appointments and Removals

All appointments and removals require a majority vote of the entire council.
- C. Interference

If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.

II. Appointments of Members to Boards, Commissions and Committees

- A. Unless otherwise mandated by applicable law, the mayor shall appoint the members of any standing board, commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.
 - 1. Standing boards, commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfill an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)

B. Ad-Hoc Committees

1. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. Ad-hoc committees are intended to be temporary.
2. The mayor will establish the membership criteria for the ad-hoc committees. Residency does not have to be a required criterion. The mayor will appoint members of the ad-hoc committees, subject to council ratification.
3. The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two 2 consecutive meetings of the committee without being excused prior to the meeting.
4. The mayor has the authority to grant an excused absence, and in the mayor's absence, the committee chair has the authority.
5. The mayor will designate the chairperson and the vice chair. Members will continue to serve until their mission is accomplished, replacement or reappointment.
6. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council.
7. The meeting time and place of the committee will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet.
8. A majority of the committee may request a meeting. All meetings are public meetings and will be conducted in accordance with the OPML.
9. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee.
10. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

C. Removals

Except as otherwise required by applicable law, all appointed board, committee, or commission persons may be removed by the mayor with the consent of council.

CHAPTER 8 – Ethics, Decorum, Outside Statements

I. Ethics

- A. All members of the council and committees shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
 - 1. Disclosing confidential information.
 - 2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
 - 3. Expressing an opinion contrary to the official position of the council or committee without so saying.
 - 4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

II. Decorum

- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.
- B. Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
- C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.

III. Statements to the Media and Other Organizations

A. Representing the City

If a member of the council or committee, including the mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council or committee.

B. Personal Opinions

If a member of the council or committee, including the mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C. Suggested Language

Councilors and committee members are encouraged to use statements such as “This is my personal opinion and not the official opinion of the Newberg City Council (or relevant body).”

CHAPTER 9 – Interactions with Staff & City Attorney

I. Staff

- A. All members of the council and committees shall respect the separation between their role and the city’s manager’s responsibility by:
1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
 2. Refraining from actions that would undermine the authority of the city manager or a department head.
 3. Refraining from contacting the City Manager or Department Heads from 6pm Friday- 6am Monday, except in the case of an emergency.
 4. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager.
 - a. Questions from individual members of the council requiring significant time or resources (2 hours or more) shall require the approval of the council.
 - b. Members of the council shall share any information obtained from staff with the entire council.
 - c. This section is not intended to apply to questions by members of the council acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.
 - d. This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the council.

II. City Attorney

- A. Council members may make requests to the City Attorney for information and advice in relation to council business.
1. Council members should understand that the City Attorney must prioritize the city’s legal issues and may not be able to respond immediately to Council requests.
 2. Requests for legal advice that require greater than two hours of attorney time

will require the concurrence of the majority of the Council.

CHAPTER 10 – Censure

I. Rules Violations

- A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.
- B. If a member of council violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member via:
 - 1. Public reprimand;
 - 2. Removal from committee assignments; and/or
 - 3. The removal from the position of council president.

II. Investigating Violations

- A. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.
- B. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

CHAPTER 11 – Amendment and Repeal

I. Amendment

- A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
- B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.
- C. All amendments to these rules require a majority vote.
- D. Amended rules shall not go into effect until the meeting after the rule is approved.

II. Repeal

- A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
- B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
- C. Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- D. Any repeal and replacement of these rules requires a majority of the full council vote.
- E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► LEGISLATIVE HEARING ◀◀

1. CALL TO ORDER

Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Script
	Presiding Officer: This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

The presiding officer announces time limits Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.	Script
	Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close.

6. RECOMMENDATIONS FROM STAFF

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

7. COUNCIL DELIBERATION

Councilors should seek acknowledgement and then speak on the issue	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

8. ORDINANCE DECISIONS

Ordinances - Action usually requires passage of an ordinance; the relevant motions are listed in the Ordinance Action Guide.

ORDINANCE ACTION GUIDE

First action: Waive the second reading.

If this is the first meeting in which this ordinance is considered, council should waive the second reading through the following motion.

Script

Presiding Officer: I move to waive the second reading of Ordinance [#####].

Second action can be one of 4 steps:

1. Motion for Approval

Script

Presiding Officer: I move to approve Ordinance [#####], [Title]

2. Motion to Read in Full

Script

Presiding Officer: I move to approve Ordinance [#####], [Title] and ask that it be read in full.

3. Motion to Approve Amended Ordinance

Amended ordinance must be read in full if approved in the same meeting as amendments are made.

Script

Presiding Officer: I move to approve Ordinance [#####], [Title] with amendments and ask that amendments be read in full.

4. Motion to Table the Ordinance Motion:

Script

Presiding Officer: I move to table this ordinance to be considered at our next meeting.

Third Action: Roll Call Vote

Script

Presiding Officer: A motion has been made to (repeat the motion).

Presiding Officer to the city recorder or meeting clerk: Please take a roll call vote. (The city recorder or meeting clerk calls the roll and announces the number of ayes and nos.)

Presiding officer: The motion [passes or passes unanimously or fails]

Majority of Entire Membership

Ordinances require majority of the entire membership for passage, this means a majority of all of the councilors, not of the quorum present.

7 members

4 votes required for passage

6 members

4 votes required for passage

5 members

3 votes required for passage

4 members

3 votes required for passage

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

▶ ADMINISTRATIVE HEARING ◀

1. CALL TO ORDER

Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Script
	Presiding Officer: This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

The presiding officer announces time limits Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.	Script
	Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close.

6. RECOMMENDATIONS FROM STAFF

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

7. COUNCIL DELIBERATION

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

8. DECISIONS

Resolutions - Action usually requires passage of a resolution; the relevant motion should be:

	Script
Vote: voice vote is permitted	<p>Motion: I make a motion to approve Resolution [####], [Title].</p> <p>Presiding Officer: A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no. (Pause) The motion [passes unanimously or passes or fails.]</p>
Majority of Quorum	
Resolutions require majority of the quorum for passage.	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► QUASI-JUDICIAL LAND-USE & NON-LAND-USE ◀

1. CALL TO ORDER

Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Script
	Presiding Officer: This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

City Attorney Legal Announcements: Read “quasi-judicial announcements” sheet	Script
	Presiding Officer: Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex-parte contact or an objection to the jurisdiction? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

The presiding officer announces time limits Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.	Script
	Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. At the end the principal proponent will have a chance to offer a rebuttal. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR

	Script
	Presiding Officer: Do any members of the council have questions for those who have given testimony?

6. PUBLIC AGENCY LETTERS OR COMMENTS

	Script
	Presiding Officer: Now we will receive testimony from any public agencies. Written testimony has been entered into the record and provided to members of the Council and staff.

7. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close. City Attorney Legal Announcements

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

10. ACTION BY THE COUNCIL

Orders - Action usually requires passage of an order; the relevant motion should be:

Vote: voice vote is permitted	Script
	<p>Motion: I make a motion to approve Order [#####], [Title].</p> <p>Presiding officer: A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no</p> <p>Presiding officer: The motions [passes or passes unanimously or fails]</p>
Majority of Quorum	
Orders require majority of the quorum for passage.	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage