

Town of Lakeview
Appeal Agenda Notice
APPLICATION 788
Monday June 26, 2023, 5:00 pm
1900 North 4th Street, Lakeview, Oregon

A. Town Council Appeal notice application No. 788 Meeting – 5:00 p.m.

1. Call to Order and Roll Call
2. Pledge of Allegiance

B. New Business

3. Quasi - Judicial Appeal Public hearing for Land Division and site design review application, Planning File 788. The property is located within the Residential Multi - Family - subdistrict (R-MF). The Application propose Land Division is to replat Lots 1-24 of the Block 93 in the Oregon Valley Land Company's First Addition to Lakeview as two lots of approximately 0.93 acres each, and the site design review Application is for the construction of the two multi-family dwelling projects on the two "re-platted" lots. The proposed multi-family dwelling projects on the two replated lots. The proposed multi-family dwelling project consists of a three-story apartment building with 17 units on one lot, and five duplex units on one lot, and five duplex units (ten units total) on the second lot. The Decision criteria in sections 4.2.600 (Sites Design Review Approval Criteria) and 4.3.140 (Approval Criteria; Preliminary Plat) of the Town of Lakeview Development Code. The Application has been made by BB Development, LLC. The Agent is Darryl Anderson.

C. Public Comments

Citizens may address the council on items that may or may not be on the subject meeting agenda. Please limit you comments for three minutes. The council reserves the right to limit the number of speakers pertaining to the same topic

in the interest of meeting efficiency

and expediency.

4. Adjourn

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. This meeting (except the executive session) is open to the public and interested citizens are invited to attend.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#) Meeting ID: 220 529 883 646 Passcode: D4wCnd

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting by calling Town Hall 541-947-2020.

TOWN OF LAKEVIEW
MEETING AGENDA
Planning Commission
May 8, 2023
5:30 p.m.

I. Call To Order

II. Communications/Comments/Informational Items

A. Comments from the Public (non-agenda items, limited to 5 minutes per person)

III. New Business

A. Quasi-Judicial Public Hearing on for Land Division and site design review application, Planning File 788. The property is located within the Residential Multi-Family - Subdistrict (R-MF). The Application propose Land division is to replat Lots 1-24 of the Block 93 in the Oregon Valley Land Company's First Addition to Lakeview as two lots of approximately 0.93 acres each, and the site design review application is for the construction of two multi-family dwelling projects on the two replated lots. The proposed multi-family dwelling projects consist of a three-story apartment building with 17 units on one lot, and five duplex units (ten units total) on the second lot. The Decision criteria in sections 4.2.600 (Site Design Review Approval Criteria) and 4.3.140 (Approval Criteria; Preliminary Plat) of the Town of Lakeview Development Code. The Application has been made by BB Development, LLC. The Agent is Darryl Anderson.

Adjournment

Town Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Dawn Roberts, 541-947-2020.

The Public Meetings Law does not require that every proposed item of business be described on the notice. The law requires a reasonable effort to inform the public and interested persons, including news media, of the nature of the more important issues ("principle subjects") coming before the body.

STAFF REPORT TOWN OF LAKEVIEW
APPLICATION NOS. 788
May 1, 2023

APPLICANT: BB Development, LLC

OWNER: John Cogar

AGENT: Darryl Anderson, P.E.

PURPOSE OF REQUEST AND PROPERTY DESCRIPTION: The applicant submitted applications for land division and site design review for property comprising a portion of the land identified as 39S-20E-16AC, Tax Lot 100. The subject property is located on the west side of South 'U' Street between South 3rd Street on the south, and New Mexico Avenue (vacated) on the north. The proposed land division is to replat Lots 1-24 of Block 93 in the Oregon Valley Land Company's First Addition as two lots of approximately 0.93 acres each. The site design review application is for the construction of two multi-family dwelling projects on the two replatted lots. The proposed multi-family dwelling projects consists of two three-story apartment buildings with 17 units on one lot, and five duplex units (ten units total) on the second lot.

PROPERTY SIZE AND CURRENT ZONING: The subject property comprises approximately 1.86 acres and is zoned Residential Multifamily – Subdistrict (R-MF) which allows for multi-family housing development. The property was rezoned in December 2022 by Ordinance No. 894.

CURRENT USE: The property does not contain any vertical development, but has existing improvements that were constructed in the past to support RV use.

LOT LEGALITY: The subject property consists of 24 pre-existing Town Lots platted as part of Oregon Valley Land Company's First Addition in 1909, as well as a currently vacated alley at the rear of the subject lots that is proposed to be re-dedicated.

ADJACENT ZONING AND USES: Lands immediately to the west within Block 93 are planned residential (R-1) and are owned by the Applicant. Land further to the west across the 'V' Street right-of-way is designated Commercial. Lands immediately north and east are planned residential (R-1) and are vacant and owned by the Applicant. Lands half a block away on South 'S' Street are planned Residential (R-1) and are developed with single-family dwellings and are owned by multiple owners. Land to the south is owned by the Town and is planned for Residential (R-1) and is occupied by baseball fields.

PRIOR LAND USE ACTIONS SUMMARY:

- **December 13, 2022** – Minor Comprehensive Plan Amendment from Residential (R-1) to Multifamily Residential (R-3) and a corresponding zone change from Residential (R) to Residential Multifamily – Subdistrict (R-MF). This action was a policy choice recommended by the Planning Commission and approved by the City Council to add multi-family zoned land in this part of the Town.

ACCESS: The subject property abuts South 3rd Street on the south, which is classified as a Collector in the TSP. The South 'U' Street right-of-way on which the subject property fronts, was allowed to be developed with a paved access surface. As noted in the staff report for the above described zone change approved in December 2022, the South 'U' Street and South 3rd Street frontages will need to be improved to current Town standards as part of the proposed multi-family residential development. Similarly, the 15-foot wide vacated alley along the west edge of the subject property will need to be improved to the Town's alley standards before a re-dedication of such could be accepted. Finally, if the Applicant intends to use the vacated but also paved New Mexico Avenue for access to the proposed multi-family residential development, an easement will also need to be established at the time of final plat. Alternatively, if the Applicant seeks to rededicate New Mexico Avenue to the Town, then New Mexico Avenue will also need to be improved to Town street standards before it can be accepted by the Town as a public right-of-way. The conditions of approval are structured to allow the dedication and improvement choices to be made as part of development implementation either prior to final plat or prior to issuance of building permits for vertical construction, whichever comes first.

WATER AND SEWER: It appears an 8-inch waterline and 8-inch sewer line were installed in the South 'U' Street right-of-way at some point in the past for the RV Park use. Applicant's engineer indicates that water service for the proposed Lot 1 will be provided through new connections to the existing 8-inch water line, and water service for the proposed Lot 2 will be provided by an existing 2-inch water line located within said Lot 2. Sewer service for Lot 1 is proposed to be provided through a new connection to the sewer line in South 'U' Street, and Lot 2 will be served by an existing sewer line located within that lot. Applicant's engineer has stated that there is adequate capacity within the sewer system to accommodate the proposed multi-family development and Applicant's engineer has conducted water pressure testing that indicates required fire flows can be provided.

STORM WATER: Applicant's engineer indicates that a new storm sewer line will be connected to the existing Town of Lakeview storm sewer on South 3rd Street for the proposed Lot 1, and Lot 2 drainage will be through a new storm sewer line connecting to the existing drainage ditch at the northeast corner of the subject property.

FIRE PROTECTION: Town of Lakeview.

AGENCIES MAILED SPECIAL NOTICE: None.

NOTICE: By publication, Lake County Examiner. Individual notice by mail to adjacent property owners.

PROCEDURAL DISCUSSION: The subject applications request approval of a subdivision replat for the east half of Block 93 in Oregon Valley Land Company's First Addition, and a request for site design review approval for the construction of two multi-family dwelling projects. Applications for both land divisions and site design review are processed as a Type III quasi-judicial procedure pursuant to Section 4.1.500, which results in review and a decision by the Planning Commission.

DECISION CRITERIA: The decision criteria for preliminary plat approval are found at Section 4.3.140 of the Town of Lakeview Development Code. Decision criteria for site design review are found at Section 4.2.600 of the Town of Lakeview Development Code.

Section 4.3.140(A) General Approval Criteria: Preliminary Plat.

The Town may approve, approve with conditions or deny a preliminary plat based on the following criteria:

- 1. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5.0 (Exceptions);*

FINDINGS: The Applicant has provided findings addressing compliance with the applicable sections of the Development Code, specifically those in Chapter 2.0 since the application is for the replat of an existing subdivision and will not require the creation of new streets, blocks, landscaping, etc. Staff provides the following additional findings and finds that in conjunction with the Applicant's findings the preliminary plat can be found to satisfy the applicable regulations:

The minimum lot area for multi-family housing in the R-MF zone is 10,000 square feet for four units, and 1,500 square feet for each additional unit (1,000 square feet for buildings with more than two levels). The proposed lots are each approximately 40,500 square feet, which provides for each lot to be developed with up to 24 units of single level multi-family housing, or up to 45 units of two level multi-family housing.

At approximately 300 feet in width the lots exceed the minimum width of 55 feet, and at 135 feet in depth the lots exceed the maximum depth; however, as existing legal lots which are part of a platted city block, they are allowed to be developed despite exceeding the maximum lot depth under the current code.

Sanitary sewer, storm drainage, and water service facilities have been or will be provided through extensions and connections of existing facilities in the area.

- 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

FINDINGS: The application is for a replat of lots within a legal subdivision that has never been vacated, and therefore does not propose a new name for the underlying recorded subdivision which is the "Oregon Valley Land Company's First Addition to Lakeview." Furthermore, staff finds that the provisions of ORS Chapter 92 have been met for preliminary replat and all final platting requirements of ORS Chapter 92 and the Town's development ordinance can feasibly and will be met.

- 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

FINDINGS: The application is for a replat of lots within a legal subdivision and for which no new streets, roads, sidewalks, bicycle lanes, pathways, utilities, or surface water management facilities are required at this time. Similarly, the replat will not affect any adjoining subdivision or partition plats.

Staff finds that while the Applicant's proposed preliminary plat identifies the access alley within Block 93 for rededication to the Town, the access alley is not currently improved to Town standards. Similarly, New Mexico Avenue was previously vacated and it is unclear if the Applicant wants to rededicate this as a Town street. If the Applicant ultimately wishes to rededicate the alley and/or New Mexico Avenue (also currently vacated) to the Town then a condition of approval will require improvement to current Town standards, otherwise the final plat shall show these areas within the replatted lot areas.

- 4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and*

FINDINGS: Staff finds that there are no private common areas or improvements proposed or identified on the preliminary plat.

- 5. Evidence that required State and federal permits have been obtained, or shall be obtained before approval of the final plat.*

FINDINGS: Staff finds that the application for a replat of an existing legal subdivision simply moves existing lines on the plat map and that is not something that would trigger any State or Federal permits. If, however, the Applicant does wish to make improvements for the dedication of right-of-way area (rededication of the alley or New Mexico Avenue) then those improvements shall obtain any required State or Federal permits.

4.2.600 Site Design Review Approval Criteria.

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

- 1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.*

FINDINGS: The Application contains all the submittal requirements of Chapter 4.1 and Section 4.2.500 and is therefore considered to be complete.

2. *The application complies with all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*

FINDINGS: The Applicant provided findings addressing the underlying R-MF land use district requirements in Chapter 2. While staff finds that the majority of the Applicant's findings can be adopted and found as satisfying the applicable provisions in Chapter 2, staff also notes the following details which are not explicitly addressed in the Applicant's findings:

While the minimum and maximum residential density standards are met for the proposed multi-family residential developments, they are technically not applicable under Section 2.1.150.B, which states that density standards apply to all new subdivisions which involve the creation of 4 or more lots. No new lots have been created for these two multi-family developments, but rather, the existing 24 lots are being consolidated into two lots.

Staff also notes that the Applicant's findings indicate that the height of the "Desert Horizons" building will be 35.5 feet which is indicated as being such on the project plans; however, the building is of a gable roof design and pursuant to Section 2.1.170.B, the height of such roof forms is measured to the average height of the highest gable (i.e., at the mid-point of the roof between the peak and eaves), and the Applicant's 35.5 foot measurement is taken from the peak of the highest gable. The height standard is the maximum of 35 feet or three stories whichever is greater. When measured in accordance with Section 2.1.170.B the buildings are less than 35-feet and they are three stories, and therefore comply with applicable height standards.

For the orientation of the proposed "Desert Horizons Apartments" buildings, staff observes that the ground floor common entry to Building 1 is located on the east elevation facing South 'U' Street and a direct pedestrian walkway between the street and entry are provided. Similarly, a direct pedestrian walkway is provided from South 'U' Street to the ground floor common entry of Building 2 which is oriented towards South 3rd Street. Thus, both common entries are in accordance with the building orientation standards of Section 2.1.180.C.2. The on-site vehicle maneuvering and parking areas are located to the north and west of the apartment buildings and are not between the buildings and the surrounding streets, which complies with the building orientation standards of Section 2.1.180.C.3.

For the orientation of the proposed "Freedom Square Apartments" buildings, staff observes that the proposed buildings are duplexes that have the entrance to each unit being oriented towards/visible from the two abutting streets (South 'U' Street on the east and the vacated New Mexico Avenue on the north). The vehicle parking and maneuvering areas located on-site are at the south end of the property and are not between any of the buildings and the street.

Section 2.1.190 includes design standards applicable to duplexes and multi-family housing. Staff finds as follows with respect to TLDC 2.1.190:

Freedom Square Duplexes: Subsection C(1) prohibits buildings longer than 80-foot end-wall-to-end-wall. None of the proposed duplexes are nearly this long, project complies. The

duplexes have recessed entrance areas that create a reveal and have roof breaks of 2-feet or greater in height, but the duplexes have no vertical structure face in excess of 40-feet and therefore no such elements are technically required by the code. The elevations indicate all required openings standard percentages are satisfied by the design. Each elevation appears to have at least 3 of the 14 architectural features depicted on each elevation.

Desert Horizons Apartments: Subsection C(1) prohibits buildings longer than 80-foot end-wall-to-end-wall. The Applicant redesigned the originally submitted plans to comply with this requirement by breaking the apartments into two buildings. The apartments have several architectural details on each of the elevations. The Applicant's findings state that all required design elements are present and explained on the drawings; Staff's review of the plans is that they appear to have the required elements, but the plan call-outs are not tied to the Applicant's findings in a way that makes it easy to determine which element satisfies each requirement.

With respect to yard setbacks, the Staff finds as follows:

Freedom Square Duplexes: The front yard is South 'U' Street which requires a 10-foot setback. All proposed duplexes are greater than 10-feet from South 'U' Street, project complies; the parking area is recessed 6-feet behind the building walls on U-Street. The rear-yard setback is 15-feet unless there is alley access. As designed and without the alley dedication and access, the project complies to the centerline of the vacated alley. Staff does note that the setback also applies to the storage units attached to the building which is not depicted on the plan dimensions. Nevertheless, the setback to the centerline of the vacated alley is approximately 17.4 feet. If the alley were to be improved to Town standards and rededicated then there will need to be at least 6-feet of setback from the alley right-of-way and the attached storage units and the access will need to be flipped to take access exclusively from the alley. Project can feasibly comply with the required rear-yard setbacks regardless of whether or not the alley is rededicated. The side yard setback is 5-feet (or 15-feet on a corner). Even if New Mexico Avenue is constructed to Town standards and rededicated, the project complies with the more restrictive setback of 15-feet. With respect to building separation setbacks pursuant to LLDC Section 2.1.120(E), the height of the duplexes is approximately 12-feet to the middle of the gable so the sum of the height of both buildings (summed in adjacent pairs) is 24-feet and all buildings are separated by at least half that sum being 12-feet; the one exception is the maintenance building with a 10-foot separation. No elevation is provided with the maintenance building so it is unknown if a 10-foot separation there meets the code; this will need to be verified at final plan approval prior to building permits but adequate land area exists to feasibly comply.

Desert Horizons Apartments: The front yard is South 'U' Street which requires a 10-foot setback. All proposed duplexes are greater than 10-feet from U-street, project complies; the parking area is recessed 6-feet behind the building walls on U-Street. The rear-yard setback is 15-feet unless there is alley access. As designed without the alley dedication and access, the project complies to the centerline of the vacated alley. If the alley were to be improved to Town standards and rededicated then there will need to be at least 6-feet of setback from the alley right-of-way and the access will need to be flipped to take access exclusively from the alley. Project can feasibly comply with the required rear-yard setbacks regardless of whether

or not the alley is rededicated. The side yard setback is 15-feet on a corner. Project complies with the 15-foot corner lot setback of 15 feet. With respect to building separation setbacks pursuant to LLDC Section 2.1.120(E), the height of the Desert Horizons buildings are approximately 33.5-feet to the middle of the gable so the sum of the height of both buildings is 67-feet and all buildings must be separated by at least half that sum being 33.5-feet. The Applicant's findings date the building separation is 12-feet, but this is not consistent with the plain language of TLDC Section 2.1.120(E). The two buildings must be redesigned to be separated by at least 33.5-feet and the site plan adjusted accordingly. Given the amount of open space on the north end of the site, Staff concludes the additional ~21-feet of separation can be accommodated consistent with the overall site plan layout.

There are detailed architectural design standards that must be met during Site Design Review for multi-family housing. The Applicant's findings, building elevation drawings, and floor plans explain how the Applicant believes each of the design standards can be found to be satisfied. Similarly, there are additional development standards in Section 2.1.500 that must be met for multi-family housing development within the Multi-Family Subdistrict (MF). The Applicant's findings and plans explain how the project can comply with the common open space requirements of Section 2.1.500.C.1, and that the trash receptacles for both developments will be oriented away from the residences and screened by a combination of walls and landscaping. The Applicant has also provided revised plans and findings to explain how the private open space requirements can be found to be satisfied.

Section 2.1.500.C.2 states the following:

Private open space areas shall be required for ground-floor and upper-floor housing units through compliance with all of the following standards:

- a. Ground-floor housing units shall have front or rear patios or decks at least 4 feet deep and measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);*

FINDINGS: The duplex units within the Freedom Square Apartments development are single story and have concrete patios at the rear of each unit that meet this standard, but the plans do not indicate if the patios will have any type of privacy fencing or screens around them. Given the type of development the addition of privacy fencing or screens could be readily provided through a condition of approval if the Planning Commission concludes that the patios require secure enclosures to be considered private open spaces under the code.

The ground floor units within the three-story Desert Horizons Apartments development are shown as having 6-foot tall privacy screens enclosing at least a portion of what is referenced on the floor plans as being "private patios" in front of the entrance to each ground floor unit. The Planning Commission will need to determine if this design constitutes private open space.

- b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches at least 4 feet deep and measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade;*

FINDINGS: There are a total of twelve upper-floor units within the Desert Horizons Apartments which is proposed as two three-story buildings connected at the second and third floors by catwalks. There is a continuous balcony that spans the west elevation of each building to provide access to each of the upper floor units and enhance fire-life-safety considerations, and similar to what is proposed for the ground floor units, there are 6-foot tall privacy screens enclosing at least some of the balcony area in front of six of the upper-floor units. As such, while the 50 percent of units threshold has been met, and while each of the spaces referenced as being “private balcony” meets the minimum dimensional requirement, the Planning Commission needs to decide if the proposed design provides private open space under the code.

- c. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable;*

FINDINGS: Under the state’s needed housing statute, this standard cannot be applied due to its use of the phrase “...to the greatest extent practicable” nor is it clear when “toward” has been architecturally achieved. This standard is not clear and objective and cannot be applied for this reason.

- 3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*

FINDINGS: Staff finds that the site is vacant and therefore the upgrading of existing development is not applicable.

- 4. The application complies with all Design Standards contained in Chapter 3. All of the following standards shall be met:*

FINDINGS: Staff finds that the Applicant submitted findings addressing the design standards in Chapter 3 and that the development can be found to comply, or can be made to comply, through conditions of approval as explained in the below findings.

- a. Chapter 3 .1 - Access and Circulation;*

FINDINGS: Table 3.1.200.A requires private driveways on local streets to be separated by a minimum of 50 feet; however, Table 4 in the Town’s recently adopted 2021 Transportation System Plan (TSP) specifies that local street driveway spacing applies only to driveway distance from adjacent public or private street intersections, not between driveways on the same street. When such conflicts exist, staff looks to the most recently adopted standard for governance, which in this instance is the TSP. The centerline of the two proposed driveways on South ‘U’ Street are located ~200+ feet from the intersections of New Mexico Avenue and South 3rd Street, and therefore

comply with the standard in the TSP. Staff finds the plan can comply subject to the recommended conditions of approval:

- Obtain required road approach permits for the new driveways (TLDC 3.1.200.C).

b. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;

FINDINGS: Staff finds planned landscape areas can be found to comply with applicable requirements subject to submission of a final landscape plan that addresses the following:

- Final plan that meets all applicable requirements of Chapter 3.2 including, but not limited to: a combination of plant types/materials, automatic irrigation plan, buffering walls or landscape screening elements along both street frontage, screening of mechanical equipment, and street trees.

c. Chapter 3.3 - Automobile and Bicycle Parking;

FINDINGS: Staff finds the plan complies with the applicable standards of Chapter 3.3.

d. Chapter 3.4 - Public Facilities and Franchise Utilities;

FINDINGS: The proposed plan includes the installation of a sidewalk along the site frontage on South 'U' Street (where no sidewalk currently exists). The Applicant's findings indicate that all sidewalks, curbs, and driveway approaches are to be constructed in accordance with Town standards. Improvements to Town Standards on South 3rd Street and South 'U' Street will be conditions of approval. The sanitary sewer, water service, and storm drainage facilities will be provided as described under the land division (replat) application, and as such, staff finds the plan complies with the applicable standards of Chapter 3.4.

e. Chapter 3.5 - Surface Water Management;

FINDINGS: The Town has never adopted standards into Chapter 3.5, but Section 3.4.400 requires stormwater be adequately addressed. The Applicant's findings and land division (replat) application indicate that storm drainage facilities have been or will be provided through extensions and connections of the existing facilities in the area, and that adequate capacity exists.

f. Chapter 3.6 - Other Standards.(Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs), as applicable.

FINDINGS: Staff finds the plan complies with applicable provisions, subject to Applicant's stipulation that signage details will be provided through separate sign permit application.

5. *Conditions required as part of a Land Division.(Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.*

FINDINGS: The proposed replat will need to be approved and finalized before permits for construction of either of the proposed multi-family developments can be issued.

6. *Exceptions to criteria 4 (a-f), above, may be granted only when approved as a Variance (Chapter 5.1).*

FINDINGS: Staff finds that the application either complies with applicable standards or can be made to comply through the imposition of conditions of approval, and therefore, no variances are required.

CONCLUSION AND PLANNING COMMISSION ACTIONS:

The subject applications are for the replat of a portion of an existing subdivision and for site design review for the construction of two multi-family dwelling projects on the two replatted lots.

With regards to the replat, staff finds that the proposed lots are in conformance with and/or bring them closer to conformance with the standards for the respective zoning district.

Staff recommends the replat be approved subject to the following Conditions of Approval:

1. Prior to any construction within the public right-of-way or prior to vertical construction on the site, Applicant shall have public improvement plans reviewed and approved by the Town of Lakeview. The public improvement plans shall include the following improvements:
 - a. A declaration of intent to improve and rededicate the alley or New Mexico Avenue. If the intent is to improve and rededicate the alley or New Mexico Avenue, plans shall be provided to improve the facilities up to current Town Standards.
 - b. Public improvement plans for the South ‘U’ Street project frontage to improve the west half of the street to Town Standards, and up to an additional 10-feet beyond the centerline if the same is required by the Public Works Director.
 - c. Public improvement plans for the 3rd Street project frontage to improve the north half of the street to Town Standards, and up to an additional 10-feet beyond the centerline if the same is required by the Public Works Director. Given the existing drainage feature adjacent to the paving, the Public Works Director may approve an alternate cross-section putting the new sidewalk behind (north) of the existing drainage ditch and maintaining the shoulder/v-ditch cross-section (as opposed to installing curb and gutter with a planter strip and sidewalk immediately behind the planter strip). Applicant shall coordinate with the Public Works Director to obtain approval for alternate cross-section prior to undertaking detailed engineering on the project design.
2. Prior to final plat, Applicant shall provide water and sanitary sewer facility as-builts for Public Works to verify Town Standards are met. If as-builts are unavailable, Applicant

shall provide copies of Public Works inspections. If as-builts and Public Works inspections are unavailable, Applicant's engineer shall provide a stamped statement that the existing water and sewer facilities were installed to the Town Standards in effect at the time they were constructed.

3. Prior to final plat, Applicant shall provide new water, sanitary sewer, and storm sewer line connections to Lot 1.
4. Prior to final plat, Applicant shall install all public improvements required by the approved public improvement plans.
5. New Mexico Avenue and the alley within Block 93 shall be improved to Town standards prior to final plat if Applicant intends to rededicate them to the Town at that time, otherwise, access easements for their use by the subject lots shall be set forth on the final plat and the plat shall note that these facilities are not maintained by the Town of Lakeview.

With regards to the site design review, staff finds that the two proposed multi-family residential developments are in conformance with or can be brought into conformance with the applicable standards through the imposition of conditions of approval, noting however, that the matter of the required private open space for the units needs to be determined by the Planning Commission.

If the Commission decides that the private open space requirement has been meet, **Staff recommends the site design review be approved subject to the following Conditions of Approval:**

1. Prior to issuance of building permits for vertical construction, the final plat for the proposed replat shall be approved and recorded.
3. Prior to issuance of building permits for vertical construction, obtain required road approach permits for the two new driveways on South 'U' Street.
4. Prior to issuance of building permits for vertical construction, provide an updated landscape plan that satisfies all the landscape requirements at TLDC Section 3.2 including planting plan, street trees, installation plan, and automatic irrigation plan.
5. Prior to issuance of building permits for vertical construction, provide an updated site plan that demonstrates the required building separation between the Desert Horizons buildings is satisfied.
6. Prior to issuance of building permits for vertical construction, provide an updated site plan that demonstrates the required building separation between the maintenance building and the southwest duplex is satisfied.
7. Prior to issuance of building permits for vertical construction, the Applicant's engineer shall provide base flood elevation(s) on the subject sites rounded up to the nearest 1/10 of one foot.
8. Prior to certificate of occupancy or final inspection approval of the building permits for the respective buildings, elevation certificates demonstrating that the lowest floors are elevated to or above the base flood elevation.

9. Prior to certificate of occupancy or final inspection approval of the building permits for the respective buildings, all required site and public improvements shall be installed in accordance with the final site plan updated to reflect the conditions of approval herein and the final landscape plan approved by Staff.
10. If the alley is rededicated, provide updated site plans moving the accesses solely to the Alley and provide updated dimensions demonstrating the 6-foot setback to the alley from the duplex storage units is satisfied.

**Town Council Ordinance
Amending the Comp Plan
and Zoning Map**

Permitting Multi-Family Use

ORDINANCE NO. 894

AN ORDINANCE AMENDING THE TOWN OF LAKEVIEW COMPREHENSIVE PLAN MAP AND ZONING MAP

WHEREAS, Applicant John Cogar initiated a minor Comprehensive Plan map amendment and a corresponding zone change identified as Application No. 780, and said application sought to amend the Town's Comprehensive Plan map from Residential (R-1) to Multifamily Residential (R-3) and the zoning map from Residential (R) to Residential Multifamily-Subdistrict (R-MF); and

WHEREAS, a public hearing was conducted on the application by the Town Planning Commission at its October 24, 2022, meeting and at the conclusion of the public hearing process the Planning Commission recommended to the Town Council approval of the proposed quasi-judicial Comprehensive Plan map amendment and quasi-judicial zoning map amendment; and

WHEREAS, pursuant to Chapters 4.1 and 4.7 of the Town's Development Code, the Town Council of the Town of Lakeview held a public hearing on the subject land use application on November 14, 2022; and

WHEREAS, it appearing to the Town Council that the proposed amendments to the Comprehensive Plan map and zoning map are consistent with Statewide Planning Goals and the Town of Lakeview Comprehensive Plan and Development Code, as set forth in the findings and conclusions in the Staff Report and the Applicant's evidence, findings and conclusions in the record for this proceeding and which are adopted by the Council as its own;

WHEREAS, the Town Council approved a motion unanimously directing staff to prepare this ordinance to adopt the proposed amendments to the Comprehensive Plan map and zoning map, now, therefore,

THE COUNCIL OF THE TOWN OF LAKEVIEW ORDAINS AS FOLLOWS:

Section 1. - Amendment: The Town of Lakeview Comprehensive Plan map and Town of Lakeview zoning map are hereby amended to change the Comprehensive Plan map designation from Residential (R-1) to Multifamily Residential (R-3), and the zoning map designation from Residential (R) to Residential Multifamily-Subdistrict (R-MF), for the following described real property parcel as located within the Town of Lakeview, Lake County, Oregon.

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size (acres)</u>
39 20E 16AC	100 (portion)	2.10
(The area of the amendment is the east half of Block 93 of the Oregon Valley Land Company's First Addition to the Town of Lakeview)		

The map amendment and zone change area shall include the area to the centerlines of adjacent rights-of-way.

Section 2. - Effective Date: The amendments established by this Ordinance shall be in full force and effect upon signature of this Ordinance as set forth below.

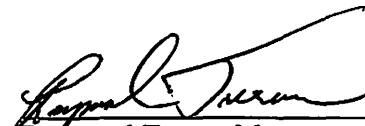
A motion was made to read this Ordinance by title only and such motion passed. Thereafter, the Ordinance was read by title only and was adopted as indicated below.

Passed by Town Council vote as follows:

4 In Favor

0 Opposed

Adopted this 13 of December, 2022.


Raymond Turner, Mayor

Attest:


Dawn Lepori, Town Recorder

Applicant's
Revised Submittals

April 28, 2023

BB Development, LLC – Site Design Review Application
Burden of Proof Statement Revised 4/28/2023

APPLICANT: BB Development, LLC
PO Box 493
Klamath Falls, OR 97601
541-882-5370 / mbogatay@bci.us

LAND OWNER: John Cogar
PO Box 549
Lakeview, OR 97630
541-417-1143 / johnnymyboy@hotmail.com

ENGINEER: Darryl Anderson, P.E., P.L.S.
Anderson Engineering & Surveying, Inc.
P.O. Box 28
Lakeview, OR 97630
541-947-4407 / darryla@andersonengineering.com

ARCHITECT: Oregon Architecture, Inc. (Freedom Square Apartments)
132 W. Main Street, Suite 101
Medford, OR 97501
541-772-4372

Pinnacle Architecture (Desert Horizons Apartments)
960 SW Disk Dr., Suite 101
Medford, OR 97501
541-388-9897

REQUEST: Applicant is requesting approval for construction of a multi-family housing development on property located near South 3rd Street and South U Street. The development will consist of two complexes. Desert Horizons Apartments consists of two separate three-story apartment buildings with a total of 17 units, located on Lot 1 of the property. Freedom Square Apartments will be located on Lot 2 of the property and will consist of five duplex structures with a total of 10 units.

LOCATION: Lots 1-24 of Block 93, Oregon Valley Land Company's Township 39 South, Range 20 East, Section 16 AC, Tax Lot 100, Lots 1-24 of Block 93, Oregon Valley Land Company's First Addition.

ZONING: The property is zoned Residential, Multi-Family Sub-District.

DEVELOPMENT CODE PROVISIONS:

Chapter 2.0 Land Use Districts

Chapter 2.1: Residential District (R)

- 2.1.110 Permitted Land Uses
- 2.1.120 Building Setbacks
- 2.1.130 Lot Area and Dimensions
- 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes
- 2.1.150 Residential Density
- 2.1.160 Maximum Lot Coverage
- 2.1.170 Building Height
- 2.1.180 Building Orientation
- 2.1.190 Design Standards
- 2.1.200 Special Standards for Certain Uses
- 2.1.300 Residential Sub-Districts
- 2.1.400 Neighborhood Commercial (NC)
- 2.1.500 Multi-Family (MF)
- 2.1.600 Manufactured Dwelling Park (MDP)

Chapter 3.0 Design Standard Administration

Chapter 3.1 Access and Circulation

- 3.1.200 Vehicular Access and Circulation
- 3.1.300 Pedestrian Access and Circulation

Chapter 3.2 Landscaping, Street Trees, Fences and Walls

- 3.2.200 Landscape Conservation
- 3.2.300 New Landscaping

Chapter 3.3 Vehicle and Bicycle Parking

- 3.3.300 Vehicle Parking Standards
- 3.3.400 Bicycle Parking Standards

Chapter 3.4 Public Facilities Standards

- 3.4.100 Transportation Improvements
- 3.4.200 Public Use Areas
- 3.4.300 Sanitary Sewer and Water Service Improvements
- 3.4.400 Storm Drainage
- 3.4.500 Utilities
- 3.4.600 Easements
- 3.4.700 Construction Plan Approval and Assurance

Chapter 3.6 Other Design Standards

- 3.6.500 Signs

Chapter 3.7 Sensitive Lands

- 3.7.100 Flood Plains
- 3.7.200 Significant Resource Overlay
- 3.7.300 Restricted Groundwater Use Overlay
- 3.7.400 Wetland Protection Areas
- 3.7.500 Riparian Corridors

Chapter 2.0: Land Use Districts

Chapter 2.1: Residential District

2.1.110 Permitted Land Uses

This development is a permitted land use within the Residential Multi-Family Sub-District.

2.1.120 Building Setbacks

Lots are sufficiently large to accommodate multi-family development and all proposed structures maintain required setbacks. Setback dimensions are shown on the attached Site Plan. For Desert Horizons, the front setback is 10.12 feet, side setbacks are 24.96 feet and 138.11 feet, and the rear yard setback is 76.38 feet. The minimum distance between structures is 12 feet. These meet development code requirements. For Freedom Square, the front setback is 15.51 feet, side yard setbacks are 126.96 feet and 23.92 feet, and the rear yard setback is 16.2 feet. These meet development code requirements. There are multiple buildings proposed for the Freedom Square development on Lot 2, the minimum distance between buildings is 12 feet.

2.1.130 Lot Area and Dimensions

Lot 1 is 40,558 square feet, or 0.93 acres, with approximate dimensions of 300 feet by 135 feet. The proposed Desert Horizons development is two separate three-story apartment buildings with a total of 17 units. The minimum lot area for a development of this size is 23,000 square feet. The proposed development meets this criterion.

Lot 2 is 40,516 square feet, or 0.93 acres, with approximate dimensions of 300 feet by 135 feet. The Freedom Square development on this lot consists of five duplex structures with a total of 10 units. The minimum lot area for a development of this size is 19,000 square feet. The proposed development meets this criterion.

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

Not Applicable

2.1.150 Residential Density

Residential density requirements for the Multi-Family Sub-District are a minimum of 10 units per net acre and a maximum of 24 units per net acre. Both lots are approximately one acre in size. Lot 1 will have 17 units and Lot 2 will have 10 units. Proposed development on both lots meets the residential density requirements for the Multi-Family District.

2.1.160 Maximum Lot Coverage

Maximum lot coverage for multi-family developments is 60%. Lot 1 has total coverage by buildings and impervious surfaces of 44.9% (8.8% buildings and 36.1% impervious surfaces). Lot 2 has total coverage by buildings and impervious surfaces of 38.2% (16.5% buildings and 21.7% impervious surfaces). Proposed developments are within maximum lot coverage requirements.

2.1.170 Building Height

Maximum building height for the Multi-Family Sub-District is 35 feet or three stories, whichever is greater. Desert Horizons will have a maximum building height of 35.5 feet and will be three stories. This is in compliance with building height standards.

Maximum building height for Freedom Square will be 16 feet. This is in compliance with building height standards.

2.1.180 Building Orientation

Building orientation is shown on the attached site plan and architectural drawings. For Desert Horizons, individual apartments will be accessed directly on the west side of the building. The complex will be split into two separate buildings connected by a catwalk only. The primary entrance is located in the north building and is oriented toward U Street. The main entrance for the south building is oriented toward South 3rd Street. Off-street parking areas and sidewalks are shown on the Site Plan. Freedom Square duplex structures will be oriented as shown on the Site Plan. Parking areas and sidewalks are also shown on the Site Plan.

2.1.190 Design Standards

Both the Freedom Square and Desert Horizons developments meet the design standards. The buildings will incorporate design standards including offsets, projections, and balconies. The dimensions, percentages, and number of design features are noted in the attached architectural floor plans. Desert Horizons will be split into two different buildings that will be connected by a catwalk only. The two buildings are less than 80 feet long each and are separated by a 12-foot-wide breezeway. The catwalk is included so the facilities manager can maintain and supervise the property more easily and increase fire life safety access. There is no roof on the catwalk structure.

2.1.200 Special Standards for Certain Uses

Not applicable.

2.1.300 Residential Sub-Districts

This property is zoned Multi-Family Sub-District and will comply with the requirements of that sub-district.

2.1.400 Neighborhood Commercial Sub-District

Not applicable.

2.1.500 Residential Multi-Family Sub-District

C. Multi-Family Housing Development Standards

1. Common Open Space: 30.8% of Lot 1 is undisturbed area and 23.5% is landscaping. Lot 2 has 24.5% undisturbed area and 37.4% landscaping. A large area of open space is available between the two development areas.

2. Private Open Space: Ground floor units in Desert Horizons will have patio areas and 50% of upper floor units will have balconies as shown on the attached

architectural drawings. There are safety concerns with providing upper unit balconies that are accessed from the unit only, so these areas will include 6-foot-tall privacy walls to create a private open space. Both ground floor patios and upper floor balconies are oriented toward the common open spaces. Freedom Square contains single story duplex units which have rear patio areas as shown on the Site Plan and architectural drawings.

3. Exemptions: Not applicable.

4. Trash Receptacles: Trash receptacles are oriented away from adjacent residences and are screened as shown on the attached Site Plan.

2.1.600 Manufactured Dwelling Park Sub District

Not applicable.

Chapter 3.0: Design Standard Administration

Chapter 3.1: Access and Circulation

3.1.200 Vehicular Access and Circulation

Vehicular access for Desert Horizon Apartments will be provided by a 24' approach from South U Street as shown on the Site Plan. Vehicular access for Freedom Square Apartments will be provided by a 24' approaches from South U Street. Access driveways meet the minimum clearance to other driveways and access points. The driveways meet the minimum width requirement, can accommodate emergency vehicles, and provide good visibility and clearance for all vehicles.

The proposed development will increase traffic by less than 300 trips per day, and a traffic impact study is not required.

3.1.300 Pedestrian Access and Circulation

Pedestrian access to both Desert Horizons and Freedom Square will be provided by new sidewalk that will be constructed along South U Street and connect to sidewalks on the lots as shown on the Site Plan.

Chapter 3.2: Landscaping, Street Trees, Fences and Walls

3.2.200 Landscape Conservation

There is no existing vegetation on either Lot 1 or Lot 2. This area was previously prepared for use as an RV park and has been graded and graveled.

3.2.300 New Landscaping

The Desert Horizons development will include new landscaping on 23.5% of the site. Freedom Square will have new landscaping covering 37.4% of the site. A general landscape plan is shown on the attached landscape plans. The landscape plans as submitted at this time do not reflect the site changes to the Freedom Square development or the site and building changes to Desert Horizons. These changes will have minimal impact on the landscape plan layout, and both developments will meet

the Development Code requirements. Revised landscape plans will be submitted prior to issuance of construction permits.

Chapter 3.3: Vehicle and Bicycle Parking

3.3.300 Vehicle Parking Standards

The Desert Horizons development requires 19.5 parking spaces per Development Code standards. 19 parking spaces will be provided as shown on the Site Plan (12 on site and 7 on street). The Freedom Square development requires 15 spaces and 18 will be provided (11 on site and 7 on street). All off-street parking will conform to Town of Lakeview standards.

3.3.400 Bicycle Parking Standards

Sheltered bicycle parking is provided for Desert Horizons as shown on the attached Site Plan. Bicycle parking is provided at each unit of the Freedom Square development as shown on the Site Plan.

Chapter 3.4: Public Facilities Standards

3.4.100 Transportation Improvements

Access to the developments will be provided by South U Street, which is an existing, paved street. Proposed improvements include sidewalks, curbs, and driveway approaches along the west side of the street. All improvements will conform to Town of Lakeview standards.

3.4.200 Public Use Areas

Not Applicable – no public use areas

3.4.300 Sanitary Sewer and Water Service Improvements

Water service for the Desert Horizons development will be provided by a new connection to the existing 8" water main on South U Street as shown on the Site Plan. Water service for Freedom Square will be provided by an existing 2" water line located on Lot 2, as shown on the Site Plan. Domestic water needs for both Desert Horizons and Freedom Square are estimated at a maximum of 9,000 gallons per day. The Desert Horizons apartment buildings will have a fire sprinkler system as per Oregon Fire Code regulations with a 4" service. Fire flow needs will be from 750 – 1,000 gallons per minute. Area hydrants are already in place for fire suppression. The Town of Lakeview water system has adequate capacity to meet the water needs for both developments.

Sewer service for Desert Horizons will be provided by a new connection to the existing sewer line of South U Street, as shown on the Site Plan. Sewer service for Freedom Square will be provided by an existing sewer line already in place on Lot 2. Sewer flow requirements are estimated at 6.25 gallons per minute. The Town of Lakeview sewer system has adequate capacity to meet the sewer needs of the developments.

3.4.400 Storm Drainage

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for the Desert Horizons development. Freedom Square drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot. Drainage lines are shown on the Site Plan.

3.4.500 Utilities

Overhead power is available along South 3rd Street and electrical service is already available on the site. All power on site will be buried. Phone and internet are available in the area and lines will be buried.

3.4.600 Easements

A 7.5' easement is proposed on the west edge of Lots 1 and 2 as shown on the Site Plan. This is for possible expansion of the alley in the future as per land owner's request.

3.4.700 Construction Plan Approval and Assurances

BB Development will abide by all planning regulations concerning plan approval and assurances.

Chapter 3.6: Other Design Standards

3.6.500 Signs

Signage details will be submitted at a later date along with a Sign Permit Application.

Chapter 3.7: Sensitive Lands

3.7.100 Flood Plains

The site is shown on Map 410115 2005 B and the project area is in Zone AE: Special flood hazard areas inundated by 100-year flood, base flood elevations determined. All base grading and construction will be set above the base flood elevation.

3.7.200 Significant Resource Overlay

Not Applicable – project is not in a significant resource overlay area.

3.7.300 Restricted Groundwater Use Overlay

Not Applicable – project is not in a restricted groundwater use overlay area.

3.7.400 Wetland Protection Areas

Not Applicable – not wetlands in project area.

3.7.500 Riparian Corridors

Not Applicable – project is not in a riparian corridor.

6 | 5 | 4 1 | 2 | 1



1 NORTH ELEVATION
1/8" = 1'-0"

1 2 3 4 | 3 | 6



2 SOUTH ELEVATION
1/8" = 1'-0"

6 5 4 3 2 1 0 1 2 3 4 5 6

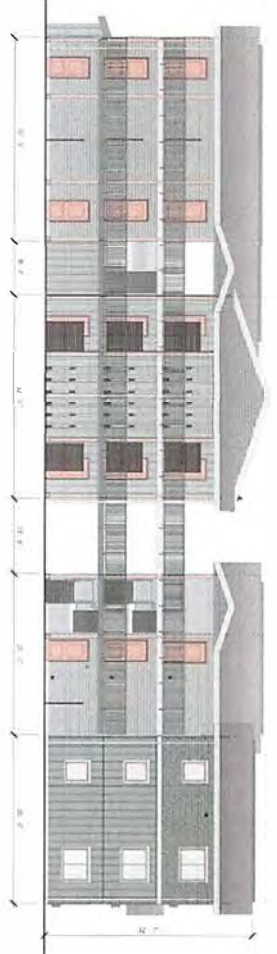


3 EAST ELEVATION
1/8" = 1'-0"

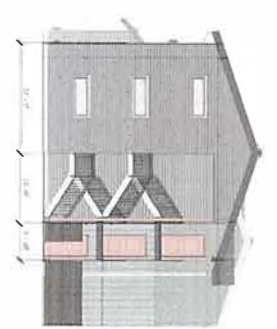


5 BRICKWORK NORTH ELEVATION
1/8" = 1'-0"

A B C D 0 01 E F G 6 | 5 | 4 3 | 2 | 1



4 WEST ELEVATION
1/8" = 1'-0"



6 BRICKWORK SOUTH ELEVATION
1/8" = 1'-0"

GENERAL NOTES

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PERMITS AND REGULATIONS OF THE CITY OF CHARLOTTE.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PERMITS AND REGULATIONS OF THE STATE OF NORTH CAROLINA.
3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR VENDORS.
4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR VENDORS.
5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR VENDORS.
6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR VENDORS.

LEGEND

- ██████████ EXISTING CONCRETE
- ██████████ EXISTING BRICK
- ██████████ EXISTING STUCCO
- ██████████ EXISTING SIDERITE
- ██████████ EXISTING GLASS
- ██████████ EXISTING METAL
- ██████████ EXISTING WOOD
- ██████████ EXISTING ROOFING
- ██████████ EXISTING ASPHALT
- ██████████ EXISTING PAINT
- ██████████ EXISTING FINISH
- ██████████ EXISTING STRUCTURE

KEYNOTES

No.	Keynote	Notes
1		
2		
3		
4		
5		
6		

pinacle
architecture, inc.

17400 SHILOH ROAD SUITE 110
CHARLOTTE, NC 28211
704.596.1234
www.pinaclearch.com



DESIGN MEMBERS
CLIENT
PROJECT ADDRESS
GENERAL CONTRACTOR
ARCHITECT

REVISIONS

No.	Date	Description

PROJECT INFORMATION

PROJECT NO. 2024.01
PROJECT NAME 1234 5678
PROJECT ADDRESS 1234 5678
OWNER 9876 5432
ARCHITECT PINACLE ARCHITECTURE, INC.

DATE OF ELEVATIONS

STUDYING COST-EFFECTIVE SOLUTIONS FOR THE BUILDINGS

198 Design Standards:
 All buildings are designed as shown on such as shown below.

199 Design Standards:
 All buildings are designed as shown on such as shown below.

BUILDING 2 South Section

BUILDING 2 from North Section
 1. Addition - Kitchen
 2. Addition - Living Room
 3. Addition - Dining Room
 4. Addition - Bedroom
 5. Addition - Bathroom
 6. Addition - Laundry Room
 7. Addition - Hallway
 8. Addition - Staircase

One 2 1/2" window & porch

One 2 1/2" window & porch

BUILDING 2 East Section

BUILDING 2 from North Section
 1. Addition - Kitchen
 2. Addition - Living Room
 3. Addition - Dining Room
 4. Addition - Bedroom
 5. Addition - Bathroom
 6. Addition - Laundry Room
 7. Addition - Hallway
 8. Addition - Staircase

One 2 1/2" window & porch

One 2 1/2" window & porch

BUILDING 1 North Section

BUILDING 1 from North Section
 1. Addition - Kitchen
 2. Addition - Living Room
 3. Addition - Dining Room
 4. Addition - Bedroom
 5. Addition - Bathroom
 6. Addition - Laundry Room
 7. Addition - Hallway
 8. Addition - Staircase

One 2 1/2" window & porch

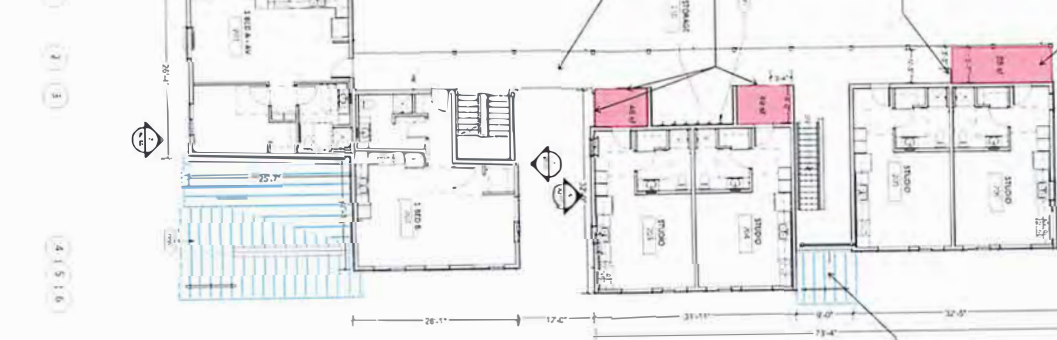
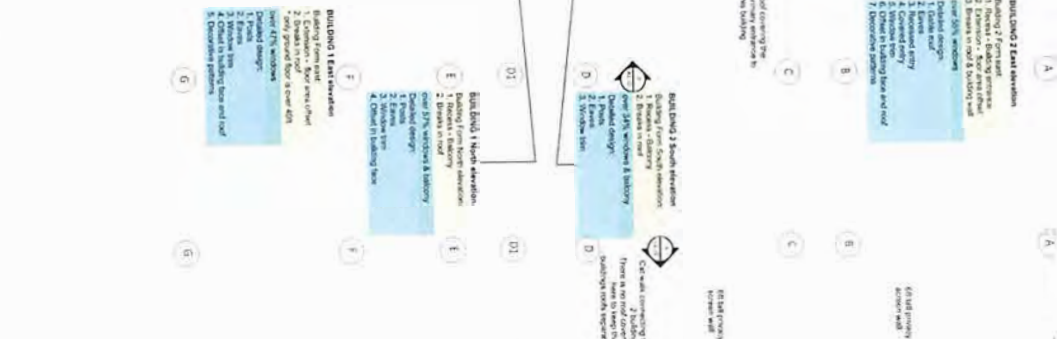
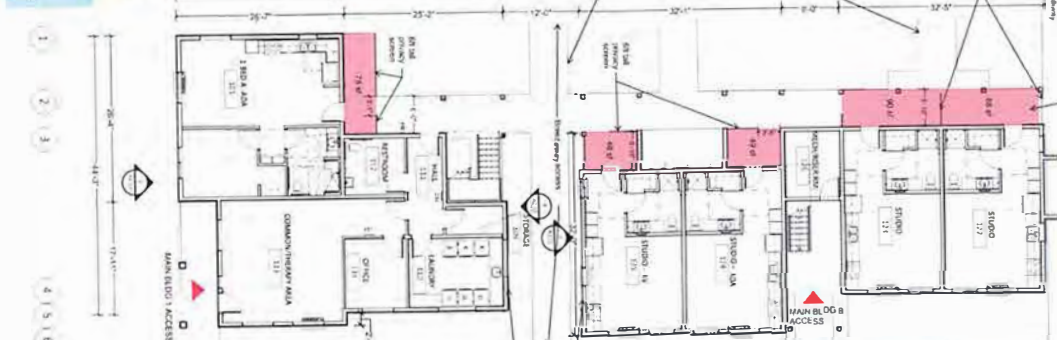
One 2 1/2" window & porch

BUILDING 1 East Section

BUILDING 1 from North Section
 1. Addition - Kitchen
 2. Addition - Living Room
 3. Addition - Dining Room
 4. Addition - Bedroom
 5. Addition - Bathroom
 6. Addition - Laundry Room
 7. Addition - Hallway
 8. Addition - Staircase

One 2 1/2" window & porch

One 2 1/2" window & porch



PRIVACY SCREEN EXAMPLES

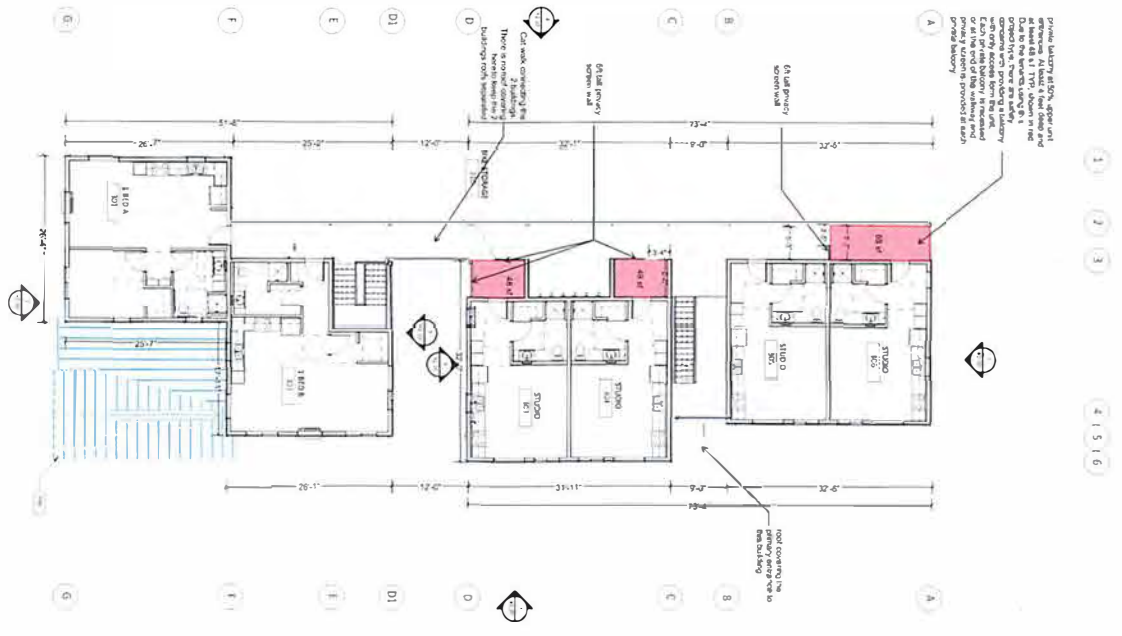
NOT FOR CONSTRUCTION



REGISTERED ARCHITECT
 MEMBER OF AIA
 PROJECT ARCHITECT
 LICENSE NO. 123456

DATE:	01/10/2024
PROJECT:	123456
CLIENT:	ABC COMPANY
ARCHITECT:	PIPINACLE ARCHITECTURE, INC.
PROJECT ARCHITECT:	[NAME]
DATE:	01/10/2024

Private Laboratory: (B)N, (B)N, (B)N
 at least 4 ft 11.75" shown on the
 exterior wall. The exterior wall
 shall be 4 ft 11.75" high and
 constructed with 8" masonry
 blocks. Each of the laboratory is marked
 primary subject provided at each
 private laboratory.



1 LEVEL 03 FLOOR PLAN

NOTE

NOT FOR CONSTRUCTION



DESIGN FIRM/OWNER:
 CLIENT:
 PROJECT ADDRESS:
 PROJECT NUMBER:
 DATE OF ISSUE:

NO.	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

PROJECT INFORMATION

DATE: 03/12/2024
 TIME: 10:30 AM
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

PROJECT ADDRESS:
 PROJECT NUMBER:
 DATE OF ISSUE:

FLOOR PLAN - LEVEL 03

A1.11



ANDERSON ENGINEERING AND SURVEYING, INC.

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

17681 Hwy. 395, Lakeview, Oregon 97630
(541) 947-4407 Fax (541) 947-2321
www.andersonengineering.com

April 25, 2023

Jeremy Wadkins, Deputy State Fire Marshal
Office of the State Fire Marshal

jeremy.wadkins@osp.oregon.gov

RE: Desert Horizons Multi-Family Housing Development, Lakeview, OR

Dear Jeremy;

Anderson Engineering & Surveying, Inc. measured the hydrant flows at the north and south ends of U Street. The main line size is 8 inch. The flows were measured at the 2 ½ inch outlet on the hydrants.

The results are as follows:

South U and 3rd Street (south hydrant)

Static pressure - 84 pounds per square inch (psi)
Pressure under flow - 52 psi
Calculated flow – **1,222** gallons per minute (GPM)

South U and 2nd Street (north hydrant)

Static pressure - 84 psi
Pressure under flow - 57 psi
Calculated flow - **1280** GPM

My calculations include a 90%, or 0.9 factor to allow for the nape of the flow coming out of the 2 ½ inch outlet at high velocity. This is a conservative flow value.

Higher flow is available with a larger outlet. A 4 inch outlet (the size of our water service to the building to service the sprinkler system) such as the 4 inch pumper fitting will provide higher flow. 1,500 GPM is available through a 4 inch outlet from the 8 inch main at a 40 psi discharge pressure, with a 47 psi residual pressure in the main line, well above the required 20 psi.

Table B105.1(2) of the Oregon Fire Code requires a flow of 2,750 GPM for the development’s total floor area (3,520 square feet (s.f.) per floor = 10,560 s.f.). This is for a Type V-B construction. This value may be cut in half when a sprinkler system is installed. The building will be sprinklered with a Section 13R sprinkler system. Therefore, 1,325 GPM is required by the fire code.

We feel the proposed development meets the requirement based on the water main in place that can provide 1,500 GPM.

Please contact me if you have any questions.

Sincerely,

Darryl Anderson, PE, PLS



EXPIRES DEC. 31, 2023

**Applicant's
Original Submittals**

~March 31, 2023

Town of Lakeview Land Division Application

\$125 - Partition plus postage and publication costs \$175 + \$20/lot - Subdivision plus postage & publication costs

Applicant Name BB Development, LLC. Phone 541-882-5370

Address PO Box 493 Klamath Falls OR 97601
City State Zip Code

Landowner Name John Cogar Phone 541-417-1143

Address PO Box 549 Lakeview OR 97630
City State Zip Code

PROPERTY DESCRIPTION

General Location South 3rd Street and South U Street

Legal Description Township 39 South, Range 20 East, Section 16, Lots 1-24, Block 93, Oregon Valley

Land Company's First Addition Attached Gross Land Area 1.86

Assessor's Map and Tax Lot Number 392016-AC-00100 Attached X

Existing Land Use vacant Existing Zone Residential - MultiFamily Subdistrict

Proposed Land Use MultiFamily Housing

DESCRIPTION OF PROPOSED PARTITION

Number of lots 2 Lineal Feet of New Streets _____

Dimensions of Proposed Lots Lot 1-40,558 s.f. / 0.93 ac ; Lot 2-40,516 s.f. / 0.93 ac

Name, address and telephone number of each person or firm providing professional services and information to the subdivider

Land Surveyor Anderson Engineering & Surveying, Inc. Phone 541-947-4407

Address PO Box 28 Lakeview OR 97630
City State Zip Code

Engineer _____ Phone _____

Address _____

Attorney _____ City State Zip Code
Phone _____

Address _____

Agent _____ City State Zip Code
Phone _____

Address _____ City State Zip Code

OTHER REQUIRED INFORMATION

- Preliminary Plat Burden of Proof Statement
 Impact Study List of Property Owners with Addresses within 100 feet (as shown in Assessor's Records)

SIGNATURES

I declare that I am the applicant/owner of record and have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, they are true and correct.

Applicant  03/21/2023
Date

Print Name MATT BOGATAY

Owner 

Print Name John R. Cogar

Applicant _____

Date _____

Owner _____

Print Name _____

Print Name _____

PLANNING DEPARTMENT USE ONLY

Fee Paid Received by _____ File Number _____ Sign _____

**BB Development, LLC – Replat Application
Burden of Proof Statement**

APPLICANT: BB Development, LLC
PO Box 493
Klamath Falls, OR 97601
541-882-5370 / mbogatay@bci.us

LAND OWNER: John Cogar
PO Box 549
Lakeview, OR 97630
541-417-1143 / johnnymyboy@hotmail.com

SURVEYOR: Darryl Anderson, P.E., P.L.S.
Anderson Engineering & Surveying, Inc.
P.O. Box 28
Lakeview, OR 97630
541-947-4407 / darryla@andersonengineering.com

REQUEST: Applicant is requesting approval of a replat of lots 1-24 of Block 93, Oregon Valley Land Company's First Addition. The purpose of the replat is to adjust the lot dimensions to create two lots, each approximately 0.93 acres.

LOCATION: Township 39 South, Range 20 East, Section 16 AC, Tax Lot 100

APPROVAL CRITERIA

A. General Approval Criteria:

1. The proposed preliminary plat complies with all of the applicable Development Code sections including Chapter 4.3: Land Division and the applicable sections of Chapter 2.0 and Chapter 3.0 as shown below.

Chapter 4.3: Land Division

The proposed partition complies with all applicable requirements of Section 4.3: Land Divisions. The final partition plat will comply with all applicable requirements of ORS Chapter 92, Subdivisions and Partitions.

Lots 1-24 of Block 93 are currently zoned Residential Multi-Family Subdistrict. This portion of Block 93 is currently vacant. The purpose of the replat is to reconfigure the original OVL lots to create two lots that will be used for multi-family housing development.

The lots were created as part of a legal subdivision, Oregon Valley Land Company's First Addition, and have never been vacated. The Lake County Planning Commission approved a zone change from Residential to Residential Multi-Family Sub-District in 2022.

Chapter 2.0: Land Use Districts

Chapter 2.1: Residential District

2.1.110 Permitted Land Uses

This is a permitted land use within the Residential Multi-Family Sub-District.

2.1.120 Building Setbacks

Lots are sufficiently large to accommodate multi-family development and maintain required setbacks. Building setback requirements will be addressed in Site Design Review application.

2.1.130 Lot Area and Dimensions

The revised lots will be approximately 40,500 square feet each (135 feet by 300 feet) which will be adequate for multi-family housing development.

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

Not Applicable

2.1.150 Residential Density

Future development will meet residential density requirements. This will be addressed during Site Design Review.

2.1.160 Maximum Lot Coverage

Future development will meet maximum lot coverage standards. This will be addressed during Site Design Review.

2.1.170 Building Height

Future development will meet building height requirements. This will be addressed during Site Design Review.

2.1.180 Building Orientation

Future development will meet building orientation requirements. This will be addressed during Site Design Review.

2.1.190 Design Standards

Future development will meet design standards. This will be addressed during Site Design Review.

2.1.200 Special Standards for Certain Uses

Not applicable.

2.1.300 Residential Sub-Districts

This property is zoned Multi-Family Sub-District and all future development will meet the requirements of that Sub-District.

2.1.400 Neighborhood Commercial Sub-District

Not applicable.

2.1.500 Residential Multi-Family Sub-District

C. Multi-Family Housing Development Standards

1. Common Open Space: Future developments will include the required 20% of usable common open space. This will be addressed during Site Design Review.
2. Private Open Space: Future development will meet private open space requirements. This will be addressed during Site Design Review.
3. Exemptions: Not applicable.
4. Trash Receptacles: Future developments will orient trash receptacles away from adjacent residences and provide screening. This will be addressed during Site Design Review.

2.1.600 Manufactured Dwelling Park Sub District

Not applicable.

2. This is a replat of a legal subdivision so there is no proposed plat name and no conflict with other approved subdivisions. The partition complies with all provisions of ORS Chapter 92.
3. There will be some improvements made to South U Street, including sidewalks. All sidewalks and utilities will conform to Town of Lakeview standards. Details will be provided with the Site Design Review application.
4. Common areas for future development will be addressed during Site Design Review.
5. No state or federal permits are required for the replat.

B. Housing Density

The lots are located in an approved subdivision that meets the housing density requirements.

C. Block and Lot Standards

1. The proposed replat will reconfigure the lots to create two lots that are suitable for multifamily housing development.

2. The future development will meet setback requirements.
3. The lots are located in an approved subdivision and meet access and circulation standards.
4. Landscaping is not required to maintain privacy for abutting uses.
5. Not applicable – lots are located adjacent to a public right-of-way and adequate fire apparatus access is available.
6. Not applicable – lots have access to a public street and are not served by a common drive.

BB Development, LLC – Replat Application Impact Study

Chapter 4.1: Applications and Review Procedures

4.1.500 Type III Procedure (Quasi-Judicial)

B. Application Requirements, e. Impact Study

Transportation System

Access to the lots is provided by South U Street which connects to South 3rd Street.

Proposed Traffic Improvements

Improvements will be made to South U Street including sidewalks and curbs. All improvements will meet Town of Lakeview standards.

Drainage System

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for Lot 1. Lot 2 drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot.

Water System

Water service for Lot 1 will be provided by new connections to the existing 8" water main on South U Street. Water service for Lot 2 will be provided by an existing 2" water line located on Lot 2.

Sewer System

Sewer service for Lot 1 will be provided by a new connection to the existing sewer line on South U Street. Lot 2 has an existing sewer line that will be used for this lot. The Town system has adequate capacity to provide sewer service for the proposed multifamily development.

Noise Impact

There will be no noise impact from this replat.

Lighting/Glare Impact

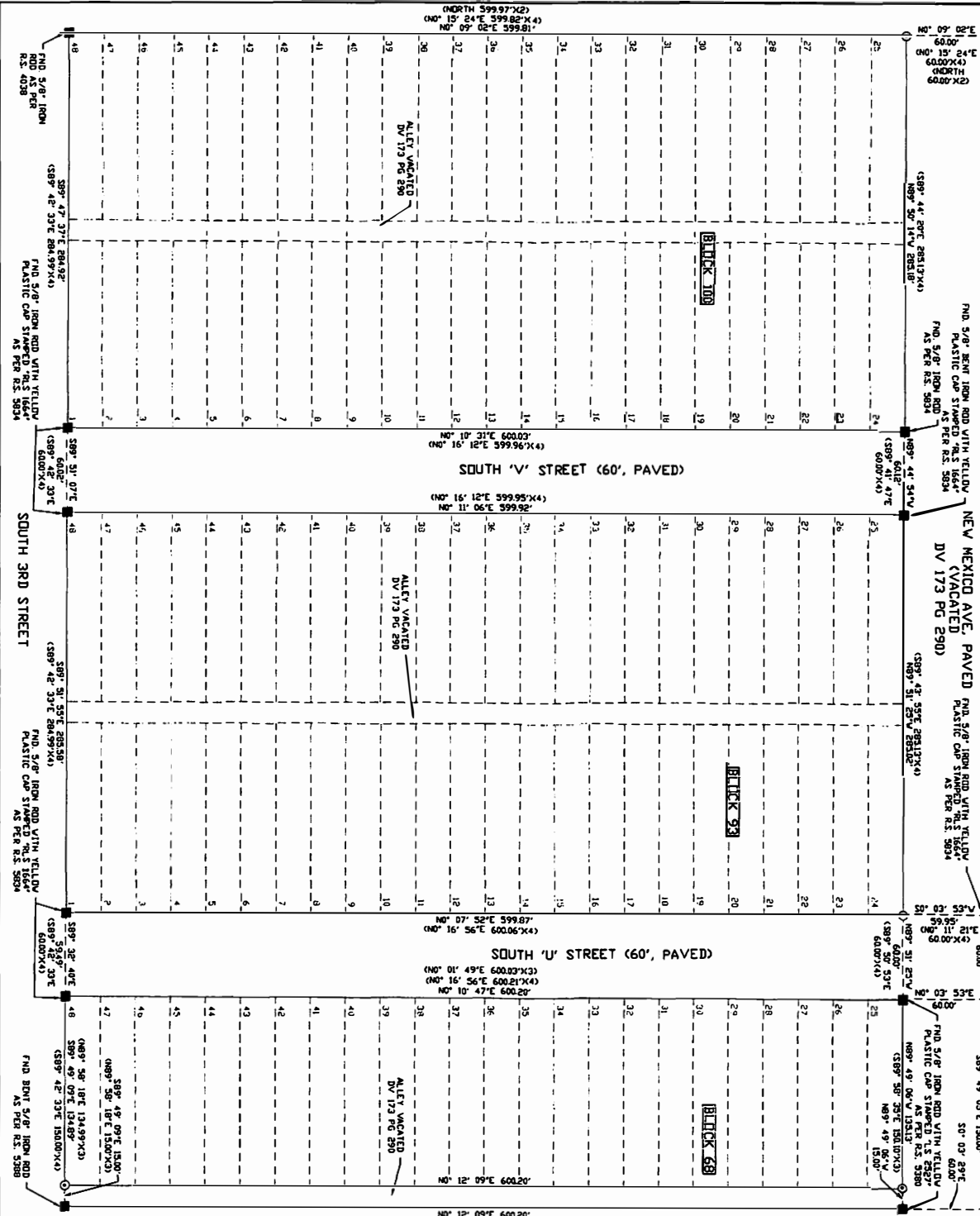
Future multi-family development will include exterior building lighting and parking area lighting, but it will be comparable to other residential lighting in the area and will not adversely impact the surrounding area.

Parks System

The replat will have no impact on the Town's parks system.

EXISTING CONFIGURATION

PROPOSED RE-PLAT
 LOTS 1-23 BLOCK 93
 OREGON VALLEY LAND COMPANY'S FIRST ADDITION
 SECTION 16, TOWNSHIP 39 SOUTH, RANGE 20 EAST, W.M.
 LAKE VIEW, OREGON

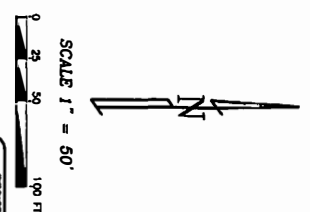


- LEGEND**
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- FIND - FOUND
 PVC - YELLOW PLASTIC CAP
 (M) - RECORD DATA AS PER PLAT OR OREGON VALLEY LAND COMPANY'S FIRST ADDITION (131) - RECORD DATA AS PER R.S. 3340 (132) - RECORD DATA AS PER R.S. 3340 (133) - RECORD DATA AS PER R.S. 3340

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO RE-PLAT LOTS 1 THROUGH 24 OF BLOCK 93 OF THE OREGON VALLEY LAND COMPANY'S FIRST ADDITION TO LAKEVIEW, OWNED BY JOHN S. ANDERSON, AND TO LAY OUT THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 39 SOUTH, RANGE 20 EAST, WILLAMETTE MERIDIAN, TAME SURVEY, W.M. AS SHOWN ON THE ATTACHED MAP ESTABLISHED AS NOTED.

THE BASIS OF REARRANGE FOR THIS PLAT IS PER STATE PLANT COORDINATES, OREGON SOUTH ZONE 3602. THE SURVEY WAS COMPLETED USING RIV GPS USING A TRIMBLE RD SYSTEM.



REGISTERED PROFESSIONAL LAND SURVEYOR
 W. ANDERSON
 12/31/23
 REVISED: 12/24/2022

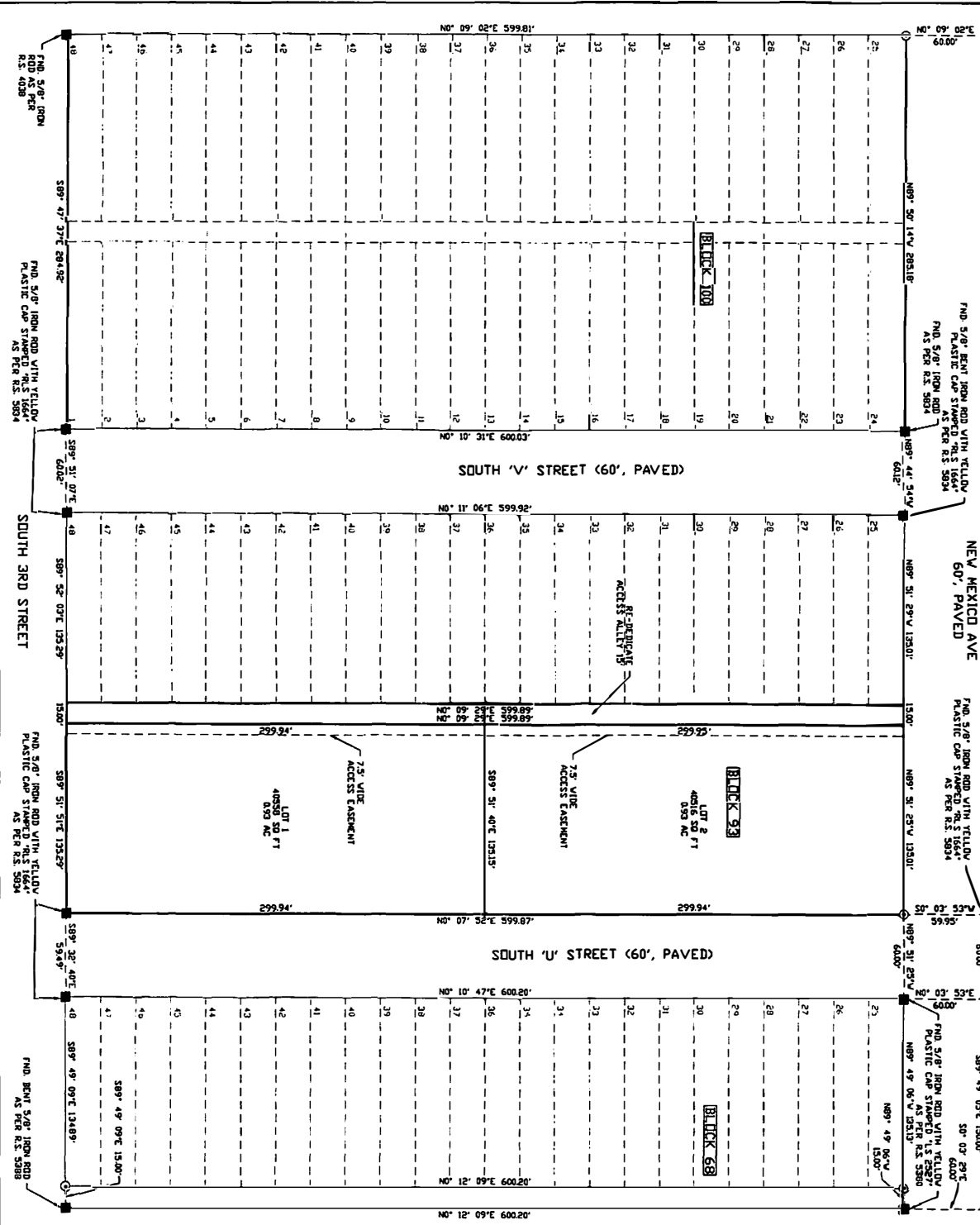
PREPARED FOR:
 BROADWAY CONSTRUCTION
 2222 W. FULTON COURT
 PORTLAND, OREGON 97201
 (503) 391-0009

PREPARED BY:
 ANDERSSON ENGINEERING & SURVEYING, INC.
 P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 947-4407 / FAX 947-2321
 WWW.ANDERSSONENGINEERING.COM

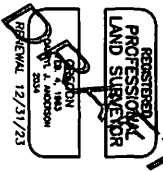
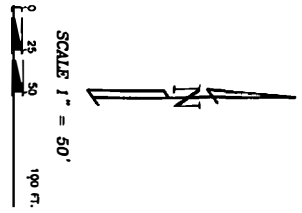
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 JOB NO.: 2022-132 SHEET 1 OF 2

PROPOSED CONFIGURATION

PROPOSED RE-PLAN
 LOTS 1-23 BLOCK 93
 OREGON VALLEY LAND COMPANY'S FIRST ADDITION
 SECTION 16, TOWNSHIP 39 SOUTH, RANGE 20 EAST, W.M.
 LAKEVIEW, OREGON



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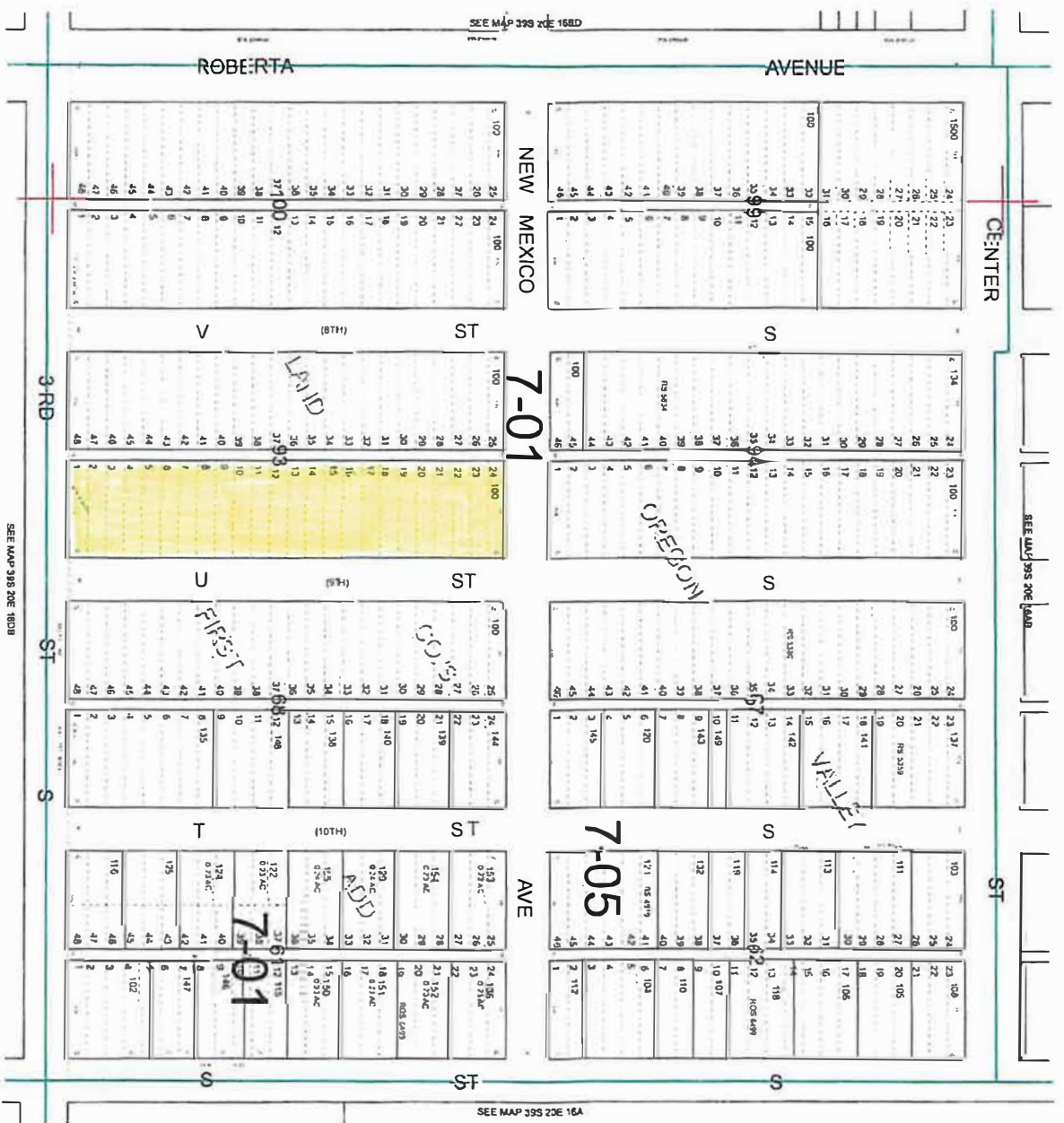


PREPARED FOR:
 BOGARTY CONSTRUCTION
 KILMANTH FALLS OREGON 97601
 (541) 331-0009

PREPARED BY:
ANDERSON ENGINEERING & SURVEYING, INC.
 P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 947-4407 / FAX 947-2321
 WWW.ANDERSONENGINEERING.COM

DATE: 12/22/2022 DWG. FILE: 2022-132
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REVISED: 12/22/2022



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**BB Development, LLC – Replat Application
Adjacent Landowners**

Map	Tax Lot	Owner
39 20 16DB	100	Town of Lakeview 525 North 1 st Street Lakeview, OR 97630
39 2016AC	135	Kevin & Linda Pardue 610 South I Street Lakeview, OR 97630
39 20 16AC	148	Gary & Shawna Taylor 212 South T Street Lakeview, OR 97630
39 20 16AC	138	Gilbert Andrews 804 SE Rancho Lane Madras, OR 97741
39 20 16AC	140	Teresa Black 28215 Hogback Road Plush, OR 97637
39 20 16AC	139	Jeanine & Daniel Fleury 204 South T Street Lakeview, OR 97630
39 20 16AC	144	Vincent & Lana Maganzini 202 South T Street Lakeview, OR 97630
39 20 16AC	145	Marvin Moulton Family Trust 916 Center Street Lakeview, OR 97630
39 20 16AC	120	Dennis & Clidean Sheridan PO Box 844 Lakeview, OR 97630
39 20 16AC	143	Victoria Nickelson 106 S T Street Lakeview, OR 97630

Map	Tax Lot	Owner
39 20 16AC	142 & 149	Dennis & Pamela Amsbaugh PO Box 768 Lakeview, OR 97630
39 20 16AC	141	John Pradmore 80 South T Street Lakeview, OR 97630
39 20 16AC	137	Rick & Sheila Strubel 68 South T Street Lakeview, OR 97630
39 20 16AC	1500	Pacific Power & Light Co 700 NE Multnomah Ste 700 Portland, OR 97232
39 20 16BD	100	Lake County 513 Center Street Lakeview, OR 97630
39 20 16BD	200	AD Kreuzsch c/o Bernard Kreuzsch Jr 2287 W Gold Dust Lane Highlands Ranch, CO 80129
39 20 16CA	101	Forrest Bradley 811 South 12 th Street Lakeview, OR 97630

Town of Lakeview SITE DESIGN REVIEW APPLICATION

\$125 - Base filing fee plus postage and publication costs **Note: a pre-application conference is required.**

Applicant Name BB Development, LLC Phone 541-882-5370

Address PO Box 493 Klamath Falls OR 97601
city state zip code

Land Owner Name John Cogar Phone 541-417-1143

Address PO Box 549 Lakeview OR 97630
city state zip code

PROJECT DESCRIPTION

Property Location: (address, intersection of cross streets, general area) South 3rd Street and South U Street

Legal Description: Township 39 South, Range 20 East, Section 16, Lots 1-24, Block 93, OVL 1st Addition Attached:

Assessor's Map and Tax Lot Number: 392016-AC 100 Existing Zone: Residential - Multi-Family Subdistrict

Total Land Area: 1.86 acres Present Land Use: Vacant Land

PROJECT DESCRIPTION

Describe Project: The proposed project is construction of two multi-family developments. Desert Horizon Apartments will be a three story apartment building with 17 units and Freedom Square Apartments will have 5 duplex structures.

New Construction Remodel Addition (Sq. Ft.) Other Fire Sprinkled Y N
 Sprinkler Type 13 13R

Sq. Ft. of Bldg: Before Add: n/a After Add: 10,055 Bldg Height: 35' max No. of Stories: 3

Parking Spaces Required: 34.5 Provided: 38 Construction Type: Metal Wood Other

Occupancy Type Retail Wholesale Industrial Office Other - Residential

PROFESSIONAL SERVICES

Architect/Designer/Engineer Oregon Architecture, Inc. / Pinnacle Architecture Phone 541-772-4372 / 541-388-9897

Address 132 W. Main Street, Suite 101 / 960 SW Disk Dr., Suite 101 Medford/Bend OR 97501 / 97702
City State Zip Code

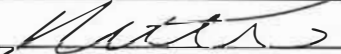

Builder or Agent Anderson Engineering & Surveying, Inc. Phone 541-947-4407

Address PO Box 28 Lakeview OR 97630
City State Zip Code

OTHER REQUIRED INFORMATION

- Assessor's Map Impact Study Signature of Property Owner Site Analysis Map
 Map or Site Plan drawn to legible scale Current Deed W/Legal description Filing Fee
 Building Elevations/Floor Plan (1 set) Fireflow analysis Traffic Impact Study as required by Chapter 4.10
 Grading Plan Sign Drawings Architectural Drawings Burden of Proof Statement (see criteria)
 List of Property Owners W/addresses within 100 Ft. (as shown in Assessor's Records) Landscape Plan

SIGNATURES

Applicant <u></u>	Date <u>03/27/2023</u>	Owner <u></u>
Print Name <u>MATTHEW BOGATAY</u>	<small>Date</small>	Print Name <u>John R Cogar</u>
Applicant _____	Date _____	Owner _____
Print Name _____	<small>Date</small>	Print Name _____

PLANNING DEPARTMENT USE ONLY

Fee Paid Received by _____ File Number _____ Sign _____

Applicant: Incomplete applications will not be accepted. Please complete checklist.

**BB Development, LLC – Site Design Review Application
Burden of Proof Statement**

APPLICANT: BB Development, LLC
PO Box 493
Klamath Falls, OR 97601
541-882-5370 / mbogatay@bci.us

LAND OWNER: John Cogar
PO Box 549
Lakeview, OR 97630
541-417-1143 / johnnymyboy@hotmail.com

ENGINEER: Darryl Anderson, P.E., P.L.S.
Anderson Engineering & Surveying, Inc.
P.O. Box 28
Lakeview, OR 97630
541-947-4407 / darryla@andersonengineering.com

ARCHITECT: Oregon Architecture, Inc. (Freedom Square Apartments)
132 W. Main Street, Suite 101
Medford, OR 97501
541-772-4372

Pinnacle Architecture (Desert Horizons Apartments)
960 SW Disk Dr., Suite 101
Medford, OR 97501
541-388-9897

REQUEST: Applicant is requesting approval for construction of a multi-family housing development on property located near South 3rd Street and South U Street. The development will consist of two complexes. Desert Horizons Apartments is a three-story apartment building located on Lot 1 of the property. Freedom Square Apartments will be located on Lot 2 and of the property and will consist of five duplex structures.

LOCATION: Lots 1-24 of Block 93, Oregon Valley Land Company's Township 39 South, Range 20 East, Section 16 AC, Tax Lot 100, Lots 1-24 of Block 93, Oregon Valley Land Company's First Addition.

ZONING: The property is zoned Residential, Multi-Family Sub-District.

DEVELOPMENT CODE PROVISIONS:

Chapter 2.0 Land Use Districts

Chapter 2.1: Residential District (R)

- 2.1.110 Permitted Land Uses
- 2.1.120 Building Setbacks
- 2.1.130 Lot Area and Dimensions
- 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes
- 2.1.150 Residential Density
- 2.1.160 Maximum Lot Coverage
- 2.1.170 Building Height
- 2.1.180 Building Orientation
- 2.1.190 Design Standards
- 2.1.200 Special Standards for Certain Uses
- 2.1.300 Residential Sub-Districts
- 2.1.400 Neighborhood Commercial (NC)
- 2.1.500 Multi-Family (MF)
- 2.1.600 Manufactured Dwelling Park (MDP)

Chapter 3.0 Design Standard Administration

Chapter 3.1 Access and Circulation

- 3.1.200 Vehicular Access and Circulation
- 3.1.300 Pedestrian Access and Circulation

Chapter 3.2 Landscaping, Street Trees, Fences and Walls

- 3.2.200 Landscape Conservation
- 3.2.300 New Landscaping

Chapter 3.3 Vehicle and Bicycle Parking

- 3.3.300 Vehicle Parking Standards
- 3.3.400 Bicycle Parking Standards

Chapter 3.4 Public Facilities Standards

- 3.4.100 Transportation Improvements
- 3.4.200 Public Use Areas
- 3.4.300 Sanitary Sewer and Water Service Improvements
- 3.4.400 Storm Drainage
- 3.4.500 Utilities
- 3.4.600 Easements
- 3.4.700 Construction Plan Approval and Assurance

Chapter 3.6 Other Design Standards

- 3.6.500 Signs

Chapter 3.7 Sensitive Lands

- 3.7.100 Flood Plains
- 3.7.200 Significant Resource Overlay
- 3.7.300 Restricted Groundwater Use Overlay
- 3.7.400 Wetland Protection Areas
- 3.7.500 Riparian Corridors

Chapter 2.0: Land Use Districts

Chapter 2.1: Residential District

2.1.110 Permitted Land Uses

This development is a permitted land use within the Residential Multi-Family Sub-District.

2.1.120 Building Setbacks

Lots are sufficiently large to accommodate multi-family development and all proposed structures maintain required setbacks. Setback dimensions are shown on the attached Site Plan. For Desert Horizons, the front setback is 10 feet, side setbacks are 17.49 feet and 19.96 feet, and the rear yard setback is 77.26 feet. These meet development code requirements. For Freedom Square, the front setback is 15.51 feet, side yard setbacks are 42.2 feet and 39.6 feet, and the rear yard setback is 16.13 feet. These meet development code requirements. There are multiple buildings proposed for the Freedom Square development on Lot 2, the minimum distance between buildings is 10 feet.

2.1.130 Lot Area and Dimensions

Lot 1 is 40,558 square feet, or 0.93 acres, with approximate dimensions of 300 feet by 135 feet. The proposed Desert Horizons development is a three-story apartment building with a total of 17 units. The minimum lot area for a development of this size is 23,000 square feet. The proposed development meets this criterion.

Lot 2 is 40,516 square feet, or 0.93 acres, with approximate dimensions of 300 feet by 135 feet. The Freedom Square development on this lot consists of five duplex structures with a total of 10 units. The minimum lot area for a development of this size is 19,000 square feet. The proposed development meets this criterion.

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

Not Applicable

2.1.150 Residential Density

Residential density requirements for the Multi-Family Sub-District are a minimum of 10 units per net acre and a maximum of 24 units per net acre. Both lots are approximately one acre in size. Lot 1 will have 17 units and Lot 2 will have 10 units. Proposed development on both lots meets the residential density requirements for the Multi-Family District.

2.1.160 Maximum Lot Coverage

Maximum lot coverage for multi-family developments is 60%. Lot 1 has total coverage by buildings and impervious surfaces of 37.8% (8.7% buildings and 29.1% impervious surfaces). Lot 2 has total coverage by buildings and impervious surfaces of 43.7% (16.1% buildings and 27.6% impervious surfaces). Proposed developments are within maximum lot coverage requirements.

2.1.170 Building Height

Maximum building height for the Multi-Family Sub-District is 35 feet or three stories, whichever is greater. Desert Horizons will have a maximum building height of 35.5 feet and will be three stories. This is in compliance with building height standards.

Maximum building height for Freedom Square will be 16 feet. This is in compliance with building height standards.

2.1.180 Building Orientation

Building orientation is shown on the attached site plan. For Desert Horizons, individual apartments will be accessed directly on the west side of the building. A parking area and sidewalks will be provided. Freedom Square duplex structures will be oriented toward the center of the lot, as shown on the Site Plan.

2.1.190 Design Standards

Both the Freedom Square and Desert Horizons developments meet the design standards. The buildings will incorporate design standards including offsets, projections, and balconies. Preliminary floor plans and building elevations are attached.

2.1.200 Special Standards for Certain Uses

Not applicable.

2.1.300 Residential Sub-Districts

This property is zoned Multi-Family Sub-District and will comply with the requirements of that sub-district.

2.1.400 Neighborhood Commercial Sub-District

Not applicable.

2.1.500 Residential Multi-Family Sub-District

C. Multi-Family Housing Development Standards

1. Common Open Space: 38.1% of Lot 1 is undisturbed area and 24.1% is landscaping. Lot 2 has 12.9% undisturbed area and 43.4% landscaping. A large area of open space is available between the two development areas.

2. Private Open Space: Ground floor units in Desert Horizons will have rear patio areas. Upper-floor units will have balconies. Please see attached proposed building elevations. Freedom Square contains single story duplex units which have rear patio areas.

3. Exemptions: Not applicable.

4. Trash Receptacles: Trash receptacles are oriented away from adjacent residences and are screened as shown on the attached Site Plan.

2.1.600 Manufactured Dwelling Park Sub District

Not applicable.

Chapter 3.0: Design Standard Administration

Chapter 3.1: Access and Circulation

3.1.200 Vehicular Access and Circulation

Vehicular access for Desert Horizon Apartments will be provided by a 24' approach from South U Street as shown on the Site Plan. Vehicular access for Freedom Square Apartments will be provided by two 24' approaches from South U Street. Access driveways meet the minimum clearance to other driveways and access points. The driveways meet the minimum width requirement, can accommodate emergency vehicles, and provide good visibility and clearance for all vehicles.

The proposed development will increase traffic by less than 300 trips per day, and a traffic impact study is not required.

3.1.300 Pedestrian Access and Circulation

Pedestrian access to both Desert Horizons and Freedom Square will be provided by new sidewalk that will be constructed along South U Street and connect to sidewalks on the lots as shown on the Site Plan.

Chapter 3.2: Landscaping, Street Trees, Fences and Walls

3.2.200 Landscape Conservation

There is no existing vegetation on either Lot 1 or Lot 2. This area was previously prepared for use as an RV park and has been graded and graveled.

3.2.300 New Landscaping

The Desert Horizons development will include new landscaping on 24.1% of the site. Freedom Square will have new landscaping covering 43.4% of the site. Landscaping details are shown on the attached Landscape Plan.

Chapter 3.3: Vehicle and Bicycle Parking

3.3.300 Vehicle Parking Standards

The Desert Horizons development requires 19.5 parking spaces per Development Code standards. 20 parking spaces will be provided as shown on the Site Plan (14 on site and 6 on street). The Freedom Square development requires 15 spaces and 18 will be provided (11 on site and 7 on street). All off-street parking will conform to Town of Lakeview standards.

3.3.400 Bicycle Parking Standards

Sheltered bicycle parking is provided for Desert Horizons as shown on the attached Site Plan. Bicycle parking is provided at each unit of the Freedom Square development as shown on the Site Plan.

Chapter 3.4: Public Facilities Standards

3.4.100 Transportation Improvements

Access to the developments will be provided by South U Street, which is an existing, paved street. Proposed improvements include sidewalks, curbs, and driveway approaches along the west side of the street. All improvements will conform to Town of Lakeview standards.

3.4.200 Public Use Areas

Not Applicable – no public use areas

3.4.300 Sanitary Sewer and Water Service Improvements

Water service for the Desert Horizons development will be provided by a new connection to the existing 8" water main on South U Street as shown on the Site Plan. Water service for Freedom Square will be provided by an existing 2" water line located on Lot 2, as shown on the Site Plan. Domestic water needs for both Desert Horizons and Freedom Square are estimated at a maximum of 9,000 gallons per day. The Desert Horizons apartment building will have a fire sprinkler system as per Oregon Fire Code regulations with a 4" service. Fire flow needs will be from 750 – 1,000 gallons per minute. Area hydrants are already in place for fire suppression. The Town of Lakeview water system has adequate capacity to meet the water needs for both developments.

Sewer service for Desert Horizons will be provided by a new connection to the existing sewer line of South U Street, as shown on the Site Plan. Sewer service for Freedom Square will be provided by an existing sewer line already in place on Lot 2. Sewer flow requirements are estimated at 6.25 gallons per minute. The Town of Lakeview sewer system has adequate capacity to meet the sewer needs of the developments.

3.4.400 Storm Drainage

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for the Desert Horizons development. Freedom Square drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot. Drainage lines are shown on the Site Plan.

3.4.500 Utilities

Overhead power is available along South 3rd Street and electrical service is already available on the site. All power on site will be buried. Phone and internet are available in the area and lines will be buried.

3.4.600 Easements

A 7.5' easement is proposed on the west edge of Lots 1 and 2 as shown on the Site Plan. This is for possible expansion of the alley in the future as per land owner's request.

3.4.700 Construction Plan Approval and Assurances

Bogatay Construction will abide by all planning regulations concerning plan approval and assurances.

Chapter 3.6: Other Design Standards

3.6.500 Signs

Signage details will be submitted at a later date along with a Sign Permit Application.

Chapter 3.7: Sensitive Lands

3.7.100 Flood Plains

The site is shown on Map 410115 2005 B and the project area is in Zone AE: Special flood hazard areas inundated by 100-year flood, base flood elevations determined. All base grading and construction will be set above the base flood elevation.

3.7.200 Significant Resource Overlay

Not Applicable – project is not in a significant resource overlay area.

3.7.300 Restricted Groundwater Use Overlay

Not Applicable – project is not in a restricted groundwater use overlay area.

3.7.400 Wetland Protection Areas

Not Applicable – not wetlands in project area.

3.7.500 Riparian Corridors

Not Applicable – project is not in a riparian corridor.

BB Development, LLC – Site Design Review Application Impact Study

Chapter 4.1: Applications and Review Procedures

4.1.500 Type III Procedure (Quasi-Judicial)

B. Application Requirements, e. Impact Study

Transportation System

Access to the lots is provided by South U Street which connects to South 3rd Street. South U Street is currently paved and additional improvements (widening of street, curbs, sidewalks) will be completed.

Proposed Traffic Improvements

Improvements will be made to South U Street including sidewalks and curbs. All improvements will meet Town of Lakeview standards. Proposed improvements are shown on the attached Site Plan.

Drainage System

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for Desert Horizons. Freedom Square drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot. Drainage lines are shown on the Site Plan.

Water System

Water service for Desert Horizons will be provided by new connections to the existing 8" water main on South U Street. Water service for Freedom Square will be provided by an existing 2" water line located on Lot 2. Water needs are estimated at 9,000 gallons per day with fire flow needs of 750-1,000 gallons per minute. The Town of Lakeview water system has adequate capacity to meet this need and the development will have minimal impact on the system.

Sewer System

Sewer service for Desert Horizons will be provided by a new connection to the existing sewer line on South U Street. Freedom Square will utilize an existing sewer line that is already in place on Lot 2. The Town system has adequate capacity to provide sewer service for the proposed development.

Noise Impact

There will be normal construction noise during construction of the facilities. Standard work hours will be observed. The development will not generate more noise than other residential development in the area and will not negatively impact noise levels in the area once construction is complete.

Lighting/Glare Impact

The developments will include exterior building lighting and parking area lighting, but it will be comparable to other residential lighting in the area and will not adversely impact the surrounding area.

Parks System

The development will have no impact on the Town's parks system.

- SYMBOLS (EXISTING):**
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 - 3. ANY OTHER REFERENCE
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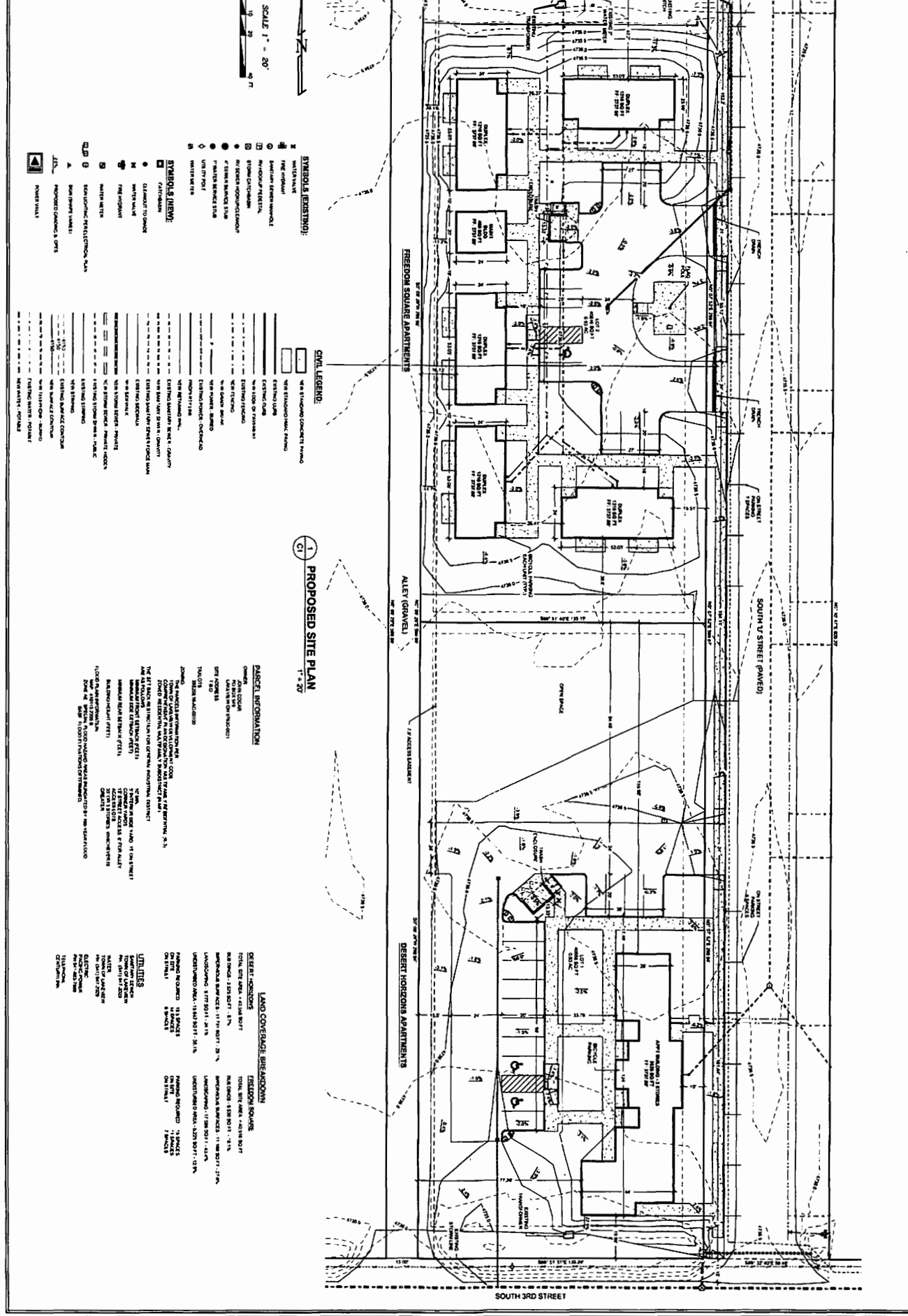
PROPOSED SITE PLAN
 1" = 20'

PARCEL INFORMATION:

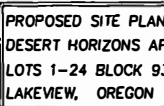
OWNER: [Name]
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 AREA: [Value]
 PERMITS: [List]

LAND COVERAGE BREAKDOWN:

DESCRIPTION	AREA (SQ FT)	PERCENTAGE
DESERT HORIZONS APARTMENTS	1,234,567	12.3%
FREEDOM SQUARE	876,543	8.7%
OPEN SPACE	543,210	5.4%
OTHER	123,456	1.2%
TOTAL	10,000,000	100%



PROPOSED SITE PLAN - FREEDOM SQUARE & DESERT HORIZONS APARTMENTS
 LOTS 1-24 BLOCK 93, O.V. FIRST ADDITION
 LAKEVIEW, OREGON



PREPARED FOR:
BOGATY CONSTRUCTION
 6223 VENTURE COURT
 KAMATH FALLS, OREGON 97861
 (541) 331-0009

ANDERSON ENGINEERING AND SURVEYING, INC.
 P.O. BOX 89
 LAKEVIEW, OREGON 97830
 (541) 947-4477 FAX 947-2551
 WWW.ANDERSONENGINEERINGANDSURVEYING.COM

DATE: 3/28/2023	SCALE: 1"=20'
DRAWN BY: [Name]	CHECKED BY: [Name]
DATE: 2023-12	DATE: 2023-12
DATE: 2023-12	DATE: 2023-12

PLANNING SET
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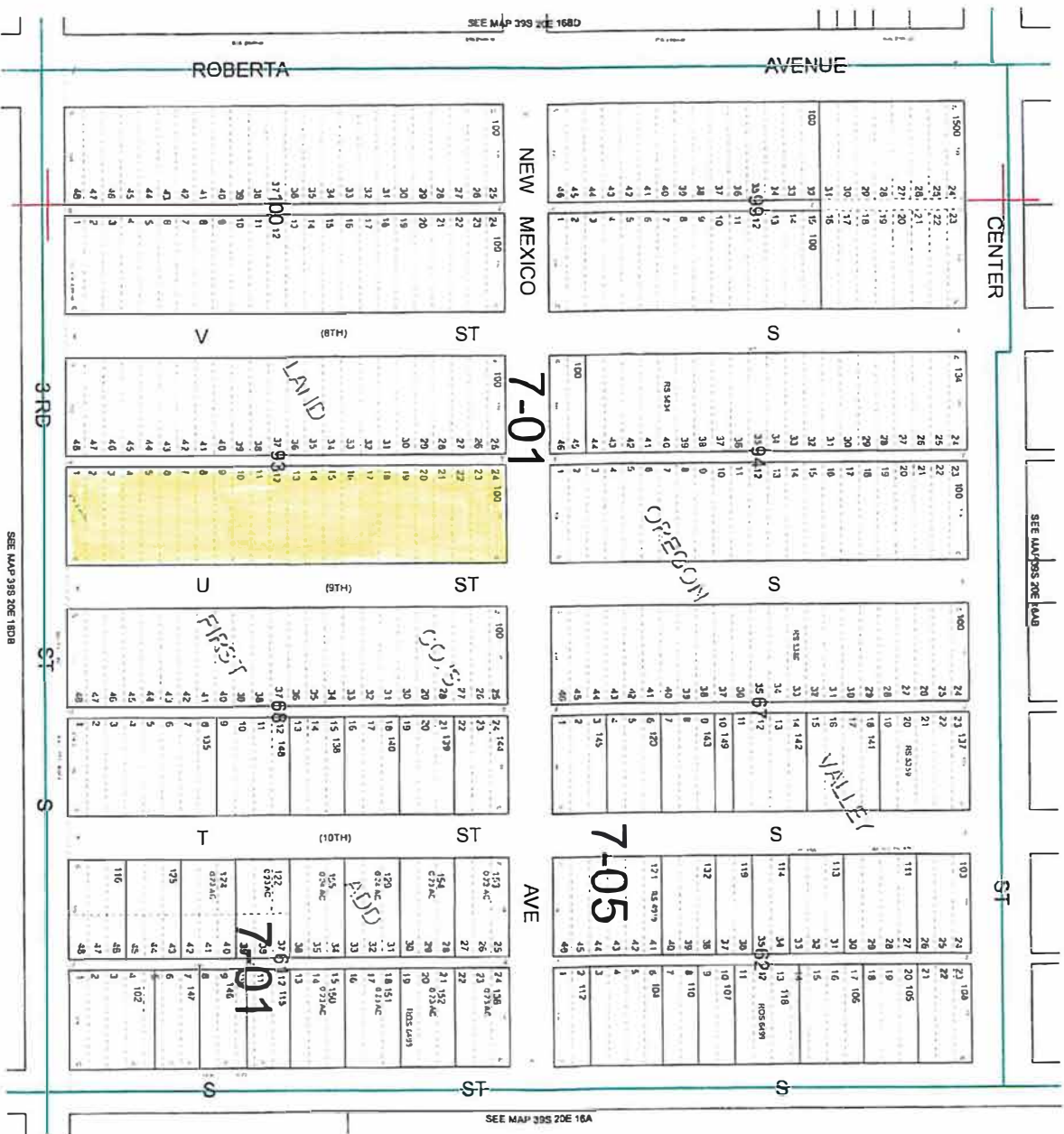
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

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S.W. 1/4 N.E. 1/4 SEC. 16 T.39S. R.20E. W.M.
LAKE COUNTY
1" = 100'

39S20E16AC

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Planning Commission

05/08/23

39S20E16AC of 86

**BB Development, LLC – Site Design Review Application
Adjacent Landowners**

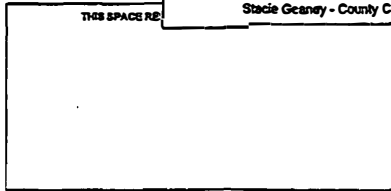
Map	Tax Lot	Owner
39 20 16DB	100	Town of Lakeview 525 North 1 st Street Lakeview, OR 97630
39 2016AC	135	Kevin & Linda Pardue 610 South I Street Lakeview, OR 97630
39 20 16AC	148	Gary & Shawna Taylor 212 South T Street Lakeview, OR 97630
39 20 16AC	138	Gilbert Andrews 804 SE Rancho Lane Madras, OR 97741
39 20 16AC	140	Teresa Black 28215 Hogback Road Plush, OR
39 20 16AC	139	Jeanine & Daniel Fleury 204 South T Street Lakeview, OR 97630
39 20 16AC	144	Vincent & Lana Maganzini 202 South T Street Lakeview, OR 97630
39 20 16AC	145	Marvin Moulton Family Trust 916 Center Street Lakeview, OR 97630
39 20 16AC	120	Dennis & Clidean Sheridan PO Box 844 Lakeview, OR 97630
39 20 16AC	143	Victoria Nickelson 106 S T Street Lakeview, OR 97630

Map	Tax Lot	Owner
39 20 16AC	142 & 149	Dennis & Pamela Amsbaugh PO Box 768 Lakeview, OR 97630
39 20 16AC	141	John Pradmore 80 South T Street Lakeview, OR 97630
39 20 16AC	137	Rick & Sheila Strubel 68 South T Street Lakeview, OR 97630
39 20 16AC	1500	Pacific Power & Light Co 700 NE Multnomah Ste 700 Portland, OR 97232
39 20 16BD	100	Lake County 513 Center Street Lakeview, OR 97630
39 20 16BD	200	AD Kreuzsch c/o Bernard Kreuzsch Jr 2287 W Gold Dust Lane Highlands Ranch, CO 80129
39 20 16CA	101	Forrest Bradley 811 South 12 th Street Lakeview, OR 97630

LAKE COUNTY, OREGON 2019-001768
 M-TO DEED
 Cnt=1 Pgs=7 09/10/2019 01:27:00 PM
 \$35.00 \$11.00 \$10.00 \$60.00 \$116.00
 I, Stacie Geaney, County Clerk for Lake County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
 Stacie Geaney - County Clerk

After Recording Return to:
 Hopkins Mortgage Fund c/o
 Hopkins Loan Services
 910 E. Carol Street
 Meridian, ID 83646

Please Send Tax Statements to:
 John R. Cogar c/o
 Hopkins Loan Services
 910 E. Carol Street
 Meridian, ID 83646



TRUST DEED

THIS TRUST DEED is made as of the 10th day of September 2019, by John R. Cogar, an unmarried man, whose address is PO Box 649, Lakeview, 97630, ("Grantor"), to AmeriTitle, 300 Klamath Ave, Klamath Falls, OR 97601 ("Trustee"), for the benefit of Hopkins Mortgage Fund, LLC, an Idaho Limited Liability Company "as trustee for the benefit on a parity for all Series "A" Debenture Holders", whose address is PO Box 670, Meridian, ID, ("Beneficiary").

WHEREAS, Beneficiary has made a loan to Grantor in the sum of THREE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$350,000.00), which loan is to be evidenced by a Promissory Note of even date herewith. The loan, if not sooner paid, is due and payable in full on 09/09/2024 (The Promissory Note, as it may be modified, extended, or replaced from time to time, is referred to herein as the "Note"). and

WHEREAS, as a condition to the making of the loan to Grantor, Beneficiary has required, and Grantor has agreed to provide, this Trust Deed.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, and for the purpose of securing the Obligations described in Section 1.01 below, Grantor hereby irrevocably grants, bargains, sells, conveys, assigns, and transfers to Trustee in trust for the benefit and security of Beneficiary, with power of sale, all of Grantor's right, title, and interest in and to the real property located in Lake County, State of Oregon, and more particularly described in Exhibit A attached hereto and incorporated herein, together with (1) all dwellings and other improvements now or hereafter located thereon, (2) all easements, tenements, hereditaments, and appurtenances relating thereto, (3) all awards for any taking of all or any portion thereof, and (4) all insurance proceeds for any damage thereto (collectively, the "Trust Property").

TO HAVE AND TO HOLD the Trust Property to Trustee and its successors and assigns for the benefit of Beneficiary and its successors and assigns, forever.

PROVIDED ALWAYS, that if all the Obligations shall be paid, performed, and satisfied in full, then the lien and estate hereby granted shall be reconveyed.

This Trust Deed, the Note, and all other agreements executed at any time in connection therewith, as they may be amended or supplemented from time to time, are sometimes collectively referred to as the "Loan Documents."

TO PROTECT THE SECURITY OF THIS TRUST DEED, GRANTOR COVENANTS AND AGREES AS FOLLOWS:

ARTICLE I
 Particular Covenants and Warranties of Grantor

1.01 Obligations Secured. This Trust Deed secures the payment of all indebtedness, including but not limited to principal and interest, and the performance of all covenants and obligations of Grantor, under the Note, this Trust Deed, and the other Loan Documents, whether such payment and performance is now due or becomes due in the future (collectively, the "Obligations").

This Trust Deed also secures the payment and performance of any and all other indebtedness and obligations of Grantor to Beneficiary, present and future, of any nature whatsoever, whether direct or indirect, primary or secondary, joint or several, liquidated or unliquidated, whenever and however arising, and whether or not reflected in a written agreement or instrument.

1.02 Payment and Performance. Grantor shall pay and perform all of the Obligations when due.

1.03 Property. Grantor warrants that it holds good and merchantable title to the Trust Property, free and clear of all liens, encumbrances, reservations, restrictions, easements, and adverse claims except those specifically listed in Exhibit A attached hereto. Grantor covenants that it shall forever defend Beneficiary's and Trustee's rights hereunder and the priority of this Trust Deed against the adverse claims and demands of all persons.

1.04 Further Assurances. Grantor shall execute, acknowledge, and deliver, from time to time, such further instruments as Beneficiary or Trustee may require to accomplish the purposes of this Trust Deed.

1.05 Compliance with Laws. Grantor represents, warrants, and covenants that the Trust Property is currently in material compliance with, and will at all times be maintained in material compliance with, all applicable laws, and all covenants, conditions, easements, and restrictions affecting the Trust Property.

1.06 Environmental Compliance

- (1) For purposes of this section, "Environmental Law" means any federal, state, or local law or regulation now or hereafter at any time pertaining to Hazardous Substances or environmental conditions. For purposes of this section, "Hazardous Substance" includes, without limitation, any substance that is or becomes classified as hazardous, dangerous, or toxic under any federal, state, or local law or regulation.
- (2) Grantor will not use, generate, store, release, discharge, or dispose of on, under, or about the Trust Property or the groundwater thereof any Hazardous Substance and will not permit any other person to do so, except for storage and use of such Hazardous Substances (and in such quantities) as may commonly be used for household purposes, provided such substances are stored and used in compliance with all Environmental Laws. Grantor will keep and maintain the Trust Property in compliance with all Environmental Laws.
- (3) Beneficiary shall have the right to participate in any legal proceeding initiated with respect to the Trust Property in connection with any Environmental Law and have its attorney fees paid by Grantor. If, at any time, Beneficiary has reason to believe that any violation of this Section 1.06 has occurred or is threatened, Beneficiary may require Grantor to obtain or may itself obtain, at Grantor's expense, an environmental assessment by a qualified environmental consultant. Grantor shall promptly provide to Beneficiary a complete copy of any environmental assessment obtained by Grantor.
- (4) If any investigation, monitoring, containment, cleanup, or other remedial work of any kind is required on the Trust Property under any applicable Environmental Law or by any governmental agency or person in connection with a release of a Hazardous Substance, Grantor shall promptly complete all such work at Grantor's expense.
- (5) All representations, warranties, and covenants in this Section 1.06 shall survive the satisfaction of the Obligations, the reconveyance of the Trust Property, or the foreclosure of this Trust Deed.

1.07 Maintenance and Improvements. Grantor shall not permit the Trust Property or any part thereof to be removed, demolished, or materially altered without Beneficiary's prior written consent. Grantor shall maintain the Trust Property, and every portion thereof, in good repair and condition, except for reasonable wear and tear, and shall at Beneficiary's election restore, replace, or rebuild the Trust Property or any part thereof now or hereafter damaged or destroyed by any casualty (whether or not insured against or insurable) or affected by any Condemnation (as defined in Section 2.01). Grantor shall not commit or suffer any waste or strip of the Trust Property.

1.08 Liens. Grantor shall pay when due all claims for labor and materials that, if unpaid, might become a lien on the Trust Property. Grantor shall not create or suffer any lien, security interest, or encumbrance on the Trust Property that may be prior to, or on a parity with, the lien of this Trust Deed, except as specifically provided in Exhibit B attached hereto.

1.09 Impositions. Grantor shall pay when due all taxes, assessments, fees, and other governmental and nongovernmental charges of every nature now or hereafter assessed against any part of the Trust Property or on the lien or estate of Beneficiary or Trustee therein (collectively, the "impositions"); provided, however, that if by law any such imposition may be paid in installments, Grantor may pay the same in installments, together with accrued interest on the unpaid balance thereof, as they become due. Grantor shall furnish to Beneficiary promptly upon request satisfactory evidence of the payment of all impositions. Beneficiary is hereby authorized to request and receive from the responsible governmental and nongovernmental personnel written statements with respect to the accrual and payment of all impositions.

1.10 Limitations of Use. Grantor shall not initiate or consent to any rezoning of the Trust Property or any change in any covenant or other public or private restrictions limiting or defining the uses that may be made of the Trust Property without the prior written consent of Beneficiary.

1.11 Insurance

- (1) ~~Property and Other Insurance.~~ Grantor shall obtain and maintain during the term of this Trust Deed all risk property insurance (including flood insurance unless waived by Beneficiary) in an amount not less than the full remaining principal balance of the Note or, if greater, in the amount of the full replacement cost of the Trust Property, without reduction for co-insurance.
- (2) Insurance Companies and Policies. All insurance shall be written by a company or companies reasonably acceptable to Beneficiary; shall contain a long form mortgagee endorsement in favor of Beneficiary with proceeds under any policy payable to Beneficiary, subject to the terms of this Trust Deed; shall require 10 days' prior written notice to Beneficiary of cancellation or reduction in coverage; and shall contain a waiver of subrogation. Grantor shall furnish to Beneficiary on request a certificate evidencing the coverage required under this Trust Deed and a copy of each policy.

WARNING

- (3) Beneficiary's Right to Insure.

UNLESS GRANTOR PROVIDES BENEFICIARY WITH EVIDENCE OF THE INSURANCE COVERAGE AS REQUIRED BY THIS TRUST DEED, BENEFICIARY MAY PURCHASE INSURANCE AT GRANTOR'S EXPENSE TO PROTECT BENEFICIARY'S

INTEREST. THIS INSURANCE MAY, BUT NEED NOT, ALSO PROTECT GRANTOR'S INTEREST. IF THE PROPERTY CONVEYED BY THIS AGREEMENT BECOMES DAMAGED, THE COVERAGE BENEFICIARY PURCHASES MAY NOT PAY ANY CLAIM GRANTOR MAKES OR ANY CLAIM MADE AGAINST GRANTOR. GRANTOR MAY LATER CANCEL THIS COVERAGE BY PROVIDING EVIDENCE THAT GRANTOR HAS OBTAINED PROPERTY COVERAGE ELSEWHERE. GRANTOR IS RESPONSIBLE FOR THE COST OF ANY INSURANCE PURCHASED BY BENEFICIARY. THE COST OF THIS INSURANCE MAY BE ADDED TO THE NOTE BALANCE IF THE COST IS ADDED TO THE NOTE BALANCE, THE INTEREST RATE ON THE UNDERLYING NOTE WILL APPLY TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF COVERAGE MAY BE THE DATE GRANTOR'S PRIOR COVERAGE LAPSED OR THE DATE GRANTOR FAILED TO PROVIDE PROOF OF COVERAGE.

THE COVERAGE BENEFICIARY PURCHASES MAY BE CONSIDERABLY MORE EXPENSIVE THAN INSURANCE GRANTOR CAN OBTAIN ON GRANTOR'S OWN AND MAY NOT SATISFY ANY NEED FOR PROPERTY DAMAGE COVERAGE OR ANY MANDATORY LIABILITY INSURANCE REQUIREMENTS IMPOSED BY APPLICABLE LAW.

1.12 Casualty/Loss Restoration

- (1) After the occurrence of any casualty to the Trust Property, whether or not covered by insurance, Grantor shall give prompt written notice thereof to Beneficiary. Beneficiary may make proof of loss if it is not made promptly and to Beneficiary's satisfaction by Grantor.
- (2) All insurance proceeds with respect to the Trust Property shall be payable to Beneficiary. At Beneficiary's discretion, insurance proceeds may be applied to the Obligations or may be released to Grantor, on such terms and conditions as Beneficiary elects, for restoration of the Trust Property.

1.13 Actions to Protect Trust Property; Reserves

- (1) If Grantor shall fail to pay, perform, or observe any of its covenants hereunder, Beneficiary may, but shall not be required to, take such actions as it deems appropriate to remedy such failure. All sums, including reasonable attorney fees, so expended, or expended to maintain the lien or estate of this Trust Deed or its priority, or to protect or enforce any of Beneficiary's rights hereunder, shall be a lien on the Trust Property, shall be secured by this Trust Deed, and shall be paid by Grantor on demand, together with interest thereon at the rate provided in the Note. No payment or other action by Beneficiary under this section shall impair any other right or remedy available to Beneficiary or constitute a waiver of any Event of Default.
- (2) If Grantor fails to promptly perform any of its obligations under Section 1.09 or 1.11 of this Trust Deed, Beneficiary may require Grantor thereunder to pay and maintain with Beneficiary reserves for payment of such obligations. In that event, Grantor shall pay to Beneficiary each month a sum estimated by Beneficiary to be sufficient to produce, at least 20 days before due, an amount equal to the impositions, insurance premiums, or both. If the sums so paid are insufficient to satisfy any imposition or insurance premium when due, Grantor shall pay any deficiency to Beneficiary on demand. The reserves may be commingled with Beneficiary's other funds. Beneficiary shall credit to Grantor interest on such reserves at the minimum rate required from time to time by applicable law. Beneficiary shall not hold the reserves in trust for Grantor, and Beneficiary shall not be the agent of Grantor for payment of the taxes and assessments required to be paid by Grantor.

1.14 Estoppel Certificates. Grantor, within five days of request therefore, shall furnish Trustee and Beneficiary a written statement, duly acknowledged, of the amount of the Obligations secured by this Trust Deed and whether any offsets or defenses exist against the Obligations secured hereby. If Grantor shall fail to furnish such a statement within the time allowed, Beneficiary shall be authorized, as Grantor's attorney-in-fact, to execute and deliver such statement.

**ARTICLE II,
Condemnation**

2.0 Should the Trust Property or any part thereof be taken or damaged by reason of any public improvement, eminent domain, condemnation proceeding, or in any other manner (a "Condemnation"), or should Grantor receive any notice or other information regarding such action, Grantor shall give immediate notice thereof to Beneficiary. Beneficiary shall be entitled to all compensation, awards, and other payments or relief therefore ("Condemnation Proceeds") up to the full amount of the Obligations, and may appear in any Condemnation proceeding in its own or Grantor's name and make any settlement in connection therewith. Beneficiary may, at its option, apply the Condemnation Proceeds to the Obligations or release the proceeds to Grantor, on such terms and conditions as Beneficiary elects, for restoration of the Trust Property.

**ARTICLE III
Leases and Rents**

3.01 Assignment of Leases and Rents. Grantor assigns to Beneficiary all leases, rental contracts, and other agreements now or hereafter relating to the Trust Property or any portion thereof (the "Leases") and all rents and income derived therefrom (the "Rents"). Beneficiary shall have the right, but shall not be obligated, after the occurrence of an Event of Default, to notify any and all obligors under any of the Leases that the same have been assigned to Beneficiary, to discount, compromise, enforce, and collect the Leases and Rents; and to exercise any and all other rights and remedies of the lessor in connection with any of the Leases and Rents. Beneficiary shall have the right to use and apply any Rents received (1) for any costs and expenses incurred in connection with enforcing this assignment and collecting Rents; (2) for the

maintenance of the Trust Property; and (3) for reduction of the Obligations in such order as Beneficiary shall determine. Beneficiary hereby gives Grantor a revocable license to collect and receive the Rents. Such license may be revoked by Beneficiary, without notice to Grantor, upon the occurrence of any Event of Default under this Trust Deed. Grantor agrees not to collect any Rents more than 30 days in advance. This assignment shall not operate to place responsibility for the care, maintenance, or repair of the Trust Property upon Beneficiary.

3.02 **Attorney-in-Fact.** Grantor irrevocably constitutes and appoints Beneficiary as its true and lawful attorney-in-fact, with power of substitution, to exercise any and all of the rights, powers, and authorities described in this Article III and to endorse any instruments given in payment of any Rents.

ARTICLE IV Security Agreement and Fixture Filing

4.0 To secure the Obligations, Grantor hereby grants to Beneficiary a security interest in all fixtures located on the Trust Property. This Trust Deed shall constitute a security agreement and fixture filing under the Uniform Commercial Code statutes of the state of Oregon. The mailing address of Grantor and the address of Beneficiary from which information may be obtained are set forth in the introductory paragraph of this Trust Deed.

ARTICLE V Events of Default; Remedies

5.01 **Events of Default.** Each of the following shall constitute an Event of Default under this Trust Deed and under each of the other Loan Documents:

- (1) **Nonpayment.** Failure of Grantor to pay any of the Obligations on or within 15 days after the due date.
- (2) **Breach of Other Covenants.** Failure of Grantor to perform or abide by any other covenant included in the Obligations, including without limitation those covenants in the Note, in this Trust Deed, or in any other Loan Document.
- (3) **Misinformation.** Falsity when made in any material respect of any representation, warranty, or information furnished by Grantor or its agents to Beneficiary in connection with any of the Obligations.
- (4) **Other Default.** The occurrence of any other event of default under the Note, the Loan Documents, or any of the other Obligations.
- (5) **Other Indebtedness, Secondary Financing.** Grantor's default beyond applicable grace periods in the payment of any other indebtedness secured by all or any portion of the Trust Property.
- (6) **Bankruptcy.** The occurrence of any of the following with respect to Grantor, any guarantor of the Obligations, or the then owner of the Trust Property: (a) appointment of a receiver, liquidator, or trustee for any such party or any of its properties; (b) adjudication as a bankrupt or insolvent;
- (7) **filing of any petition by or against any such party under any state or federal bankruptcy, reorganization, moratorium, or insolvency law; (d) inability to pay debts when due; or (e) any general assignment for the benefit of creditors.**
- (8) **Transfer, Due-on-Sale.** Any sale, gift, conveyance, contract for conveyance, transfer, or assignment of the Trust Property, or any part thereof or any interest therein, either voluntarily, involuntarily, or by the operation of law (a "Transfer"), without Beneficiary's prior written consent. Any lease for a term in excess of three years, and any lease containing an option to purchase the Trust Property or any portion thereof, shall be a Transfer. The provisions of this subsection (7) shall apply to each and every Transfer, regardless of whether or not Beneficiary has consented or waived its rights in connection with any previous Transfer. Beneficiary may attach such conditions to its consent under this subsection (7) as Beneficiary may determine in its sole discretion, including without limitation an increase in the interest rate or the payment of transfer or assumption fees, and the payment of administrative and legal fees and costs incurred by Beneficiary.

5.02 **Remedies in Case of Default.** If an Event of Default shall occur, Beneficiary or Trustee, as the case may be, may exercise any one or more of the following rights and remedies, in addition to any other remedies that may be available by law, in equity, or otherwise:

- (1) **Acceleration.** Beneficiary may declare all or any portion of the Obligations immediately due and payable.
- (2) **Rents.** Beneficiary may revoke Grantor's right to collect the Rents, and may collect the Rents. Beneficiary shall not be deemed to be in possession of the Trust Property solely by reason of exercise of the rights contained in this subsection (2).
- (3) **Power of Sale.** Beneficiary may direct Trustee, and Trustee shall be empowered, to foreclose the Trust Property by advertisement and sale under applicable law.
- (4) **Foreclosure.** Beneficiary may judicially foreclose this Trust Deed and obtain a judgment foreclosing Grantor's interest in all or any part of the Trust Property.

- (5) **Fixtures and Personal Property.** With respect to any fixtures or other property subject to a security interest in favor of Beneficiary, Beneficiary may exercise any and all of the rights and remedies of a secured party under the Uniform Commercial Code.

5.03 Sale. In any sale under this Trust Deed or pursuant to any judgment, the Trust Property, to the extent permitted by law, may be sold as an entirety or in one or more parcels and in such order as Beneficiary may elect. The purchaser at any such sale shall take title to the Trust Property or the part thereof so sold, free and clear of the estate of Grantor, the purchaser being hereby discharged from all liability to see to the application of the purchase money. Any person, including Beneficiary, may purchase at any such sale. Beneficiary is hereby irrevocably appointed Grantor's attorney-in-fact, with power of substitution, to make all appropriate transfers and deliveries of the Trust Property or any portions thereof so sold. Nevertheless, Grantor shall ratify and confirm any such sale or sales by executing and delivering to Beneficiary or to such purchaser or purchasers all such instruments requested by Beneficiary for such purpose. Except for as follows: NONE.

5.04 Cumulative Remedies. All remedies under this Trust Deed are cumulative. Any election to pursue one remedy shall not preclude the exercise of any other remedy. No delay or omission in exercising any right or remedy shall impair the full exercise of that or any other right or remedy or constitute a waiver of any Event of Default.

5.05 Application of Proceeds. All proceeds from the exercise of the rights and remedies under this Article V shall be applied (1) to costs of exercising such rights and remedies; (2) to the Obligations. In such order as Beneficiary shall determine in its sole discretion and (3) the surplus, if any, shall be paid to the clerk of the court in the case of a judicial foreclosure proceeding, otherwise to the person or persons legally entitled thereto.

ARTICLE VI General Provisions

6.01 Time is of the Essence. Time is of the essence with respect to all covenants and obligations of Grantor under this Trust Deed.

6.02 Reconveyance by Trustee. At any time on the request of Beneficiary, payment of Trustee's fees, if any, and presentation of this Trust Deed, without affecting the liability of any person for payment of the Obligations, Trustee may reconvey, without warranty, all or any part of the Trust Property. The grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any facts shall be conclusive proof of the truthfulness thereof.

6.03 Notice. Except as otherwise provided in this Trust Deed, all notices shall be in writing and may be delivered by hand, or mailed by first-class certified mail, return receipt requested, postage prepaid, and addressed to the appropriate party at its address set forth at the outset of this Trust Deed. Any party may change its address for such notices from time to time by notice to the other parties. Notices given by mail in accordance with this paragraph shall be deemed to have been given upon the date of mailing; notices given by hand shall be deemed to have been given when actually received.

6.04 Substitute Trustee. In the event of dissolution or resignation of Trustee, Beneficiary may substitute one or more trustees to execute the trust hereby created, and the new trustee(s) shall succeed to all the powers and duties of the prior trustee(s).

6.06 Trust Deed Binding on Successors and Assigns. This Trust Deed shall be binding on and inure to the benefit of the heirs, legatees, personal representatives, successors, and assigns of Grantor, Trustee, and Beneficiary.

6.08 Indemnity. Grantor shall, to the fullest extent allowed by law, hold Beneficiary and Trustee and, if either is a corporation or other legal entity, their respective directors, officers, employees, agents, and attorneys harmless from and indemnify them for any and all claims, demands, damages, liabilities, and expenses, including but not limited to attorney fees and court costs, arising out of or in connection with Trustee's or Beneficiary's interests and rights under this Trust Deed.

6.07 Expenses and Attorney Fees. Grantor shall pay all fees and expenses, taxes, assessments, and charges arising out of or in connection with the execution, delivery, and recording of this Trust Deed if Beneficiary raises any of the Obligations to an attorney for collection or seeks legal advice following a default; if Beneficiary is the prevailing party in any litigation instituted in connection with any of the Obligations; or if Beneficiary or any other person initiates any judicial or nonjudicial action, suit, or proceeding in connection with any of the Obligations or the Trust Property (including but not limited to bankruptcy, eminent domain, or probate proceedings), and an attorney is employed by Beneficiary to appear in any such proceeding or seek relief from a judicial or statutory stay, or otherwise enforce Beneficiary's interests, then in any such event Grantor shall pay reasonable attorney fees, costs, and expenses incurred by Beneficiary in connection with the above mentioned events and any appeals. Such amounts shall be secured by this Trust Deed and, if not paid upon demand, shall bear interest at the rate specified in the Note.

6.08 Applicable Law. This Trust Deed shall be governed by the laws of the state of Oregon.

6.09 "Person" Defined. As used in this Trust Deed, the word "person" shall mean any natural person, partnership, trust, corporation, or other legal entity of any nature.

6.10 Severability. If any provision of this Trust Deed shall be held to be invalid, illegal, or unenforceable, the other provisions of this Trust Deed shall not be affected.

6.11 Entire Agreement. This Trust Deed contains the entire agreement of the parties with respect to the Trust Property. No prior agreement or promise made by any party to this Trust Deed that is not contained herein shall be binding or valid.

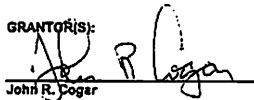
6.12 Joint and Several Liability. In the event this Trust Deed is executed by two or more persons as Grantor, all of such persons shall be liable, jointly and severally, for payment of all sums and performance of all other covenants in this Trust Deed.

6.13 Standard for Discretion. In the event this Trust Deed is silent on the standard for any consent, approval, determination, or similar discretionary action, the standard shall be sole and unfettered discretion as opposed to any standard of good faith, fairness, or reasonableness.

6.15 Additional Terms.

6.16 ORS 93.040 Warning. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

GRANTOR(S):


John R. Cogar

STATE OF OREGON) S.S.
County of Lake)

On this date, before me, the undersigned Notary Public for such State, personally appeared John R. Cogar, known to me to be the person(s) that executed the within instrument, and acknowledged to me that such Trust executed the same.

Witness my hand and seal on this 10th day of September, 2019



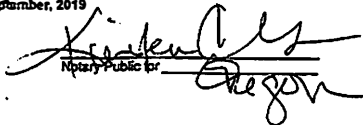

Notary Public for Oregon

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1 (RV Property):

Oregon Valley Land Company's First Addition to Lakeview, Lake County, Oregon:

Block 67, Lots 24-48
Block 68, Lots 25-42
Block 93, Lots 1-48
Block 94, Lots 1-23, 45 and 46
Block 99, Lots 1-15 and 32-46
Block 100, Lots 1-48

OVI 1 B-67 L-24-48
B-68 L-25-42
B-93 L-1-48
B-94 L-1-23, 45, 46
B-99 L-1-15 + 32-46
B-100 L-1-48

Parcel 2 (Adjacent lots):

Oregon Valley Land Company's First Addition to Lakeview, Lake County, Oregon:

Block 66, Lots 29-48
Block 95: Lots 1-20 and 32-48

OVI 1 B-66 L-29-48
B-95 L-1-20 + 32-48

Parcel 3 (Downtown property):

Beginning at a point on the North line of center Street, 109 feet and 9 inches West from the Southeast corner of Block "A" in the Town of Lakeview, Lake County, Oregon;

Thence running Westerly along the North line of Center Street, 106 feet 3 inches to the Southwest corner of said Block "A";

Thence running Northerly along the East line of Main Street, 135 feet;

Thence Easterly and parallel to the North line of Center Street, 107.5 feet;

Thence running Southerly and parallel with the East line of Main Street, 93 feet;

Thence running Easterly and parallel with the North line of Center Street, 1 foot;

Thence running Southerly and parallel with the East line of Main Street, 2 inches;

Thence running Westerly and parallel with the North line of Center Street, 2 feet and 3 inches;

Thence running Southerly with the West line of Water Street, 41 feet and 10 inches to the point of beginning.

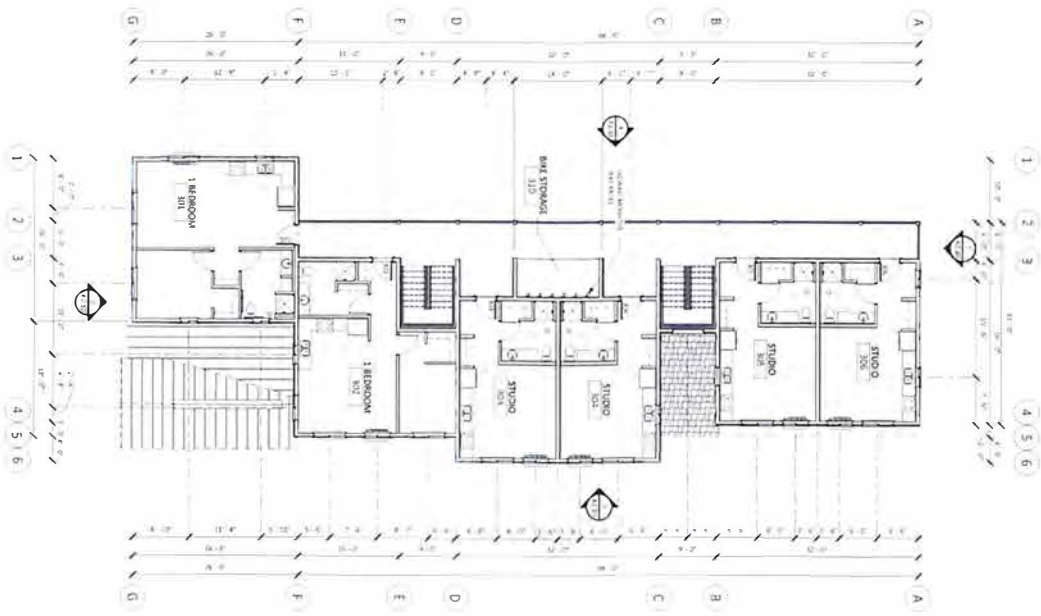
Parcel 4 (Drews Property):

ORT B-A A-18

Unsurveyed Parcel 1 of Partition Plat 1999-P-162 located in the W1/2 of Section 5, Township 40 South, Range 18 East of the Willamette Meridian, Lake County Oregon.

Excepting therefrom: Beginning at the Southwest corner of Government Lot 4 in Section 5 of Township 40 South, Range 18 East of the Willamette Meridian in Lake County, Oregon; thence North 89°54'15" East along the South line of said Lot 4 a distance of 549.16 feet to the centerline of a road; thence along the center of said road North 45°26'28" West a distance of 170.99 feet; thence North 24°07'43" West a distance of 151.49 feet; thence North 34°56'00" West a distance of 625.13 feet to the West line of said Lot 4; thence leaving said road and running South 0°33'08" West along the West line of said Lot 4 a distance of 771.66 feet to the point of beginning.

PP 1999-162 L-1



1.03R.03. FLOOR PLAN



NOT FOR CONSTRUCTION

pinnacle
architecture, llc

“MAKING LIVES AND COMMUNITIES
BETTER THROUGH ARCHITECTURE”

9621 BIRCHDALE WAY, SUITE 111
DENVER, CO 80231
303.733.7877
WWW.PINNACLE-ARCHITECTURE.COM



DESIGN HORIZONS
CLIENT: HOA-2005 LLC
PROJECT ADDRESS:
307 KENNETH STREET
LAKESIDE, CO 81050

REVISION	DATE	BY

APPROVED: [Signature]

DATE: 11/17/16

PROJECT: JAY BUILDINGS
OFFICE: DENVER, COLORADO

FLOOR PLAN - LEVEL 03

A1.11

6 | 5 | 4

3 | 2 | 1

1 | 2 | 3

4 | 5 | 6



1 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"

G

F

E

D

C

B

A



3 EAST ELEVATION
1/8" = 1'-0"

A

B

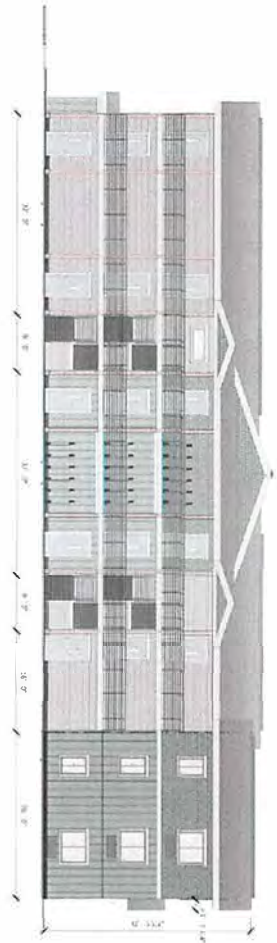
C

D

E

F

G



4 WEST ELEVATION
1/8" = 1'-0"

SCALE
 1" = 10'-0" (ELEVATIONS)
 1/8" = 1'-0" (SECTION)
 1/4" = 1'-0" (PLAN)
 1/2" = 1'-0" (SECTION)
 1" = 1'-0" (SECTION)

pinnacle
 architecture, inc.
 "ENHANCING LIVES AND COMMUNITIES"
 962 Wilshire Blvd, Suite 300
 Beverly Hills, CA 90210
 310.274.8888
 WWW.PINNACLEARCHITECTURE.COM



DESIGN: HARBORNS
 CLIENT: DESERT HORIZONS, LLC
 PROJECT ADDRESS: 400 HARBORNS COURT, VADEN, CA 91330

NO.	DATE	BY
1	12/20/2011	HP

NO.	DATE	BY
1	12/20/2011	HP

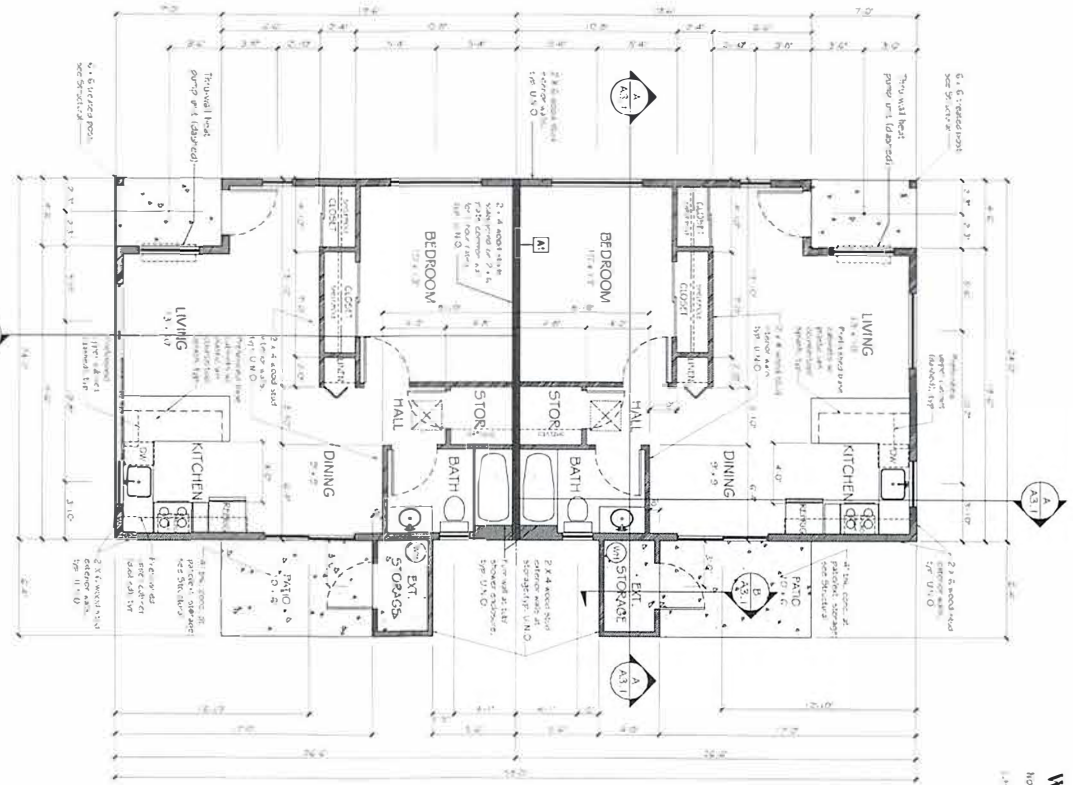
EXTENSION ELEVATIONS

NOT FOR CONSTRUCTION

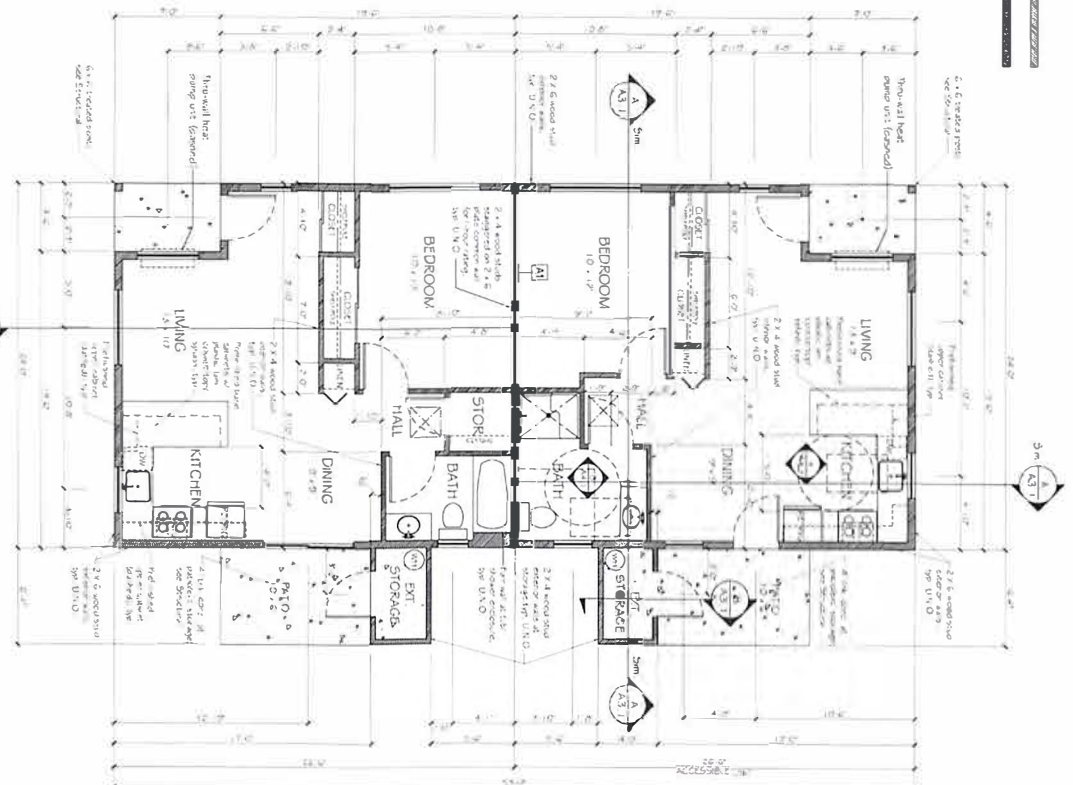
A2.10

WALL LEGEND

- 1/2" Type III Concrete
- 1/2" Type III Concrete



FLOOR PLAN-BUILDINGS 1, 2, 4 and 5
SCALE: 1/8" = 1'-0"



FLOOR PLAN-BUILDING 3 (w/Accessible Unit)
SCALE: 1/8" = 1'-0"



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Freedom Square Apartments
for BB Development

PROJECT LOCATION:
South "U" Street Lakewood, Oregon

PARCEL: 39S 20E 16AC-00100



OREGON ARCHITECTURE

132 W Main Street, Suite 101
Medford, Oregon 97501
PH 541 772-4372 | OREGONARCHITECTURE.BIZ

REGISTERED ARCHITECT
Dan Winkler
Medford, Oregon
4555

DATE	BY	DESCRIPTION

PROJECT NO: 2023-01

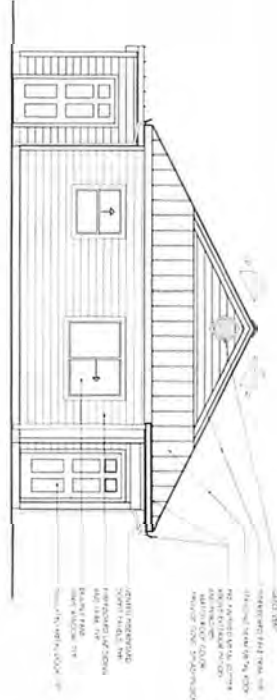
DATE: 01/23/23

DRAWN BY: [Name]

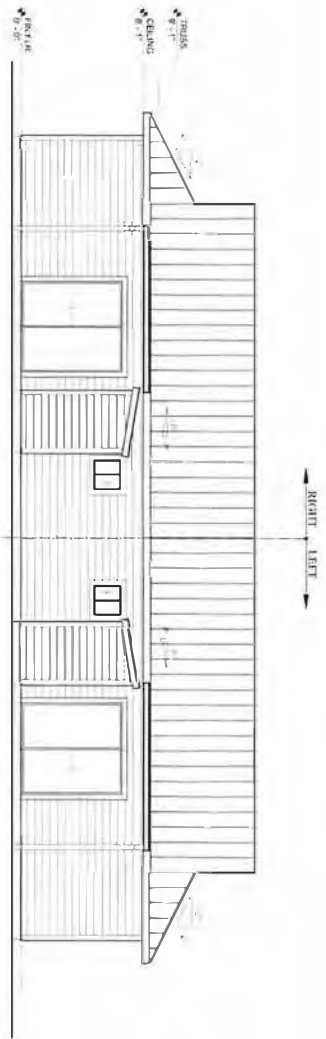
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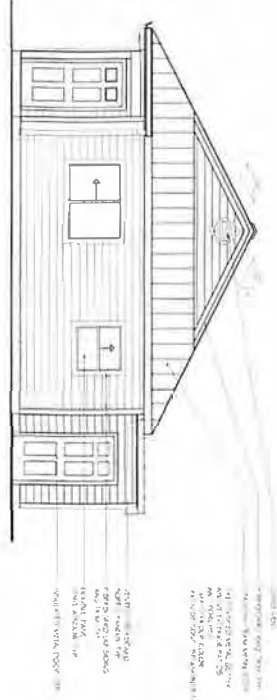
FLOOR PLANS



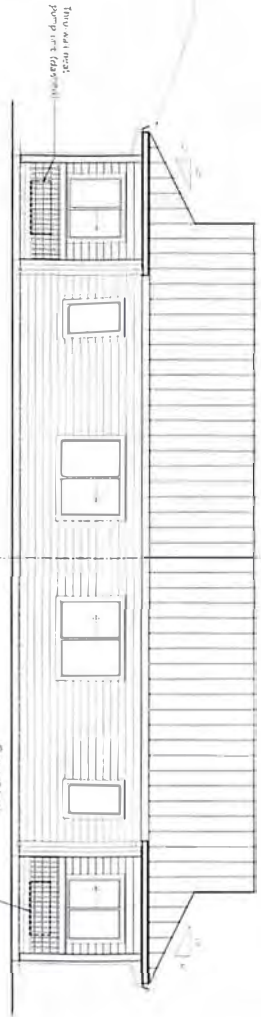
WEST ELEVATION of BUILDINGS - 1-5*
SCALE: 1/4" = 1'-0"



NORTH ELEVATION of BUILDINGS - 1-5*
SCALE: 1/4" = 1'-0"



EAST ELEVATION of BUILDINGS - 1-5*
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION of BUILDINGS - 1-5*
SCALE: 1/4" = 1'-0"

NOT TO SCALE
SEE ARCHITECTURAL NOTES FOR MATERIALS AND FINISHES
SEE MECHANICAL AND ELECTRICAL NOTES FOR DETAILS
SEE STRUCTURAL NOTES FOR FOUNDATION AND CONCRETE DETAILS
SEE CIVIL NOTES FOR SITEWORK AND UTILITY DETAILS

LEFT RIGHT

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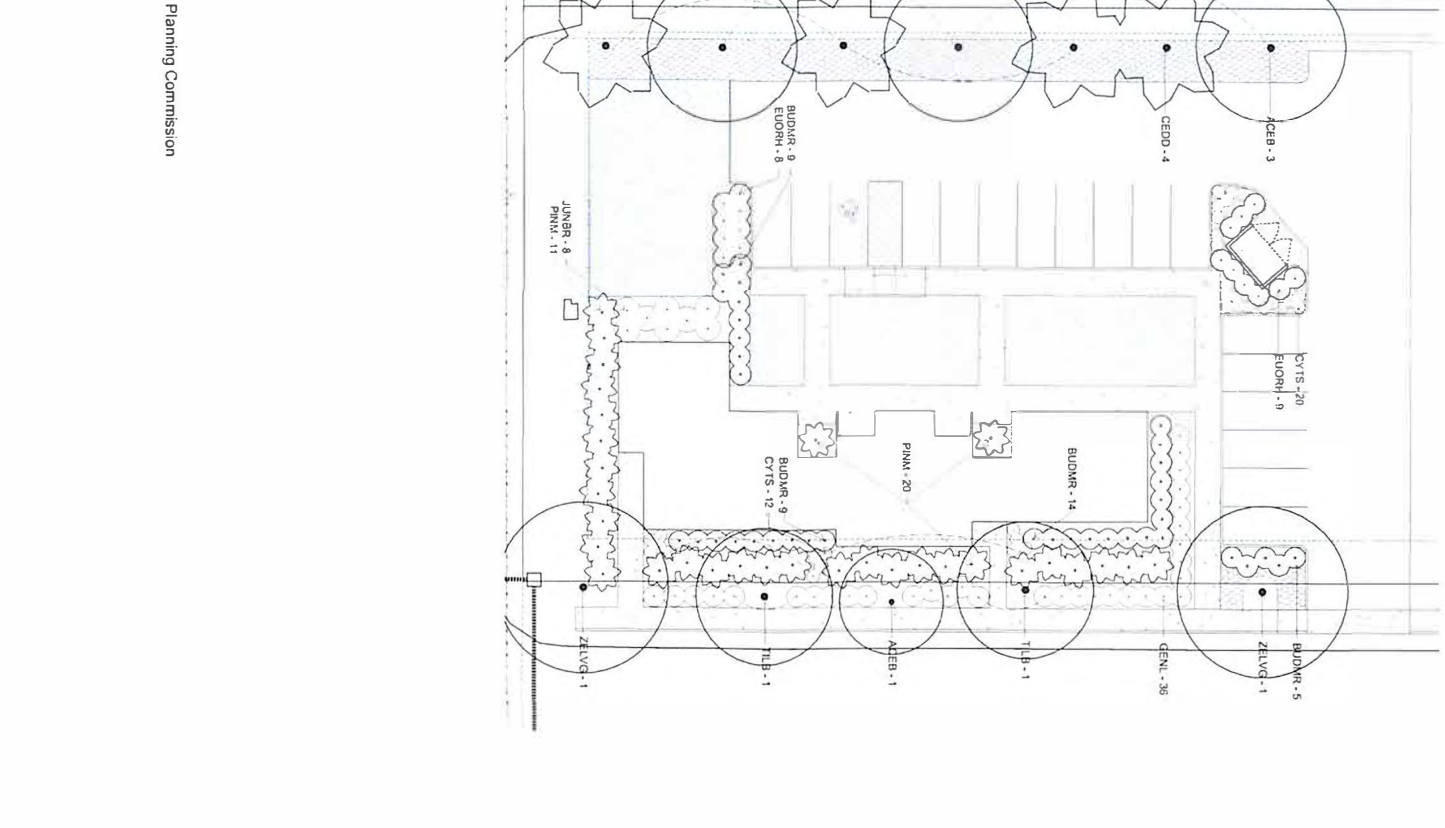
PROJECT NO.	2023-011
DATE	02-22-2023
PROJECT NAME	Freedom Square Apartments for BB Development
CLIENT	BB Development
ARCHITECT	OREGON ARCHITECTURE, INC.
ADDRESS	132 W. Main Street, Suite 101, Medford, Oregon 97501
PHONE	541-772-4372
WEBSITE	OREGONARCHITECTURE.BIZ

Freedom Square Apartments for BB Development
132 W. Main Street - Suite 101
Medford, Oregon 97501
PH 541 772-4372 | OREGONARCHITECTURE.BIZ

OREGON ARCHITECTURE
132 W. Main Street, Suite 101
Medford, Oregon 97501
PH 541 772-4372 | OREGONARCHITECTURE.BIZ

REGISTERED ARCHITECT - MEMBER OF AIA
Wendy K. Kasper
Medford, Oregon
132 W. Main Street, Suite 101
Medford, Oregon 97501
PH 541 772-4372

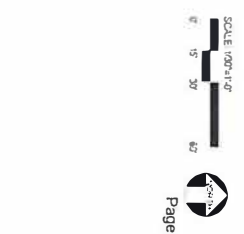
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EXTERIOR ELEVATIONS

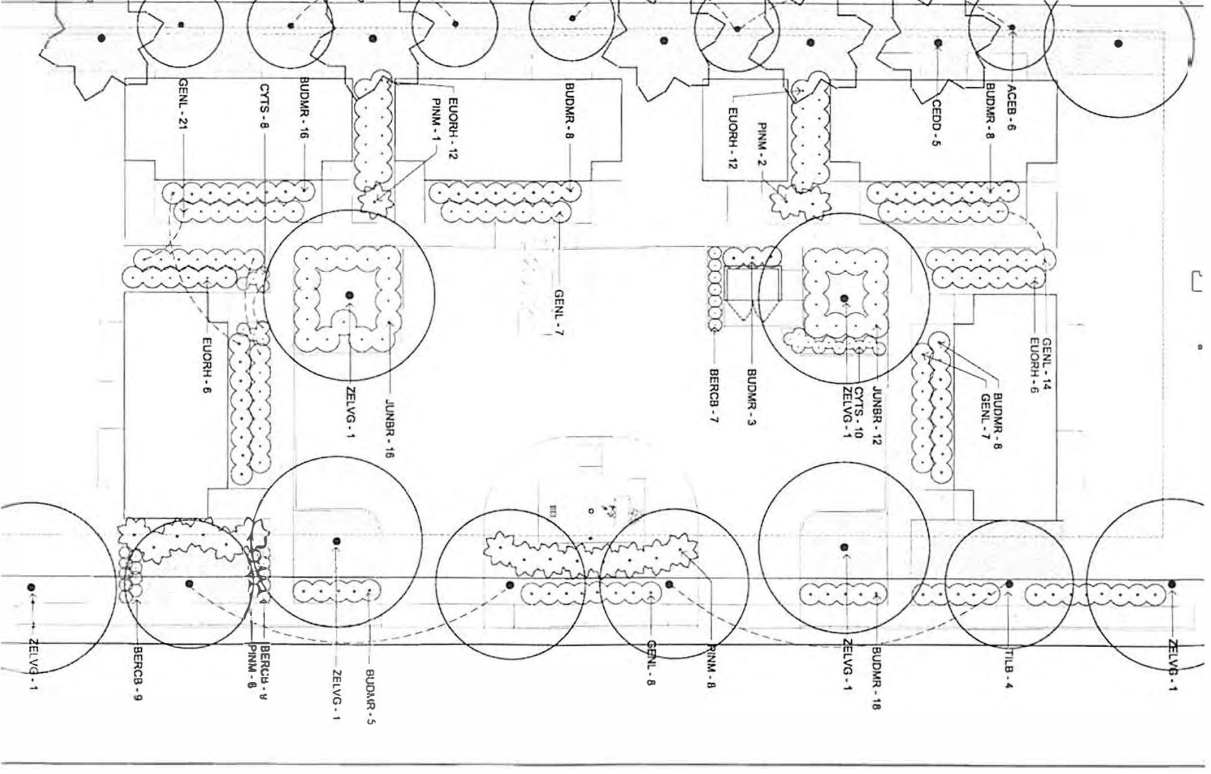


PRELIMINARY PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
ACER	Acer Platanus Bonaldi	Bonaldi Red Maple	7' CAL
CEDR	California Deciduous	Deciduous Cedar	6' x 6'
BUDNR	Budding Ninebark	Baldwin Ninebark	7' CAL
TIEB	Tilia cordata 'Henry's Variety'	Henry's Sevenleaf Linden	7' CAL
JUNBR	Jasione grandiflora	Large-flowered Bluebell	7' CAL
PINM	Pinus murrayana	Murray Pine	7' CAL
ZELVG	Zelkova serrata	Sawtooth Zelkova	7' CAL
FLORN	Floribunda	Flowering Pear	7' CAL
CYTS	Cydonia oblongata	Loquat	7' CAL
BUDNR	Budding Ninebark	Baldwin Ninebark	7' CAL
JUNBR	Jasione grandiflora	Large-flowered Bluebell	7' CAL
PINM	Pinus murrayana	Murray Pine	7' CAL
ZELVG	Zelkova serrata	Sawtooth Zelkova	7' CAL
ACEB	Acer platanoides	European Sycamore	7' CAL
TIEB	Tilia cordata	Common Linden	7' CAL
GENL	Genitalia	Genitalia	7' CAL
BUDNR	Budding Ninebark	Baldwin Ninebark	7' CAL
ZELVG	Zelkova serrata	Sawtooth Zelkova	7' CAL

05/08/23





Planning Commission

PRELIMINARY PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
GENL	GENL	General Plant	7' CAL
ACEB	Acacia saligna	Black Wattle	7' CAL
BUDMR	Buddleja terminalis	Butterfly Bush	6' B&B
CEED	Cedrus deodara	Deodar Cedar	7' CAL
EUORH	Euonymus alatus	Winged Euonymus	7' CAL
JUNBR	Juniperus horizontalis	Creeping Juniper	7' CAL
PINM	Pinus murrayana	Murray Pine	7' CAL
ZELV	Zelkova serrata	Common Zelkova	7' CAL
BUDMR-8	Buddleja terminalis	Butterfly Bush	7' CAL
EUORH-12	Euonymus alatus	Winged Euonymus	7' CAL
PINM-2	Pinus murrayana	Murray Pine	7' CAL
EUORH-12	Euonymus alatus	Winged Euonymus	7' CAL
BUDMR-3	Buddleja terminalis	Butterfly Bush	7' CAL
BERCA-7	Berberis aquifolium	California Holly	7' CAL
JUNBR-12	Juniperus horizontalis	Creeping Juniper	7' CAL
CYTS-10	Cytisus alpinus	Alpine Cytisus	7' CAL
ZELV-1	Zelkova serrata	Common Zelkova	7' CAL
BUDMR-18	Buddleja terminalis	Butterfly Bush	7' CAL
ZELV-1	Zelkova serrata	Common Zelkova	7' CAL
TULB-4	Tulipa	Tulip	7' CAL
ZELV-1	Zelkova serrata	Common Zelkova	7' CAL
BUDMR-5	Buddleja terminalis	Butterfly Bush	7' CAL
ZELV-1	Zelkova serrata	Common Zelkova	7' CAL
BERCA-9	Berberis aquifolium	California Holly	7' CAL
PINM-6	Pinus murrayana	Murray Pine	7' CAL
BERCA-9	Berberis aquifolium	California Holly	7' CAL
ZELV-1	Zelkova serrata	Common Zelkova	7' CAL

05/08/23



KenCaim
Landscape Architecture

REGISTERED
STATE OF OREGON
REG. # 493
Kerry KenCaim
LANDSCAPE ARCHITECT

DRAWN BY:
KK

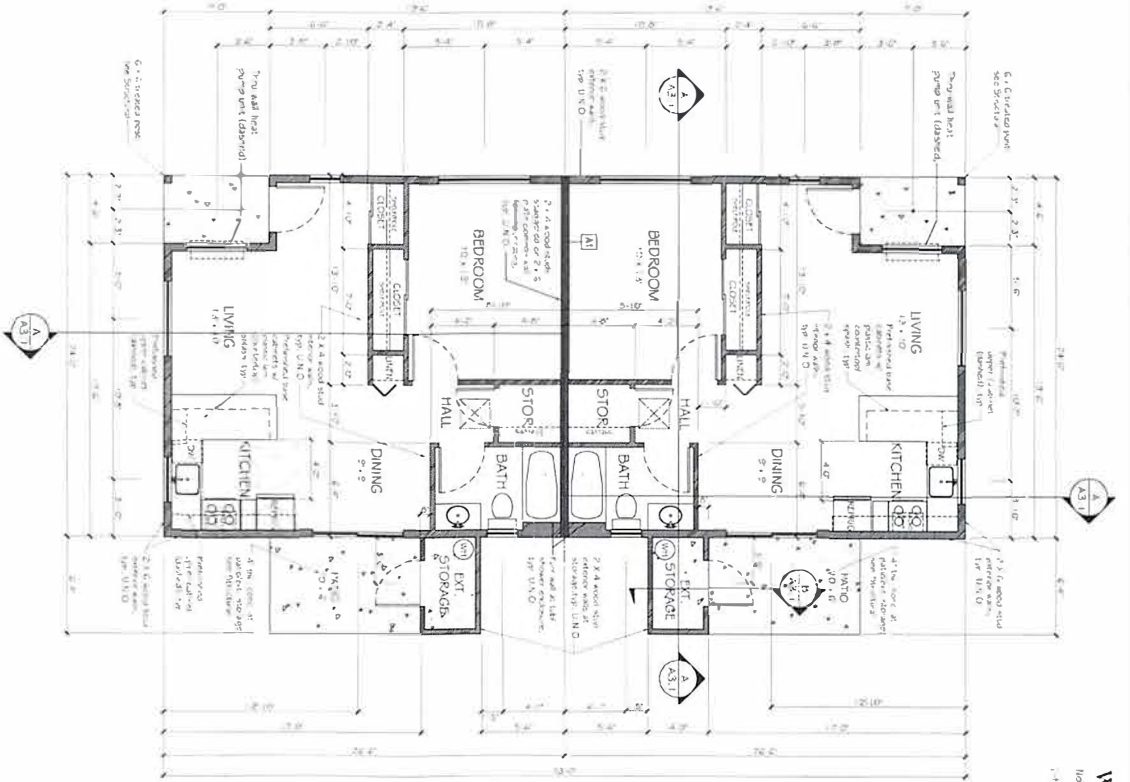
FREEDOM SQUARE APARTMENTS
SOUTH STREET
LAKEVIEW OREGON

LANDSCAPE PLANNING SUBMITTAL

ISSUE DATE:
02.10.23

Page 59 of 66

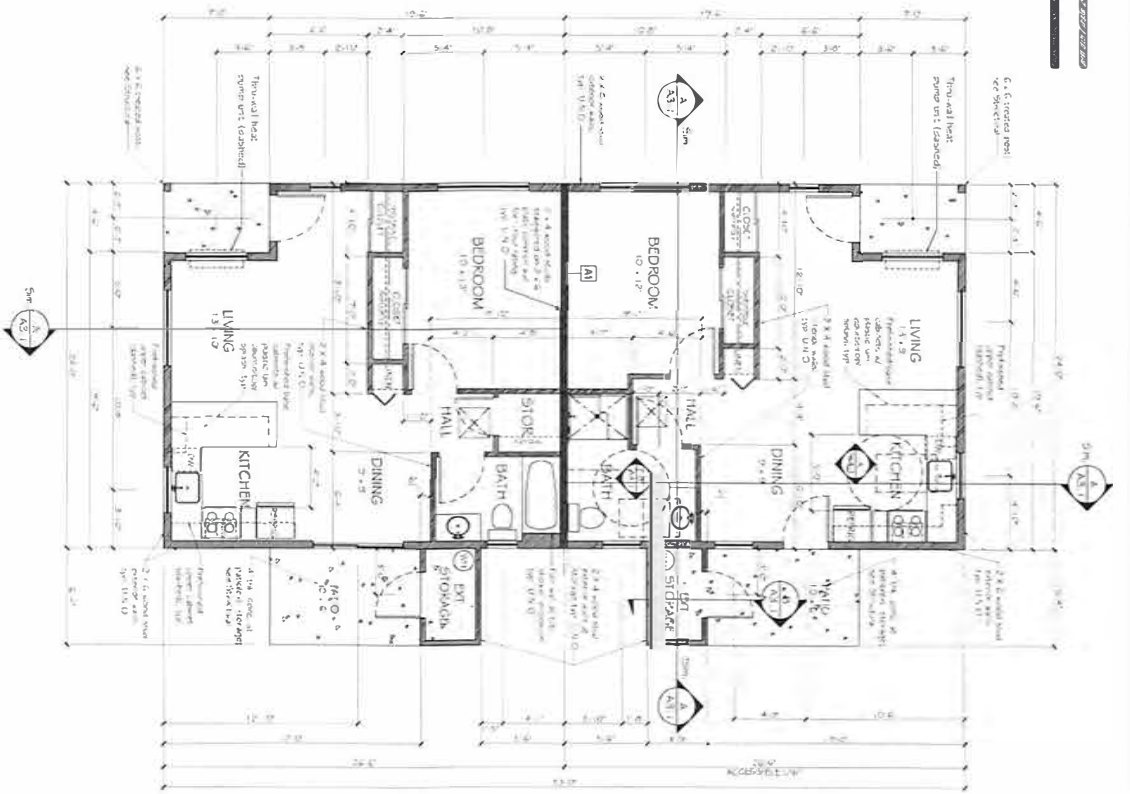
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FLOOR PLAN-BUILDINGS 1, 2, 4 and 5
SCALE: 1/4"=1'-0"



WALL LEGEND
100% Rated Construction
100% Rated Construction



FLOOR PLAN-BUILDING 3 (w/Accessible Unit)
SCALE: 1/4"=1'-0"



1" = 1'-0"

1" = 1'-0"

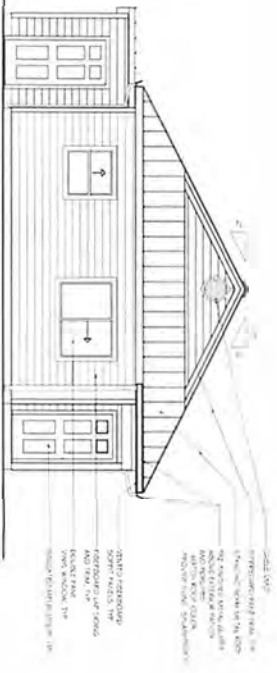
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PROJECT LOCATION	Freedom Square Apartments for BB Development
PROJECT ADDRESS	South "U" Street - Lakeview, Oregon
PERMIT NUMBER	30S 20E 16AC-00100
DATE	03/20/24
DRAWN BY	DLW/24
CHECKED BY	DLW/24
SCALE	1/4" = 1'-0"
SHEET	A1.1
OF	1 FLOOR PLANS

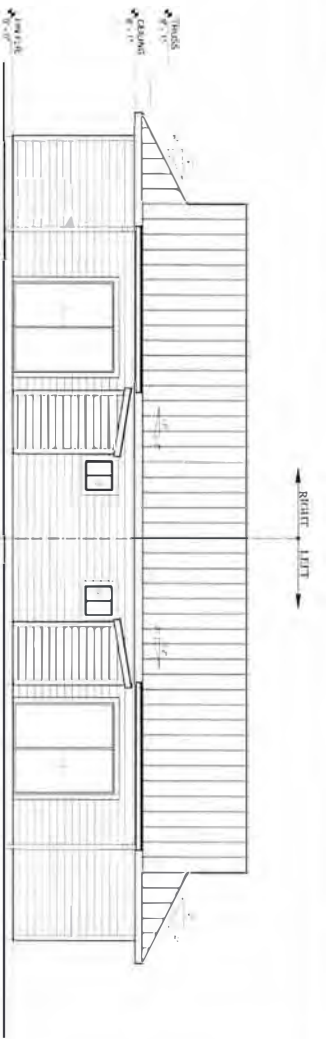


132 W. Main Street, Suite 101
Medford, Oregon 97501
PH. 541.772.4372 | OREGONARCHITECTURE.BIZ

REGISTERED ARCHITECT
Nancy M. Williams
Medford, Oregon
4586
NO. 10000 STATE ST.



WEST ELEVATION of BUILDINGS - 1-5*
SCALE: 1/8"=1'-0"



NORTH ELEVATION of BUILDINGS - 1-5*
SCALE: 1/8"=1'-0"



EAST ELEVATION of BUILDINGS - 1-5*
SCALE: 1/8"=1'-0"



SOUTH ELEVATION of BUILDINGS - 1-5*
SCALE: 1/8"=1'-0"

NOTES:
1. EXISTING CONDITIONS ARE SHOWN IN DASHED LINES.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. REFER TO SHEET BB-01 FOR GENERAL NOTES AND SPECIFICATIONS.
4. REFER TO SHEET BB-02 FOR MATERIAL SCHEDULES.
5. REFER TO SHEET BB-03 FOR FINISH SCHEDULES.
6. REFER TO SHEET BB-04 FOR MECHANICAL AND ELECTRICAL SCHEDULES.
7. REFER TO SHEET BB-05 FOR STRUCTURAL SCHEDULES.
8. REFER TO SHEET BB-06 FOR LANDSCAPE SCHEDULES.
9. REFER TO SHEET BB-07 FOR SIGNAGE SCHEDULES.
10. REFER TO SHEET BB-08 FOR LIGHTING SCHEDULES.
11. REFER TO SHEET BB-09 FOR FURNITURE SCHEDULES.
12. REFER TO SHEET BB-10 FOR PAINT SCHEDULES.
13. REFER TO SHEET BB-11 FOR TILE SCHEDULES.
14. REFER TO SHEET BB-12 FOR CARPET SCHEDULES.
15. REFER TO SHEET BB-13 FOR CEILING SCHEDULES.
16. REFER TO SHEET BB-14 FOR WALL SCHEDULES.
17. REFER TO SHEET BB-15 FOR FLOOR SCHEDULES.
18. REFER TO SHEET BB-16 FOR ROOF SCHEDULES.
19. REFER TO SHEET BB-17 FOR WINDOW SCHEDULES.
20. REFER TO SHEET BB-18 FOR DOOR SCHEDULES.
21. REFER TO SHEET BB-19 FOR RAILING SCHEDULES.
22. REFER TO SHEET BB-20 FOR STAIR SCHEDULES.
23. REFER TO SHEET BB-21 FOR ELEVATOR SCHEDULES.
24. REFER TO SHEET BB-22 FOR LIFT SCHEDULES.
25. REFER TO SHEET BB-23 FOR SIGNAGE SCHEDULES.
26. REFER TO SHEET BB-24 FOR LIGHTING SCHEDULES.
27. REFER TO SHEET BB-25 FOR FURNITURE SCHEDULES.
28. REFER TO SHEET BB-26 FOR PAINT SCHEDULES.
29. REFER TO SHEET BB-27 FOR TILE SCHEDULES.
30. REFER TO SHEET BB-28 FOR CARPET SCHEDULES.
31. REFER TO SHEET BB-29 FOR CEILING SCHEDULES.
32. REFER TO SHEET BB-30 FOR WALL SCHEDULES.
33. REFER TO SHEET BB-31 FOR FLOOR SCHEDULES.
34. REFER TO SHEET BB-32 FOR ROOF SCHEDULES.
35. REFER TO SHEET BB-33 FOR WINDOW SCHEDULES.
36. REFER TO SHEET BB-34 FOR DOOR SCHEDULES.
37. REFER TO SHEET BB-35 FOR RAILING SCHEDULES.
38. REFER TO SHEET BB-36 FOR STAIR SCHEDULES.
39. REFER TO SHEET BB-37 FOR ELEVATOR SCHEDULES.
40. REFER TO SHEET BB-38 FOR LIFT SCHEDULES.

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PROJECT:	BB-01
DATE PLOTTED:	08/22/2023
TIME PLOTTED:	10:00 AM
PLANNER:	
SCALE:	
DATE:	

Freedom Square Apartments
for BB Development

132 W. Main Street, Suite 101
Medford, Oregon 97501
PH 541 772-4372 | OREGONARCHITECTURE.BIZ

OREGON ARCHITECTURE

132 W. Main Street, Suite 101
Medford, Oregon 97501
PH 541 772-4372 | OREGONARCHITECTURE.BIZ

ARCHITECT - REGISTERED
ARCHITECT - REGISTERED
ARCHITECT - REGISTERED



DRAWN BY:
KX

DESERT HORIZONS APARTMENTS
SOUTH STREET
LAKEVIEW OREGON

JOB NO: 2023
REVISION DATE

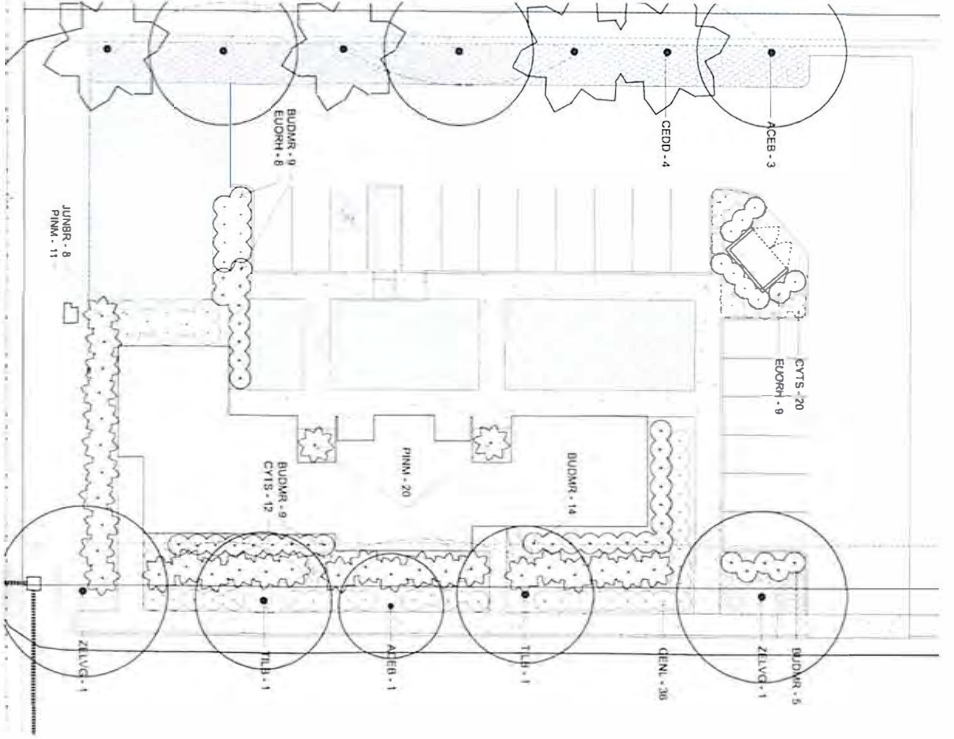
LANDSCAPE PLANNING SUBMITTAL

ISSUE DATE:
02/10/23



PRELIMINARY PLANT LEGEND

SYMBOL	COMMON NAME	SIZE
STREET	10' concrete curb	
ACEB	Acce Radium Barkat	7' GAL
CEEB	Central Red Maple	8' GAL
CEED-4	Cedra Decidua	8' GAL
CEED-8	Central Red Maple	8' GAL
CEED-12	Central Red Maple	12' GAL
CEED-18	Central Red Maple	18' GAL
CEED-20	Central Red Maple	20' GAL
CEED-24	Central Red Maple	24' GAL
CEED-30	Central Red Maple	30' GAL
CEED-36	Central Red Maple	36' GAL
CEED-42	Central Red Maple	42' GAL
CEED-48	Central Red Maple	48' GAL
CEED-54	Central Red Maple	54' GAL
CEED-60	Central Red Maple	60' GAL
CEED-66	Central Red Maple	66' GAL
CEED-72	Central Red Maple	72' GAL
CEED-78	Central Red Maple	78' GAL
CEED-84	Central Red Maple	84' GAL
CEED-90	Central Red Maple	90' GAL
CEED-96	Central Red Maple	96' GAL
CEED-102	Central Red Maple	102' GAL
CEED-108	Central Red Maple	108' GAL
CEED-114	Central Red Maple	114' GAL
CEED-120	Central Red Maple	120' GAL
CEED-126	Central Red Maple	126' GAL
CEED-132	Central Red Maple	132' GAL
CEED-138	Central Red Maple	138' GAL
CEED-144	Central Red Maple	144' GAL
CEED-150	Central Red Maple	150' GAL
CEED-156	Central Red Maple	156' GAL
CEED-162	Central Red Maple	162' GAL
CEED-168	Central Red Maple	168' GAL
CEED-174	Central Red Maple	174' GAL
CEED-180	Central Red Maple	180' GAL
CEED-186	Central Red Maple	186' GAL
CEED-192	Central Red Maple	192' GAL
CEED-198	Central Red Maple	198' GAL
CEED-204	Central Red Maple	204' GAL
CEED-210	Central Red Maple	210' GAL
CEED-216	Central Red Maple	216' GAL
CEED-222	Central Red Maple	222' GAL
CEED-228	Central Red Maple	228' GAL
CEED-234	Central Red Maple	234' GAL
CEED-240	Central Red Maple	240' GAL
CEED-246	Central Red Maple	246' GAL
CEED-252	Central Red Maple	252' GAL
CEED-258	Central Red Maple	258' GAL
CEED-264	Central Red Maple	264' GAL
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CEED-294	Central Red Maple	294' GAL
CEED-300	Central Red Maple	300' GAL
CEED-306	Central Red Maple	306' GAL
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CEED-444	Central Red Maple	444' GAL
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CEED-534	Central Red Maple	534' GAL
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CEED-558	Central Red Maple	558' GAL
CEED-564	Central Red Maple	564' GAL
CEED-570	Central Red Maple	570' GAL
CEED-576	Central Red Maple	576' GAL
CEED-582	Central Red Maple	582' GAL
CEED-588	Central Red Maple	588' GAL
CEED-594	Central Red Maple	594' GAL
CEED-600	Central Red Maple	600' GAL





DRAWN BY:
KK

FREEDOM SQUARE APARTMENTS
SOUTH STREET
LAKEVIEW OREGON

JENNIFER ZIEGLER
REVISION DATE

LANDSCAPE PLANNING SUBMITTAL

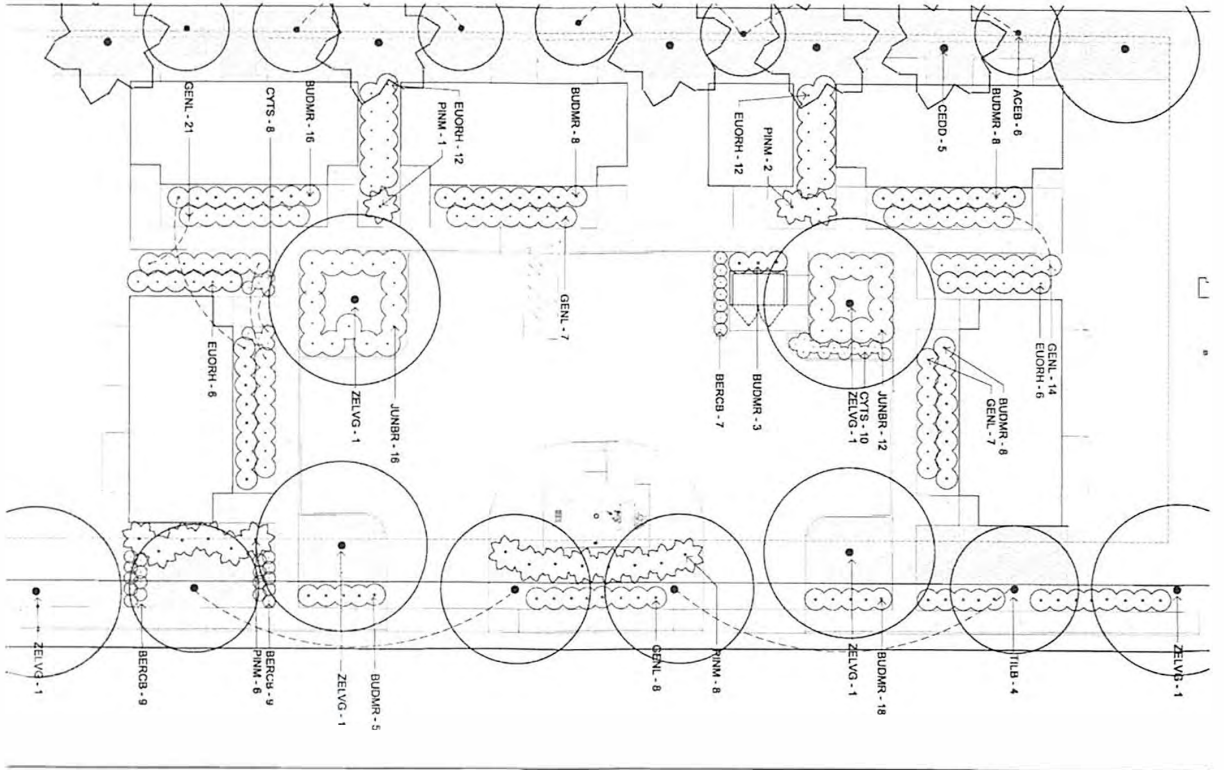
ISSUE DATE:
02.10.23

Page 73 of 85

SCALE: 1/8"=1'-0"



L 1.0



PRELIMINARY PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
(Dotted circle)	ACEB - Acer Rubrum 'Spectabilis'	Broad Red Maple	7" GAL
(Circle with horizontal lines)	CEED - Cornus Florida	Spice Shrub	7" GAL
(Circle with vertical lines)	EUORH - Euonymus alatus 'Waldspurgeri'	Waldspurger Shrub	7" GAL
(Circle with diagonal lines)	JUNBR - Juniperus Horizontalis	Waldspurger Cypress	7" GAL
(Circle with concentric rings)	ZELVG - Zelkova serrata	Waldspurger Elm	7" GAL
(Circle with horizontal wavy lines)	BUDMR - Buddleja davidii	Butterfly Bush	1 GAL
(Circle with vertical wavy lines)	CEYL - Ceanothus lucidus	Blue Star Bush	1 GAL
(Circle with diagonal wavy lines)	CYTS - Corytho alba 'Randy Hand'	Blue Bell Flower	1 GAL
(Circle with horizontal dashed lines)	EUORH - Euonymus alatus	Waldspurger Shrub	1 GAL
(Circle with vertical dashed lines)	CEYL - Ceanothus lucidus	Blue Star Bush	1 GAL
(Circle with diagonal dashed lines)	CYTS - Corytho alba	Blue Bell Flower	1 GAL
(Circle with concentric dashed lines)	JUNBR - Juniperus Horizontalis	Waldspurger Cypress	1 GAL
(Circle with concentric solid lines)	ZELVG - Zelkova serrata	Waldspurger Elm	1 GAL
(Circle with horizontal solid lines)	BUDMR - Buddleja davidii	Butterfly Bush	1 GAL
(Circle with vertical solid lines)	CEYL - Ceanothus lucidus	Blue Star Bush	1 GAL
(Circle with diagonal solid lines)	CYTS - Corytho alba	Blue Bell Flower	1 GAL
(Circle with concentric solid lines)	JUNBR - Juniperus Horizontalis	Waldspurger Cypress	1 GAL
(Circle with concentric solid lines)	ZELVG - Zelkova serrata	Waldspurger Elm	1 GAL

**Town of Lakeview
Staff Notice Materials**



Town of Lakeview

525 N. 1st Street · Lakeview, OR
541-947-2029 General Business

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: THE TOWN OF LAKEVIEW DEVELOPMENT CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT SHALL BE PROMPTLY FORWARDED TO THE PURCHASER.

April 17, 2023

Dear Adjacent Property Owner,

Applications for land division and site design review have been filed for property comprising a portion of the land identified as 39S-20E-16AC, Tax Lot 100, which is located on the north side of South 3rd Street, and West of U Street. The subject property is located within the Residential Multi-Family – Subdistrict (R-MF). The proposed land division is to replat Lots 1-24 of Block 93 in the Oregon Valley Land Company's First Addition to Lakeview as two lots of approximately 0.93 acres each, and the site design review application is for the construction of two multi-family dwelling projects on the two replatted lots. The proposed multi-family dwelling projects consist of a three-story apartment building with 17 units on one lot, and five duplex units (ten units total) on the second lot. The decision will be based on the criteria in Sections 4.2.600 (Site Design Review Approval Criteria) and 4.3.140 (Approval Criteria; Preliminary Plat) of the Town's Development Code.

The application, applicable criteria, and all documents and evidence submitted by the Applicant are available for review at Town Hall at the above address. Copies of the criteria or application materials are available upon request for copying and mailing costs. A staff report will be available at least seven days prior to the hearing and copies of the staff report will be available upon request for copying and mailing costs at that time.

As an adjacent property owner, you may testify orally and/or provide written testimony at the Planning Commission hearing scheduled for May 8, 2023, at 5:30 PM at Town Hall. Hardcopy written testimony, whether transmitted by mail or hand delivered, must be received by 2:00 PM on the day of the hearing in order to be included in the record. Electronic written testimony must be provided via email to adminassistant@townoflakeview.org by 2:00 PM on the day of the hearing. After 2:00 PM on the day of the hearing, any written testimony must be delivered in hardcopy form at the public hearing.

An agenda will be available at the Planning Commission meeting and instructions for the conduct of the hearing will be provided by the Planning Commission Chair.

Failure to raise an issue or to provide sufficient specificity may preclude your ability to appeal the decision based on that issue.

Requests for additional information can be directed to Dawn Lepori at Town Hall.

Dawn Lepori

Dawn Lepori
Planning Assistant

LAKEVIEW TOWN PLANNING COMMISSION

HEARING NOTICE

Application No. 788

I. Land Use Action

Type of Land Use Action: Land Division (Replat) and Site Design Review

Nature of Use Which Could be Authorized: Two multi-family residential developments on two separate lots consisting of a 17 unit apartment building and 5 duplex buildings containing a total of 10 units

II. Applicable Criteria: Town of Lakeview Development Code Section 4.2.600 and 4.3.140

III. Applicant and Subject Property Information

Applicant: BB Development, LLC

Agent: Darryl Anderson

Address: North side of South 3rd Street, and West of U Street 39S2016-AC 100

Property Location: Township 39 South, Range 20 East, Section 16, Lots 1-24, Block 93 OVL 1st Edition.

Assessor Map Number: 39S2016-AC 100.

IV. Public Hearing

Date: May 8, 2023

Time: 5:30 p.m.

Place: Town Hall, 525 North First Street, Lakeview, Oregon

V. Other Information

Statutory Notice: ORS 197.763(3)(6) states that failure to raise an issue either in person or by letter or failure to provide sufficient specificity to allow the decision maker an

opportunity to respond to the issue precludes appeal to a higher judicial authority on the issue.

Documents and Staff Report: A copy of the file containing the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for review at no charge at Town Hall. A copy of the staff report to be used at the hearing will be available for review at no charge at Town Hall seven (7) days prior to the public hearing.

Copies of the above documents can be obtained at Town Hall at reasonable cost.

Submission of Evidence and Testimony: Persons may submit documents or evidence to the record of the hearing on this matter until the record is declared closed by the decision making body. All written evidence or documents should either be presented personally at the hearing or submitted prior to the time of said hearing. All verbal testimony shall be stated directly to the decision-making body prior to the point at which the public hearing is declared closed. If the decision making body declares the record is to remain open for a time period following the public hearing then written evidence and documents shall be submitted in accordance with the instructions provided at the public hearing. All written evidence or documents submitted should be legible, page numbered and identified with the application number indicated on this notice.

Further Information and Contact: For further information regarding this notice please contact the following person:

Dawn Lepori, Planning Assistant
Town of Lakeview
525 North 1 st Street
Lakeview, OR 97630
Telephone: 541-947-4957
Fax: 541-947-2952

DATE OF PUBLICATION: April 19, 2023

CONNECT any records with errors.
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Lakeview, OR 97630

Pacific Power + Light Co
700 NE Multnomah St
Portland, OR 97232



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525 N 1st Street
Lakeview, OR 97630

Forest Bradley
811 South 1st Street
Lakeview, OR 97630



Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

AD Kreusch
610 Bernard Kreusch Jr
2887 W Gold Dust Lane
Highlands Ranch, CO 80129



Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Teresa Black
28015 Hogback Road
Push, OR 97637

Planning Commission

**Applicant Correspondence
Use Confirmation e-mail**

May 2, 2023

From: [Matt Bogatay](#)
To: [Jay Harland](#)
Cc: [Darryl Anderson](#); [Dawn Roberts](#); [Seth Adams](#); [Michele Parry](#); diana@klamathhousing.org; [Briana Manfrass](#); [Victoria Tranca](#)
Subject: RE: apartment building project
Date: Tuesday, May 2, 2023 7:34:08 AM

Jay,

I appreciate your thoughts, however this project is considered a multifamily housing project and does not require any licensing for the type of residents planned to reside here.

Thank you,



Matt Bogatay

President, Bogatay Construction, Inc.

[541-BOGATAY](tel:541-BOGATAY) | [541-331-0009](tel:541-331-0009) | mbogatay@bci.us

www.bci.us

4223 Venture Court, Klamath Falls, OR, 97601

From: Jay Harland <jay@csaplanning.com>

Sent: Tuesday, May 2, 2023 6:57 AM

To: Matt Bogatay <mbogatay@bci.us>

Cc: Darryl Anderson <darryla@andersonengineering.com>; Dawn Roberts <adminassistant@townoflakeview.org>; Seth Adams <Seth@csaplanning.com>; Michele Parry <townmanager@townoflakeview.org>

Subject: apartment building project

CAUTION: This email originated outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bogatay,

I was thinking about this project before going to bed. The findings that Darryl provided is for a multi-family apartment building. This is an allowed use in the zone. The staff report treats this application as a multi-family dwelling.

However, in looking at the plans – there is a room labeled as a “therapy room”. Also, the most recent plans with the additional privacy screens there are notes about the design requirements being done this way because the residents may be a danger to themselves.

This raises a big question. My question is whether this building will actually be used as a residential facility that requires licensing by the Oregon Department of Human Services pursuant to ORS 443.400? If so, the notice is defective because the actual proposed use is not the use described on the application. Residential Facilities are a distinct use under the zoning code. The zoning code allows residential facilities up to 15 individuals in the multi-family zone. If the use requested is a residential care facility, the application needs to be amended and the hearing re-noticed. Also, two

of the units would need to be designated as staff units (so they do not count against the 15-unit maximum).

Please confirm that no licensing from DHS pursuant to ORS 443.400 will be required for this project. Please also confirm this is not an issue for the duplex project (that appears to be a pretty standard independent living project but I just want to make sure).

Jay Harland



President
CSA Planning Ltd.
4497 Brownridge, Suite 101
Medford, Oregon 97504
(541) 779-0569

Written Public Comment
Received as of Close of Business

May 1, 2023

I am writing this with concerns for a proposed building on a property near Roberta Road and South 3rd Street owned by John Cogar. This property is currently an RV park.

It is my understanding that a multi-level, multi family structure is planned for this site. It is also my understanding that it is intended to be used as a type of homeless housing.

I am opposed to this type of structure there for many reasons, which I will list below.

Firstly as of this time there are no homeless housing programs in Lakeview. This helps keep the homeless population from coming to or rather being brought to the area. If a homeless housing project is built in Lakeview not only would it encourage homeless to come to Lakeview, where they can victimize its citizens, but also other communities would take the opportunity to rid themselves of their "problem homeless".

Second is the location. The little league fields are directly across South 3rd Street from this property. For many months there are many children frequenting these fields. I know that many homeless people are addicted to various drugs. Along with this comes intravenous drug use. I know that often times drug users seek out a secluded location, a ball field dug out for example, to consume their drugs and often leave used uncapped, and sometimes with drugs in them, syringes and needles behind. I believe this is a great danger to the children of the Lakeview area for contracting diseases or even overdosing due to this fact.

Next would be the proximity to the schools. From this location the shortest way into downtown Lakeview would be South 3rd Street. I know that many mentally disturbed people are homeless. Many mentally disturbed people are prone to violent outbursts. Also some of these are sexual predators. This would have them walking by the high school at all hours of the day and night. Many of these time children would be outside of the school unattended. I feel that this is an unfair arrangement to all the parties involved.

Next would be the added costs of public services. EMS calls would dramatically rise due to several factors. Law enforcement calls would also rise significantly due to the nature of the buildings occupants.

There would be a strain on the mental health program that Lake County has in place. Also it would be a strain to a volunteer fire department with more calls for service generated from this structure. Who is to pay for all these extra services? The cost would likely exceed hundreds of thousands of dollars.

And lastly I would like to mention property crimes. Homeless people need money just like everyone else. To this point there is not many ways for an unemployed homeless individual to access money so often they turn to theft as an answer.

I am not saying that all homeless are drug addicts, sex offenders or thieves by any means but I do know there is a likelihood of this occurring. I feel these facts and the cost and burden to the community for the gain of one individual should be sharply considered in moving forward with this project.

Thank you for your time,

Homeowner

Vincent Maganzini

202 South T Street

DMG RECEIVED 1:00pm
5-23-23 MAY 23 2023

May 22, 2023

TOWN OF LAKEVIEW

Town of Lakeview Planning Committee and whomever this may concern,

We, the concerned citizens of Lakeview/Lake County, are appealing the decision for the Multi-Family Residence that was proposed by BB Development and approved by the Town Planning Committee on Monday May 8, 2023.

We are expressing our strong opposition to allowing this project in direct proximity to the baseball fields. It came as quite a shock to the community to learn that the property identified as 39S-20E-16A, Tax Lot 100 was the proposed site for this housing project. A primary concern is the recent re-zoning of the property to multi-family use when everything else in the immediate area is single family housing, and single story. Another issue to be considered is the flood plain in this area. Even if this property is "built up/filled in", how does this impact all of the surrounding homes that are not.

Other **MAJOR** concerns and emanate burdens are:

- No public transportation
- already overbooked physicians/healthcare providers
- lack of dental services
- lack of vision services
- lack of audiology services
- lack of law enforcement
- all volunteer fire department not trained in 3 story fire suppression
- mental health staffing
- overbooked electricians and plumbers
- limited beds at jail
- impact on schools
- nearest major VA services are in Medford
- our one grocery store with limited supply
- one pharmacy
- huge property tax increase to the already overtaxed citizens of Lakeview
- AND HERE'S THE BIG ONE: poor quality of water in the Town of Lakeview; until all water issues have been resolved, a multi-unit housing project should **NOT** be approved. Our small town is not adequately structured to implement such a housing project.

What are the impacts on environmental, social, traffic, and property value? If any information is available, our community has a right to review the results of such studies. Shouldn't all of these concerns be vetted out before finally approving the proposed site? This proposed project seems in direct conflict to ensure public safety and a rich quality of life for Lakeview and its residents. As an entity who is entrusted with preserving our quality of life, it seems ironic that the proposal has made it this far in Lakeview.

In conclusion, Lakeview/Lake County cannot support this, or any housing project now or in the future with our already limited resources and economic drain on the citizens of this community. We, the citizens, demand that you overturn this decision.

Please see attached:

Respectfully,



Town of Lakeview

525 N. 1st Street · Lakeview, OR

541-947-2029 General Business

To whom it may concern,

May 23, 2023 at 1:00 PM Rene' Strubel brought in a letter of Appeal and paid the \$300.00 for the appeal process for Application No. 780. I Dawn M Lepori emailed Town Planner Jay Harlan, and Town Manager Michele Parry at 3:30 PM on May 23, 2023. Please let me know if you have any further questions.

Thank you
Dawn M Lepori
541-947-4957
Adminassistant@townoflakeview.org

20

MG 643
G7

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FOR ALL DEBTS, PUBLIC OR PRIVATE.
Jan. Edwards
B: Treasurer of the U.S.

20

RECEIPT

No. 1787

DATE May 23, 2023

FROM Community Appealing \$300

FREEDOM HOUSE / 133 DEVELOPMENT

Three hundred and 00/100 DOLLARS

FOR RENT
 FOR APPEAL

ACCT.		<input checked="" type="radio"/> CASH
PAID	<u>300.00</u>	<input type="radio"/> CHECK
DUE		<input type="radio"/> MONEY ORDER
		<input type="radio"/> CREDIT CARD

FROM _____ TO _____
BY R. Good

A-1152
T-4161

Fwd: Alternative housing

Fire Training <firetraining024@gmail.com>

Mon 5/22/2023 5:32 PM

To: firemedic_cutie@hotmail.com <firemedic_cutie@hotmail.com>

----- Forwarded message -----

From: **Fire** <fire@townoflakeview.org>

Date: Mon, May 8, 2023, 20:13

Subject: Fwd: Alternative housing

To: Fire Training <firetraining024@gmail.com>

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From: Fire

Sent: Tuesday, April 4, 2023 10:16:01 PM

To: Michele Parry <townmanager@townoflakeview.org>; Dawn Roberts <adminassistant@townoflakeview.org>

Subject: Alternative housing

I've spent some time looking at the plan for housing development that you shared with me today, I have some thoughts I'd like you to consider as we move forward. I have also shared the plan with Jeremy Wadkins, the fire marshal assigned to Klamath and lake counties. I'm sure he will have detailed input on the specific requirements for the building itself.

My comments are more geared toward the community aspects of such a development. I base the following on the question "does this affect the safety and security of our community today and into the future"?

First, is this solving a problem within our community? Do we have a problem that this will help alleviate or are we importing someone else's problem? If we are solving an issue already present within the community then the investment will add value by helping alleviate an already existing problem that has its own social and financial costs. If we are importing problems from another place then we need to look deeper at what the total costs of those problems are and ensure that they are all accounted for in the planning, building, maintenance and long-term operation of such a facility. Questions such as will this increase the load on the services offered by our community disproportionately to tax revenue? Is there going to be an increase in the need for emergency services, utilities, medical services? Does this plan account for those potential costs above what standard development brings? Does the location support the type of people being housed without disruption or safety concerns to existing residents? How are these new residents going to access the community? By car, on foot, public transportation? Is it provided and does that area support the type of traffic that will come with it? Our schools lay between commercial areas of our town and the proposed development, is there any risk to our children?

I believe it is essential for this kind of development to know very detailed information on who will be housed there how they will be cared for and what the real costs to the community might be. You can argue that typical low-income housing is similar in nature, but I would disagree since those type of developments typically addresses a need that already resides within the community.

The potential benefits to the community come with increased tax revenue and increased economic activity both during construction and after. It has the potential to help support local business and organizations making our community stronger. However, it has to have the true financial support from start to finish to make it a net benefit and not a drain on an already economically disadvantaged community.

As Fire Chief I do not take a stance for or against development, I believe my job is to ensure the safety of our citizens to the best of my ability. My opinion is limited to how those developments may affect the safety and security of this community.

Thank you,
Chief Morris

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EXECUTIVE ORDER NO. 23-02

DECLARING STATE OF EMERGENCY DUE TO HOMELESSNESS

Over the past six years, the number of people experiencing homelessness in Oregon has increased by 63%. The 2022 Point in Time count, an estimate of the number of people experiencing homelessness that is conducted every other year as required by the US Department of Housing and Urban Development, found at least 18,000 individuals experiencing homelessness across the state. From 2017 to 2022, there was a particularly dramatic increase in those who were experiencing unsheltered homelessness. For purposes of this order, “unsheltered homelessness” describes a person who resides in a place not meant for human habitation, including but not limited to cars, parks, sidewalks, abandoned buildings, and streets. Currently, across the state, about 62% of those who are experiencing homelessness are unsheltered. Oregon has the fourth-highest rate of unsheltered homelessness in the country and the highest rate of unsheltered homelessness for families with children.

The federal government created the Continuum of Care program to promote a community-wide commitment to end homelessness. The program provides funding to state and local governments and nonprofits to rehouse and provide services to people experiencing homelessness. The federal government has recognized eight continuums of care across the State of Oregon, covering the entire geography of the state. These continuum of care regions directly receive federal resources to address homelessness. Continuums of care play a key role in coordinating funding and services across their service areas to advance the goal of ending homelessness in each region. Oregon’s eight continuum of care regions are: Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; Clackamas County; and the Balance of State. Three continuum of care regions are located within the Portland Metro region: Portland, Gresham/Multnomah County; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, the “Metro region”). For the purposes of evaluating changes in unsheltered homelessness over time, the data for the Metro region has been combined for reporting in this Executive Order.

Four continuum of care regions and the Metro region have experienced an increase in unsheltered homelessness of 50% or more from 2017 to 2022:

- Metro region Continuums of Care¹ (50.4%);
- Central Oregon (86%);

¹ Portland, Gresham/Multnomah, Hillsboro, Beaverton/Washington County, and Clackamas County.



EXECUTIVE ORDER NO. 23-02
PAGE TWO

- Eugene, Springfield/Lane County (110%);
- Medford, Ashland/Jackson County (132%); and
- Salem/Marion, Polk Counties (150%).

Homelessness in Oregon has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss.

In terms of widespread injury to property, local jurisdictions and businesses have spent and continue to spend significant resources to address the impact of people experiencing unsheltered homelessness. Examples include, but are not limited to, picking up and disposing of debris, garbage, waste, and biohazards to restore land to its intended public use.

Above all, unsheltered homelessness leads to widespread human suffering. According to the United Nations Human Rights Office of the High Commissioner: “Homelessness is a profound assault on dignity, social inclusion and the right to life. It is a prima facie violation of the right to housing and violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.”² Undoubtedly, people experiencing unsheltered homelessness are suffering most acutely, but Oregonians with housing also suffer significant moral injury as a result of the crisis of homelessness in our state. As defined by Syracuse University, moral injury means “the damage done to one’s conscience or moral compass when that person perpetrates, witnesses, or fails to prevent acts that transgress one’s own moral beliefs, values, or ethical codes of conduct.”³

Oregonians are gravely concerned about homelessness across our state. According to a survey conducted by the Oregon-based, nonpartisan Oregon Values and Beliefs Center in September 2022, respondents identified homelessness as a top priority. Homelessness was also the top issue in local and statewide elections

² United Nations Office of the High Commissioner, *Homelessness and Human Rights Special Rapporteur on the Right to Adequate Housing*, December 26, 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/353/90/PDF/G1935390.pdf?OpenElement> (accessed January 7, 2023).

³ *What is Moral Injury*, <https://moralinjuryproject.syr.edu/about-moral-injury/> (accessed January 7, 2023).



EXECUTIVE ORDER NO. 23-02
PAGE THREE

in 2022, reflecting the widespread concern Oregonians have about homelessness in the State.

ORS 401.165 *et seq.* empowers the Governor to declare a state of emergency upon determining that an emergency has occurred or is imminent. Pursuant to that authority, I find that unsheltered homelessness in the continuum of care regions for Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, “emergency areas”), has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss and thus constitutes an emergency under ORS 401.025(1).

To reduce homelessness and its impacts, this declaration of emergency is necessary to rapidly expand the state’s low-barrier shelter capacity, to rehouse people experiencing unsheltered homelessness, and to prevent homelessness to the greatest extent possible. This Executive Order directs the state’s emergency management response capacity and an initial infusion of targeted funding and other resources that will meaningfully reduce the level of unsheltered homelessness in Oregon, while establishing a framework to support the continued reduction of homelessness in the long term, even after the state of emergency has ended.



NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

There is a state of emergency in the emergency areas due to unsheltered homelessness. I declare this emergency for these areas because they have experienced an increase in unsheltered homelessness of 50% or greater since 2017.

1. Oregon Department of Emergency Management (OEM). OEM shall activate the State’s Emergency Operations Plan and coordinate access to and use of personnel and equipment of all state agencies necessary to assess, alleviate, respond to, mitigate, or recover from this emergency.

a. OEM coordination efforts shall include, but not be limited to:

i. Activating the Comprehensive Emergency Management Plan in the emergency areas.



EXECUTIVE ORDER NO. 23-02
PAGE FOUR

- ii. Establishing a multiagency coordination (MAC) team in the tri-county Metro region to be led by the Governor or her designee.
 - iii. Coordinating with local jurisdictions in emergency areas to determine unmet needs.
 - iv. Providing technical assistance support to establish MAC teams in the emergency areas.
 - v. Providing additional support and capacity to local jurisdictions to address emergency management gaps to the greatest extent possible.
 - vi. Coordinating an inventory of vacant and surplus lands owned by state agencies and agency recommendations regarding suitability of inventoried land for use in responding to the emergency.
 - b. In conformance with the Comprehensive Emergency Management Plan and ORS chapter 401, state agencies are directed to provide any assistance and supports requested by OEM as needed to assist in the response to this emergency.
 - c. Any local government requests for state resources to respond to or recover from this emergency must be submitted through county or city governing bodies to OEM, in compliance with ORS 401.165(2).
2. Oregon Housing and Community Services (OHCS). OHCS, in coordination with any executive state agencies necessary, shall repurpose up to \$40 million in funds appropriated to OHCS for the 2021-2023 biennium to respond to the emergency, as further directed by me or my delegate.
3. Executive State Agencies.
 - a. As necessary to respond to the emergency, all executive state agencies are authorized, upon further direction from me and my office, to take any actions authorized under the provisions set forth in ORS 401.168 through ORS 401.192.



EXECUTIVE ORDER NO. 23-02
PAGE FIVE

- b. For purposes of an emergency exemption from competitive procurement requirements, an emergency exists as that term is defined in ORS 279A.010(1)(f), Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
 - c. For purposes of an emergency exemption from legal sufficiency review requirement under ORS 291.047(5)(b) and OAR 137-045-0070, an emergency exists. Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
4. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforcement at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
5. Delegation. Where this Executive Order delegates the Governor's authority to an agency, that delegation does not deprive the Governor of that authority.
6. Legal Effect. This Executive Order is issued under the authority conferred on the Governor by ORS 401.035, ORS 401.165 to 401.236, and ORS 401.525. Pursuant to ORS 401.192, this Executive Order and the actions taken pursuant to it have the full force and effect of law, and any existing laws, ordinances, rules, and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.
7. Severability. If any portion of this Executive Order is held by a court of competent jurisdiction to be invalid, all remaining portions of this Executive Order shall remain in effect.



EXECUTIVE ORDER NO. 23-02

PAGE SIX


8. Duration. This Executive Order is effective immediately and shall remain in effect until January 10, 2024, unless extended or terminated earlier by the Governor. The Governor shall reassess the necessity of this Executive Order every two months and shall retain, modify, or supplement it as circumstances warrant.

Done at Salem, Oregon, this 10th day of January, 2023.




Tina Kotek
GOVERNOR

ATTEST:


Shemia Fagan
SECRETARY OF STATE

401.165. (1) The Governor may declare a state of emergency by proclamation at the request of a county governing body or after determining that an emergency has occurred or is imminent.

(2) All requests by a county governing body that the Governor declare an emergency shall be sent to the Office of Emergency Management. Cities must submit requests through the governing body of the county in which the majority of the city's property is located. Requests from counties shall be in writing and include the following:

(a) A certification signed by the county governing body that all local resources have been expended; and

(b) A preliminary assessment of property damage or loss, injuries and deaths.

(3)(a) If, in the judgment of the Adjutant General, the Governor cannot be reached by available communications facilities in time to respond appropriately to an emergency, the Adjutant General shall notify the Secretary of State or, if the Secretary of State is not available, the State Treasurer that the Governor is not available.

(b) After notice from the Adjutant General that the Governor is not available, the elected state official so notified may declare a state of emergency pursuant to the provisions of subsections (1) and (2) of this section.

(c) If the Adjutant General is unavailable to carry out the duties described in this subsection, such duties shall be performed by the Director of the Office of Emergency Management.

(4) Any state of emergency declared by the Secretary of State or State Treasurer pursuant to this section has the same force and effect as if issued by the Governor, except that it must be affirmed by the Governor as soon as the Governor is reached. However, if the Governor does not set aside the proclamation within 24 hours of being reached, the proclamation shall be considered affirmed by the Governor.

(5) Any proclamation of a state of emergency must specify the geographical area covered by the proclamation. Such area shall be no larger than necessary to effectively respond to the emergency.

(6) The governing body of each county shall establish a procedure for receiving, processing and transmitting to the Office of Emergency Management, in a timely manner, a request submitted by a city that the Governor declare an emergency.

401.168 Governor's powers during state of emergency; suspension of agency rules. (1)

During a state of emergency, the Governor has complete authority over all executive agencies of state government and the right to exercise, within the area designated in the proclamation, all police powers vested in the state by the Oregon Constitution in order to effectuate the purposes of this chapter.

(2) During a state of emergency, the Governor has authority to suspend provisions of any order or rule of any state agency, if the Governor determines and declares that strict compliance with the provisions of the order or rule would in any way prevent, hinder or delay mitigation of the effects of the emergency.

(3) During a state of emergency, the Governor has authority to direct any agencies in the state government to utilize and employ state personnel, equipment and facilities for the performance of any activities designed to prevent or alleviate actual or threatened damage due to the emergency, and may direct the agencies to provide supplemental services and equipment to local governments to restore any services in order to provide for the health and safety of the citizens of the affected area. [Formerly 401.065]

401.170 [Amended by 1963 c.179 §1; 1971 c.766 §1; repealed by 1983 c.586 §49]

401.175 Additional powers during emergency. During the existence of an emergency, the Governor may:

(1) Assume complete control of all emergency operations in the area specified in a proclamation of a state of emergency issued under ORS 401.165, direct all rescue and salvage work and do all things deemed advisable and necessary to alleviate the immediate conditions.

(2) Assume control of all police and law enforcement activities in such area, including the activities of all local police and peace officers.

(3) Close all roads and highways in such area to traffic or by order of the Governor limit the travel on such roads to such extent as the Governor deems necessary and expedient.

(4) Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work.

(5) Require the aid and assistance of any state or other public or quasi-public agencies in the performance of duties and work attendant upon the emergency conditions in such area. [Formerly 401.115; 2020 s.s.2 c.2 §§1,2; 2021 c.3 §§1,2]

Note: The amendments to 401.175 by section 2, chapter 3, Oregon Laws 2021, become operative on the date on which the declaration of a state of emergency related to COVID-19 issued by the Governor on March 8, 2020, and any extension of the declaration of emergency, is no longer in effect. See section 3, chapter 3, Oregon Laws 2021. The text that is operative until the date on which the declaration of a state of emergency related to COVID-19 issued by the

Governor on March 8, 2020, and any extension of the declaration of emergency, is no longer in effect, including amendments by sections 1 and 2, chapter 2, Oregon Laws 2020 (second special session), and section 1, chapter 3, Oregon Laws 2021, is set forth for the user's convenience.

401.175. During the existence of an emergency, the Governor may:

(1) Assume complete control of all emergency operations in the area specified in a proclamation of a state of emergency issued under ORS 401.165, direct all rescue and salvage work and do all things deemed advisable and necessary to alleviate the immediate conditions.

(2) Assume control of all police and law enforcement activities in such area, including the activities of all local police and peace officers.

(3) Close all roads and highways in such area to traffic or by order of the Governor limit the travel on such roads to such extent as the Governor deems necessary and expedient.

(4) Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work.

(5) Require the aid and assistance of any state or other public or quasi-public agencies in the performance of duties and work attendant upon the emergency conditions in such area.

(6) Authorize the Director of the Department of Revenue to disclose and give access to information described in ORS 314.835 to the Director of the Employment Department if the Director of the Department of Revenue determines that the administration of any federal or state law or program requires the disclosure of the information to enable the Employment Department to verify the identity or income level of any person for purposes related to the emergency or any consequences of the emergency. The information that may be disclosed under this subsection shall be limited to information that is necessary to verify a person's identity or income level. The Director of the Employment Department shall maintain the confidentiality of the information during and after the state of emergency.

Note: Section 4, chapter 3, Oregon Laws 2021, provides:

Sec. 4. Notwithstanding the operative date set forth in section 3 of this 2021 Act, authority granted under ORS 401.175 (6) to the Director of the Department of Revenue before the operative date set forth in section 3 of this 2021 Act to disclose and give access to information shall continue until the earliest of:

(1) The date that is 90 days following the latest date of expiration of any temporary federal program that is related to COVID-19 and administered by the Employment Department to provide unemployment benefits based on self-employment or similar earnings for which information may be disclosed to the Director of the Employment Department under ORS 401.175 (6);

(2) December 31, 2022; or

(3) The date on which the Governor revokes the grant of authority. [2021 c.3 §4]

401.178 Removal of disaster debris or wreckage; unconditional authorization of community; liability for injury or damage. (1) Whenever the Governor has declared a disaster emergency to exist under the laws of this state, or the President of the United States, at the request of the Governor, has declared a major disaster or emergency to exist in this state, the Governor is authorized:

(a) Through the use of state departments or agencies, or the use of any of the state's instrumentalities, to clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety, or public or private property.

(b) To accept funds from the federal government and utilize such funds to make grants to any political subdivision for the purpose of removing debris or wreckage from publicly or privately owned land or water.

(2) Authority under subsection (1) of this section shall not be exercised unless the affected political subdivision, corporation, organization, or individual shall first present an unconditional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the state government against any claim arising from such removal.

(3) Whenever the Governor provides for clearance of debris or wreckage pursuant to subsections (1) and (2) of this section, employees of the designated state agencies or individuals appointed by the Governor are authorized to enter upon private lands or waters and perform any tasks necessary to the removal or clearance operation.

(4) Except in cases of willful misconduct, gross negligence or bad faith, any state employee or individual appointed by the Governor authorized to perform duties necessary to the removal of debris or wreckage shall not be liable for death of or injury to persons or damage to property. [Formerly 401.145]

401.180 [Repealed by 1983 c.586 §49]

401.185 Providing temporary housing during emergency. Whenever the Governor has declared a state of emergency or the President of the United States has declared an emergency or a major disaster to exist in this state, the Governor, with the concurrence of the Joint Committee on Ways and Means or the Emergency Board, if the Legislative Assembly is not in session, is authorized:

(1) To enter into purchase, lease or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make the units available to local governments of the state.

(2) To assist any local government of this state which requires temporary housing for disaster victims following the declaration of a state of emergency to acquire and prepare a site to receive and utilize temporary housing units by:

(a) Advancing or lending funds available to the Governor from any appropriation made by the Legislative Assembly or from any other source; and

(b) Passing through funds made available by any public or private agency. [Formerly 401.074]

401.186 Waiver of waiting period for unemployment benefits. If the Governor by proclamation has declared a state of emergency under ORS 401.165, the Governor may waive the one-week waiting period required by ORS 657.155 for persons making a claim for unemployment benefits who reside within the geographical area subject to the proclamation and specified by the Governor. [2008 c.23 §2]

Note: Section 4, chapter 23, Oregon Laws 2008, provides:

Sec. 4. Sections 1 and 2 [401.186] of this 2008 Act and the amendments to ORS 657.155 by section 3 of this 2008 Act become operative when federal law permits without penalty a waiver under section 2 of this 2008 Act of the one-week waiting period required by ORS 657.155. [2008 c.23 §4]

401.188 Management of resources during emergency; rules. Whenever the Governor has declared a state of emergency, the Governor may issue, amend and enforce rules and orders to:

(1) Control, restrict and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods and services;

(2) Prescribe and direct activities in connection with use, conservation, salvage and prevention of waste of materials, services and facilities, including, but not limited to, production, transportation, power and communication facilities training, and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, rehabilitation, education, welfare, child care, recreation, consumer protection and other essential civil needs; and

(3) Take any other action that may be necessary for the management of resources following an emergency. [Formerly 401.085]

401.190 [Amended by 1963 c.528 §5; repealed by 1983 c.586 §49]

401.192 Effect of rules and orders during emergency; scope; effect; termination. (1) All rules and orders issued under authority conferred by ORS 401.165 to 401.236 shall have the full force and effect of law both during and after the declaration of a state of emergency. All existing laws, ordinances, rules and orders inconsistent with ORS 401.165 to 401.236 shall be inoperative during the period of time and to the extent such inconsistencies exist.

(2) The authority exercised under ORS 401.165 to 401.236 may be exercised with respect to the entire territory over which the Governor has jurisdiction, or to any specified part thereof.

(3) When real or personal property is taken under power granted by ORS 401.188, the owner of the property shall be entitled to reasonable compensation from the state.

(4) The powers granted to the Governor by ORS 401.165 to 401.236 shall continue until termination of the state of emergency. The powers granted to the Governor by ORS 401.185 may continue beyond the termination of the state of emergency and shall be terminated by proclamation of the Governor or by joint resolution of the Legislative Assembly. [Formerly 401.095]

From: [Matt Bogatay](#)
To: [Jay Harland](#)
Cc: [Darryl Anderson](#); [Dawn Roberts](#); [Seth Adams](#); [Michele Parry](#); diana@klamathhousing.org; [Briana Manfrass](#); [Victoria Tranco](#)
Subject: RE: apartment building project
Date: Tuesday, May 2, 2023 7:34:08 AM

Jay,

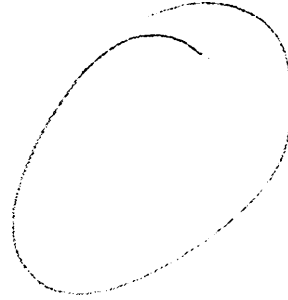
I appreciate your thoughts, however this project is considered a multifamily housing project and does not require any licensing for the type of residents planned to reside here.

Thank you,

photo



Matt Bogatay
President, Bogatay Construction, Inc.
541-BOGATAY | 541-331-0009 | mbogatay@bci.us
www.bci.us
4223 Venture Court, Klamath Falls, OR. 97601



From: Jay Harland <jay@csapanning.com>
Sent: Tuesday, May 2, 2023 6:57 AM
To: Matt Bogatay <mbogatay@bci.us>
Cc: Darryl Anderson <darryla@andersonengineering.com>; Dawn Roberts <adminassistant@townoflakeview.org>; Seth Adams <Seth@csapanning.com>; Michele Parry <townmanager@townoflakeview.org>
Subject: apartment building project

CAUTION: This email originated outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bogatay,

I was thinking about this project before going to bed. The findings that Darryl provided is for a multi-family apartment building. This is an allowed use in the zone. The staff report treats this application as a multi-family dwelling.

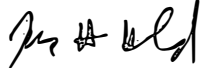
However, in looking at the plans – there is a room labeled as a “therapy room”. Also, the most recent plans with the additional privacy screens there are notes about the design requirements being done this way because the residents may be a danger to themselves.

This raises a big question. My question is whether this building will actually be used as a residential facility that requires licensing by the Oregon Department of Human Services pursuant to ORS 443.400? If so, the notice is defective because the actual proposed use is not the use described on the application. Residential Facilities are a distinct use under the zoning code. The zoning code allows residential facilities up to 15 individuals in the multi-family zone. If the use requested is a residential care facility, the application needs to be amended and the hearing re-noticed. Also, two

of the units would need to be designated as staff units (so they do not count against the 15-unit maximum).

Please confirm that no licensing from DHS pursuant to ORS 443.400 will be required for this project. Please also confirm this is not an issue for the duplex project (that appears to be a pretty standard independent living project but I just want to make sure).

Jay Harland



President
CSA Planning Ltd.
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(541) 779-0569

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Brickstone Village



BRICKSTONE VILLAGE

1717 Fargo
 729 California
 763 California
 1105 Alameda
 1445 Avalon

117 Trinity
 4071 Adelaide
 2527 Crest
 3829 Boardman
 Klamath Falls, OR

About Brickstone Village

The Public Housing Assistance program provides decent and safe rental housing for eligible low-income families. Units are 2 and 3 bedroom duplexes with some scattered site 4 bedroom houses. Public Housing tenants are required to pay 30 percent of their income for rent. Rent includes water, sewer and garbage.

To be income eligible a family's income must not exceed 50 percent of the area median income limit.

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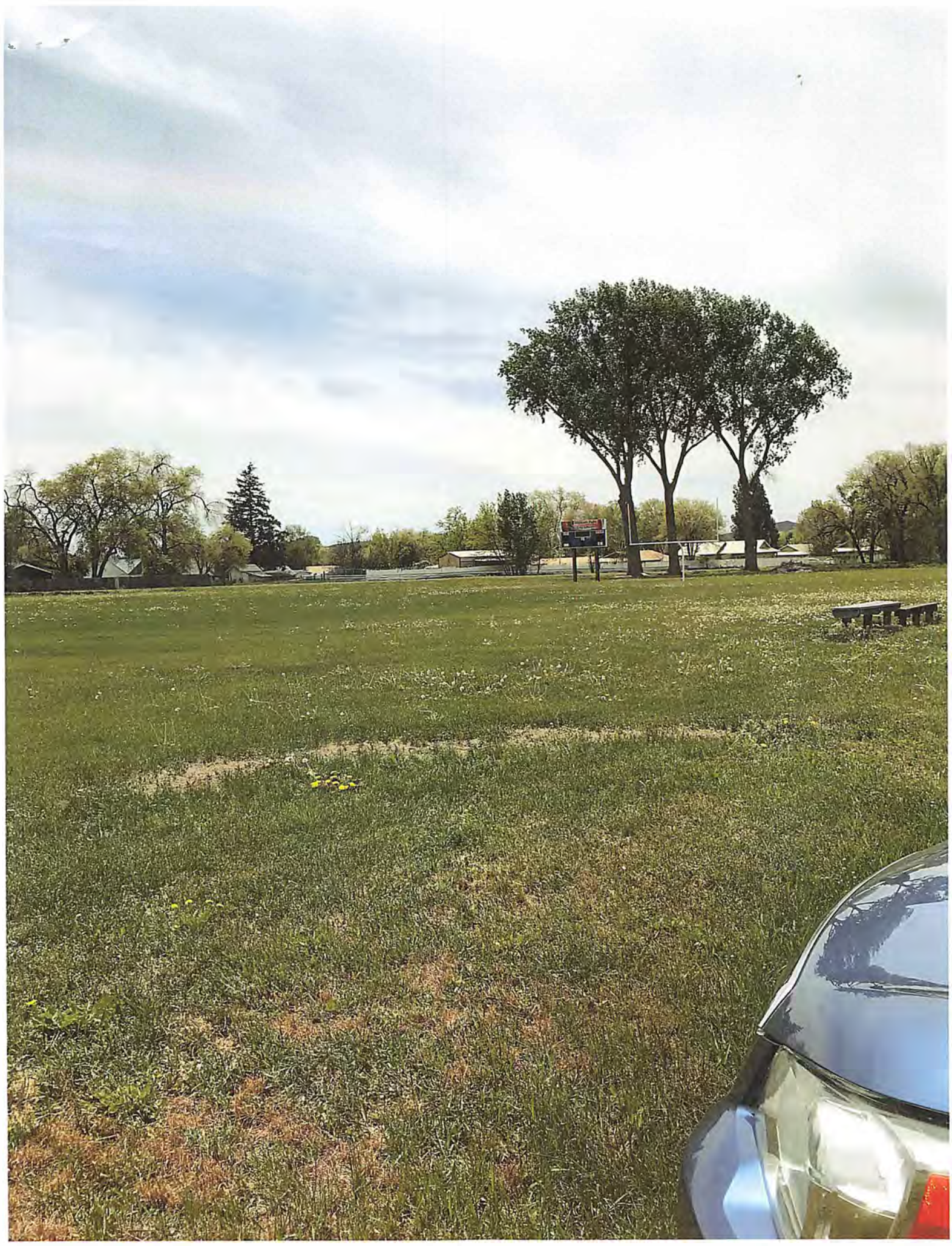
[Helpful Links](#)



KLAMATH HOUSING AUTHORITY

The mission of Klamath Housing Authority is to provide low income people in Klamath and Lake counties with the opportunity to obtain affordable housing and achieve self-sufficiency.

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Klamath Falls
City School

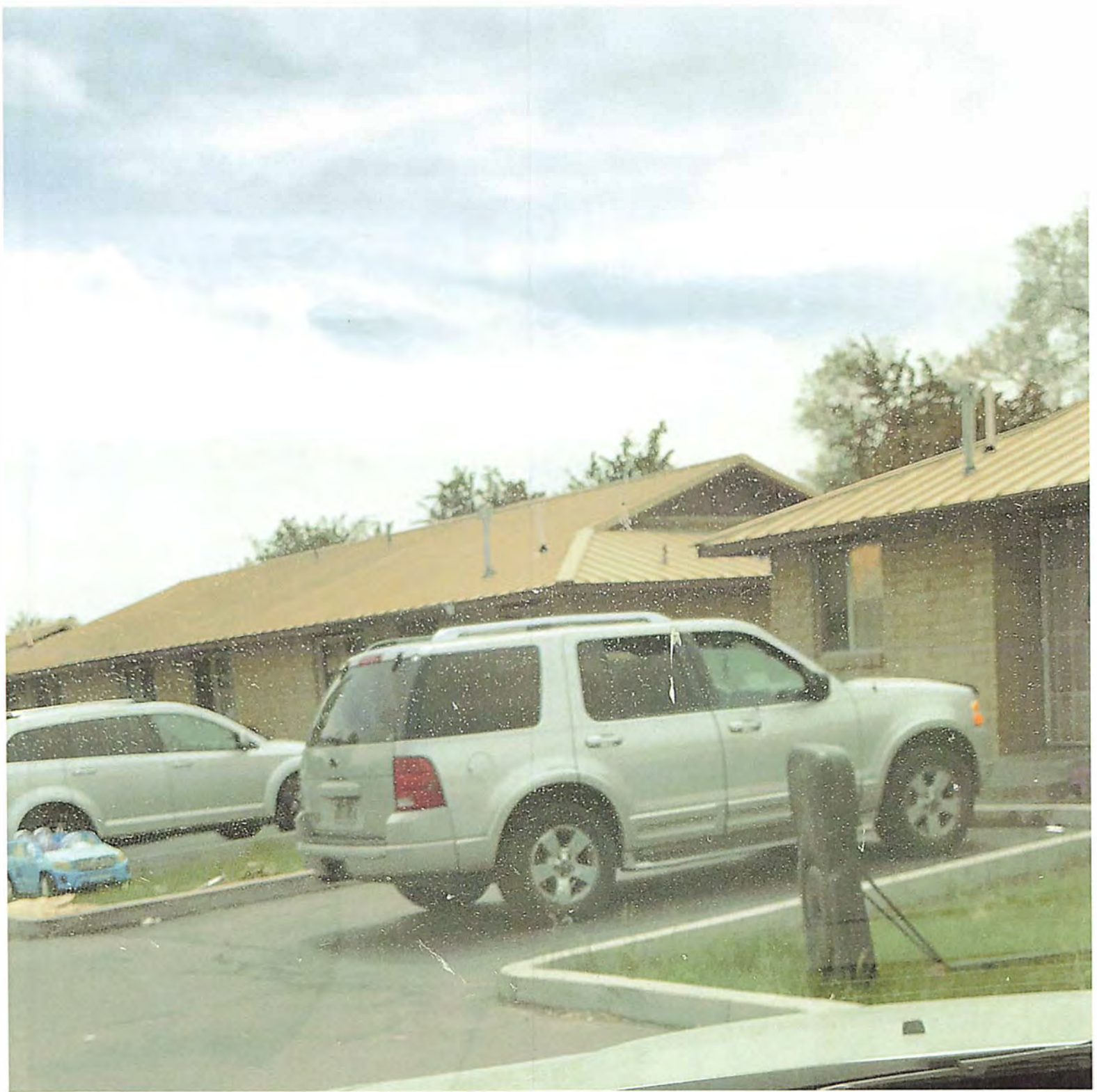












PACKET OF 4 ITEMS PRESENTED ON 6/12/23 FOR TOWN
COUNCIL MEETING 6/26/23

1. LAKEVIEW HOUSING ANALYSIS 2019/2020 49 PAGES
2. PLANNING AGENDA OF MAY 28, 2003 24 PAGES
PAGE NUMBER CIRCLED AT BOTTOM RIGHT
3. GOVERNOR KOTEK EO 23-02 PAGES 2-6
PAGE 7 ORS 401.165
PAGE 8-11 ORS 401.168 – 401.192
PAGE 13 HB 3501
4. OREGON CONSTITUTION
PAGE 1 ARTICLE XI -1(2) MULTI HOUSING FOR ELDERLY AND
DISABLED
PAGE 2 LOG ON TO OREGON LEGISLATURE.GOV BILLS
ARTICLE XI CORPORATIONS AND INTERNAL
IMPROVEMENTS



LAKEVIEW HOUSING ANALYSIS 2019-2020

- Vii Future Housing needs (land) 20 year – supply demolition & replacement
- Viii Challenging – no homeless mentioned with any of the 8 households listed
- Ix 2019- 2039 New Resident decline Stays Static by minus 2
- X No need for housing
- Xi Sufficient land to accommodate residential growth 10 and 20 no homeless mentioned

Page 3. Read first 2 sentences Public Engagement necessary RESULTS?

Page 13. 4th Sentence Read pages 13- 16 no homelessness mentioned?

Page 18 Read

Page 21 No homelessness mentioned

Page 24 Why no homelessness mentioned – Not until Brown and Kotek came into office

Page 26 Has city council or planning commission done this?

ONLY MENTION OF HOMELESSNESS IN THIS REPORT IS AT PAGES 27, 33, & 49

Page 36. No homelessness single person mentioned in graph, just families.

Page 37. Read and graph on 45

Page 52 to 63 Read this no mention of homelessness

Page 64 Read No homelessness mentioned

Page 66 to 68 Declining population

Page 69 Read then Graphs on 70 & 71

Page 71 read

Page 72 No demand minus 1% Graph on 73

Page 77 Read

Page 78 -79 Read all

Page 83 Read

Page 84 Read All

Page 85 Last Sentence

Page 86 Been Done?

Page 87 Impact on neighboring land and their homes property?



Town of Lakeview and City of Paisley

Housing Needs Analyses

June 2019

Prepared for:

Town of Lakeview and City of Paisley

FINAL REPORT

ECONorthwest

ECONOMICS • FINANCE • PLANNING

KOIN Center
222 SW Columbia Street
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Portland, OR 97201
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Executive Summary

This report presents a housing needs analysis consistent with requirements of Statewide Planning Goal 10 and OAR 660-008. The methods used for this study generally follow the *Planning for Residential Growth* guidebook, published by the Oregon Transportation and Growth Management Program (1996).

The primary goals of the housing needs analysis were to (1) project the amount of land needed to accommodate the future housing needs of all types within the Lakeview and Paisley Urban Growth Boundary (UGB), (2) evaluate the existing residential land supply within the Lakeview and Paisley UGB to determine if it is adequate to meet that need, (3) to fulfill state planning requirements for a twenty-year supply of residential land, and (4) identify policy and programmatic options for the City to meet identified housing needs.

What are the key housing needs in Lakeview and Paisley?

Following are several key issues identified in the housing needs analysis:

- **Lakeview and Paisley’s housing market is strongly impacted by the housing market in Lake County.** Lakeview and Paisley’s populations have declined since 1990, despite a 0.5% average annual population growth in Lake County from 1990 to 2017. About 46% of residents who live in Lakeview also work in Lakeview. About 7% of people who work in Paisley also live in Paisley. On average, incomes for residents living in both Lakeview and Paisley are higher than Lake County.

According to available data, median home sales prices in Lakeview were stable at about \$85,000 in 2017 and 2018. Median gross rental costs in Lakeview is similar to rents in Lake County, while median rental costs in Paisley are lower than Lakeview and Lake County. Lakeview and Paisley both have a relatively small share of housing that is multifamily housing (about 11% of all housing in Lakeview and 5% of all housing in Paisley).

A sizeable portion of the housing inventory in both communities are vacant. This is likely due to the issues Lakeview and Paisley face with housing conditions. Population growth will not drive demand for new housing over the 20-year analysis period, but it is likely that the need for demolition and replacement of units will drive housing development activity.

- **Demographic and economic trends will drive demand for relatively affordable attached single-family housing and multifamily housing in Lakeview and Paisley.** The key demographic trends that will affect Lakeview and Paisley’s future housing needs are: (1) the aging of the Baby Boomers, (2) aging of the Millennials, and (3) continued growth in the Latinx population.
 - *Baby Boomers.* By 2040, people 60 years and older will account for 43% of the population in Lake County (up from 37% in 2020). As the Baby Boomers age,

growth of retirees will drive demand for housing types specific to seniors, such as small and easy-to-maintain dwellings, assisted living facilities, or age-restricted developments.

- *Millennials.* The forecast for Lake County shows a shift in Millennials from about 17% of the population in 2020 to about 25% of the population in 2040. Growth in this population will result in increased demand for both ownership and rental opportunities. Millennials will be a key driver in demand for housing that is comparatively affordable and housing for families with children.
- *Latinx population.* Lakeview became more ethnically diverse, while the population identifying as Latinx declined slightly in Paisley. The Latinx population in Lakeview grew from 6% of the total population in 2000 to 10% of the total population in the 2012-2016 period. Growth in the number of Latinx households (particularly in Lakeview) will result in increased demand for housing of all types, both for ownership and rentals, with an emphasis on housing that is comparatively affordable. Latinx household sizes are more likely to be larger than average, with more children and possibly with multigenerational households.
- **Lakeview has an existing lack of affordable housing and both Lakeview and Paisley have a deficit of higher-amenity housing.** Lakeview and Paisley’s key challenge over the next 20 years is providing opportunities for development of all types of housing, from lower- to higher-cost single-family housing to lower-cost and market-rate multifamily housing.
 - About a third of Lakeview and about a quarter of Paisley households cannot afford a two-bedroom apartment at HUD’s fair market rent level of \$697 for Lake County.
 - In 2018, a household needed to earn \$13.40 an hour to afford a two-bedroom rental unit in Lake County.
 - Lakeview currently has a deficit of housing units that are affordable to households earning less than \$15,000. Lakeview also has a deficit of higher amenity housing units for households earning \$50,000 or more per year.
 - Paisley currently has a deficit of higher-amenity housing units that are affordable to households earning more than \$35,000.
 - About 32% of Lakeview’s households are cost burdened, with 44% of renters and 18% of homeowners paying more than 30% of their income on housing. About 14% Paisley’s households are cost burdened, with 17% of renters and 13% of homeowners paying more than 30% of their income on housing.

How much growth is Lakeview and Paisley planning for?

A 20-year population forecast (in this instance, 2019 to 2039) is the foundation for estimating the number of new dwelling units needed. Exhibit 1 and

Exhibit 2 show population forecasts for Lakeview and Paisley for the 2019 to 2039 period. The forecasts show that Lakeview and Paisley’s populations will stay relatively static over the 20-year period.

Exhibit 1. Population Forecast, Lakeview UGB, 2019 to 2039

Source: Oregon Population Forecast Program, Portland State University, Population Research Center, June 2018.

3,175	3,173	-2	-0.1%
Residents in	Residents in	New residents	Percent Change
2019	2039	2019 to 2039	AAGR
			-0.003%

Exhibit 2. Population Forecast, Paisley UGB, 2019 to 2039

Source: Oregon Population Forecast Program, Portland State University, Population Research Center, June 2018.

266	275	9	3%
Residents in	Residents in	New residents	Percent Change
2019	2039	2019 to 2039	AAGR
			0.17%

The housing needs analysis assumes that Lakeview and Paisley’s population will decline by two residents and Paisley’s population will grow by nine residents, over the 2019 to 2039 period.

How much buildable residential land does Lakeview and Paisley currently have?

Exhibit 3 and Exhibit 4 show buildable residential acres by plan designation, after excluding constrained and unbuildable land. The results show that Lakeview has about 331 net buildable acres in residential plan designations. Of this, about 71% are in tax lots classified as vacant, and 29% are in tax lots classified as partially vacant. Buildable land in residential and multiple family Plan Designations together comprising 86% (284 acres) of total remaining buildable lands. Of Paisley’s 83 unconstrained buildable residential acres, about 35% are in tax lots classified as vacant, and 65% are in tax lots classified as partially vacant. Buildable land in residential Plan Designation comprises 43% (36 acres) of total remaining buildable lands.

Exhibit 3. Buildable acres in vacant and partially vacant tax lots by plan designation, Lakeview UGB, 2018

Source: Lake County, ECONorthwest analysis.

Plan Designation	Total Buildable acres	Buildable acres on vacant lots	Buildable acres on partially vacant lots
Central Commercial	0	0	0
Highway Commercial	46	45	0
Residential	271	183	88
Residential - Multiple Family	13	8	6
Total	331	236	95

Exhibit 4. Buildable acres in vacant and partially vacant tax lots by plan designation, Paisley UGB, 2018

Source: Lake County, ECONorthwest analysis.

Plan Designation	Total Buildable acres	Buildable acres on vacant lots	Buildable acres on partially vacant lots
Commercial	2	2	0
Residential	36	2	34
Rural Center	45	25	20
Total	83	29	55

How much housing will Lakeview and Paisley need?

Housing demand in Lakeview will not be driven by population growth, meaning the Town does not need new dwelling units to accommodate population change between 2019 and 2039. Population growth in Paisley results in the city needing four new dwelling units over the 20-year analysis period. Given Paisley’s forecasted housing mix, all four new dwelling units will likely be single-family detached homes.

Both Lakeview and Paisley’s housing market is composed of aging housing stock (of which the majority of housing in Lakeview was built in the 1950’s and the majority of housing Paisley was built in the 1950s or 1980s). These findings suggest a need for higher-quality housing of all types, resulting in many of these homes potentially needing rehabilitation, or alternatively, demolition and redevelopment.

How much land will be required for housing?

Lakeview does not show a need for new housing over the 20-year planning period, and results in Lakeview having sufficient land to accommodate housing in each residential zoning designation.

Paisley’s 83 acres of vacant and partially vacant land (in the residential and rural community plan designations) has the capacity to accommodate 245 to 318 new dwelling units. Paisley has demand for four new housing units and has sufficient land to accommodate housing over the 2019 to 2039 period.

Exhibit 5 shows that Paisley has a surplus of capacity in each residential plan designations:

- **Residential:** Paisley has a surplus of capacity for about 140 to 178 dwelling units with about 41 gross acres of land to accommodate growth over the 2019 to 2039 period.
- **Rural Community:** Paisley has a surplus of capacity for about 155 to 196 dwelling units with about 44 gross acres of land to accommodate growth.

Exhibit 5. Comparison of capacity of existing residential land with demand for new dwelling units and land surplus or deficit, Paisley UGB, 2019 to 2039

Source: Buildable Lands Inventory; Calculations by ECONorthwest.

Plan Designation	Capacity (Dwelling Units)		Demand (Dwelling Units)	Remaining Capacity (Dwelling Units)		Land Sufficiency (Acres)	
	Low Est.	High Est.		Low Est.	High Est.	Low Est.	High Est.
Residential	142	180	2	140	178	41.2	41.4
Rural Community	157	198	2	155	196	44.3	44.5
Total	300	378	4	296	374	85.8	86.0

In summary, Lakeview and Paisley have sufficient land to accommodate residential growth over the 20-year period.

What are the Key Findings of the Housing Needs Analysis?

The key findings for Lakeview’s Housing Needs Analysis are that:

- Lakeview’s population is forecast to decline over the analysis period.
- The forecast for flat population growth suggests that Lakeview has no demand for new dwelling units over the planning period.
- Lakeview will have need for housing development over the planning period. The poor condition of existing housing will require rehabilitation or replacement of some existing housing. In addition, demographic changes will drive need for a wider variety of housing types, such as housing for seniors with universal design standards, multifamily housing, or small-lot, single-family housing that is comparatively affordable.
- Poor housing conditions are one of Lakeview’s primary housing issues. Nearly 55% of Lakeview’s housing was built before 1950. Only 20% of Lakeview’s housing was built since 1990. While age of housing does not necessarily indicate housing condition problems, the age of Lakeview’s housing stock plays a role in the poor condition of housing. Discussions with stakeholders in Lakeview confirmed that poor housing conditions is a substantial problem in Lakeview. The poor conditions are found in all types of housing but especially mobile homes or manufactured housing, as well as stick-built single-family detached housing. Actions that address housing condition will be key to addressing Lakeview’s housing needs.
- Lack of good condition housing is a barrier to economic development. Several large employers have difficulty attracting workers to Lakeview because of the lack of housing choices and the poor housing conditions. People have difficulty finding rental or ownership opportunities for housing in good condition. For example, the Forest Service has between 30 and 50 openings for jobs they would like to fill in Lakeview but

(e) Housing for farmworkers.

DLCD provides guidance on conducting a housing needs analysis in the document *Planning for Residential Growth: A Workbook for Oregon's Urban Areas*, referred to as the Workbook.

Lakeview and Paisley must identify needs for all of the housing types listed above as well as adopt policies that increase the likelihood that needed housing types will be developed. This housing needs analysis was developed to meet the requirements of Goal 10 and its implementing administrative rules and statutes.

Public Process

At the broadest level, the purpose of the project was to understand how much Lakeview and Paisley will grow over the next 20 years. The project can be broken into two components (1) technical analysis, and (2) housing strategies. Both benefit from public input. The technical analysis required a broad range of assumptions that influence the outcomes; the housing strategy is a series of high-level policy choices that will affect Lakeview and Paisley residents.

The intent of the public process was to establish broad public engagement throughout the project as work occurs. Public engagement was accomplished through various avenues. We discuss the two primary avenues below.

Project Advisory Committee Engagement

The Town of Lakeview, City of Paisley, and ECONorthwest solicited public input from an ad-hoc Project Advisory Committee. The Project Advisory Committee met five times³ to discuss project assumptions, results, and implications. The project relied on the Project Advisory Committee to review draft products and provide input at key points (e.g. before recommendations and decisions were made and before draft work products were finalized).

The project required many assumptions and policy choices that the committee needed to vet and agree upon, as these choices affect current and future residents. In short, local review and community input were essential to developing a locally appropriate and politically viable housing needs analysis and housing strategy.

Public Engagement

The Town of Lakeview, City of Paisley, and ECONorthwest solicited input from the general public at two public meetings. The first meeting, held on March 20, 2019, solicited comments on the preliminary results of the housing needs analysis. The second public meeting, held on May 15, 2019, solicited comments on the final results of the housing needs analysis and housing strategy.

³ Project Advisory Committee meeting dates: January 16, 2019; February 13, 2019; March 20, 2019; April 10; and June 5, 2019.

#10

3. Historical and Recent Development Trends

Analysis of historical development trends in Lakeview and Paisley provides insight into the functioning of the local housing market. The mix of housing types and densities, in particular, are key variables in forecasting the capacity of residential land to accommodate new housing and to forecast future land need. The specific steps are described in Task 2 of the DLCD *Planning for Residential Lands Workbook* as:

1. Determine the time period for which the data will be analyzed.
2. Identify types of housing to address (all needed housing types).
3. Evaluate permit/subdivision data to calculate the actual mix, average actual gross density, and average actual net density of all housing types.

This Housing Needs Analysis examines changes in Lakeview and Paisley’s housing market from 2000 to 2017. We selected this time period because: the period provides information about Lakeview and Paisley’s housing market before and after the national housing market bubble’s growth, deflation, and the more recent increase in housing costs. Also, data about Lakeview and Paisley’s housing market during this period is readily available from sources such as the Census.

X This Housing Needs Analysis presents information about residential development by housing type. There are multiple ways that housing types can be grouped. For example, they can be grouped by:

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1. Structure type (e.g., single-family detached, apartments, etc.).
2. Tenure (e.g., distinguishing unit type by owner or renter units).
3. Housing affordability (e.g., subsidized housing or units affordable at given income levels).
4. Some combination of these categories.

For the purposes of this study, we grouped housing types based on: (1) whether the structure is stand-alone or attached to another structure and (2) the number of dwelling units in each structure. The housing types used in this analysis are consistent with needed housing types as defined in ORS 197.303:⁴

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- **Single-family detached** includes single-family detached units, manufactured homes on lots and in mobile home parks, and accessory dwelling units.

⁴ ORS 197.303 defines needed housing as “...all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes.”

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- **Single-family attached** is all structures with a common wall where each dwelling unit occupies a separate lot, such as row houses or townhouses.
 - **Multifamily** is all attached structures (e.g., duplexes, tri-plexes, quad-plexes, and structures with five or more units) other than single-family detached units, manufactured units, or single-family attached units.

In Lakeview and Paisley, government assisted housing (ORS 197.303(b)) and housing for farmworkers (ORS 197.303(e)) can be any of the housing types listed above. Analysis within this report discusses housing affordability at a variety of incomes, as required in ORS 197.303.

Data Used in this Analysis

Throughout this analysis (including the subsequent Chapter 4), we used data from multiple sources, choosing data from well-recognized and reliable data sources. One of the key sources for housing and household data is the U.S. Census. This report primarily uses data from two Census sources:

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- The **Decennial Census**, which is completed every ten years and is a survey of all households in the U.S. The Decennial Census is considered the best available data for information such as demographics (e.g., number of people, age distribution, or ethnic or racial composition), household characteristics (e.g., household size and composition), and housing occupancy characteristics. As of 2010, the Decennial Census does not collect more detailed household information, such as income, housing costs, housing characteristics, and other important household information. Decennial Census data is available for 2000 and 2010.
 - The **American Community Survey (ACS)**, which is completed every year and is a sample of households in the U.S. From 2012 to 2016 and 2013 to 2017, the ACS sampled an average of 3.5 million households per year, about 2.6% and 2.9% of the households in the nation. The ACS collects detailed information about households, including demographics (e.g., number of people, age distribution, ethnic or racial composition, country of origin, language spoken at home, and educational attainment), household characteristics (e.g., household size and composition), housing characteristics (e.g., type of housing unit, year unit built, or number of bedrooms), housing costs (e.g., rent, mortgage, utility, and insurance), housing value, income, and other characteristics.
 - The **Multiple Listing Service database for Lakeview**, which provides housing sale price data by property and in aggregate for January – December 2017 and January – December 2018.

This report uses data from the 2012-2016 ACS for Lakeview and Paisley. Where information is available and relevant, we report information from the 2000 and 2010 Decennial Census. Among other data points, this report includes population, income, and housing price data from the Oregon Office of Economic Analysis, the Oregon Bureau of Labor and Industries, the United States Department of Housing and Urban Development, and Multiple Listing Service. It also

uses the Oregon Department of Housing and Community Services affordable housing inventory and Oregon's Manufactured Dwelling Park inventory.

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The foundation of the housing needs analysis is the population forecast for Lakeview and Paisley from the Oregon Population Forecast Program. The forecast is prepared by the Portland State University Population Research Center.

It is worth commenting on the methods used for the American Community Survey.⁵ The American Community Survey (ACS) is a national survey that uses continuous measurement methods. It uses a sample of about 3.54 million households to produce annually updated estimates for the same small areas (census tracts and block groups) formerly surveyed via the decennial census long-form sample. It is also important to keep in mind that all ACS data are estimates that are subject to sample variability. This variability is referred to as "sampling error" and is expressed as a band or "margin of error" (MOE) around the estimate.

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This report uses Census and ACS data because, despite the inherent methodological limits, they represent the most thorough and accurate data available to assess housing needs. We consider these limitations in making interpretations of the data and have strived not to draw conclusions beyond the quality of the data.

Trends in Housing Mix

This section provides an overview of changes in the mix of housing types in Lakeview and Paisley and compares Lakeview and Paisley to Lake County and to Oregon. These trends demonstrate the types of housing developed in Lakeview and Paisley historically. Unless otherwise noted, this chapter uses data from the 2000 and 2010 Decennial Census and the 2013-2017 American Community Survey 5-Year Estimates.

This section shows the following trends in housing mix in Lakeview and Paisley:

- **Lakeview's housing stock is predominantly single-family detached housing units.** Eighty-seven percent of Lakeview's housing stock is single-family detached, 11% is multifamily, and 3% is single-family attached (e.g., townhouses).
- **Since 2000, Lakeview's housing mix has remained relatively stable.** Lakeview's housing stock grew by about 14% (adding 187 new units) between 2000 and the 2013-2017 period.
- **Paisley's housing stock is predominately single-family detached housing units.** Ninety-five percent of Paisley's housing stock is single-family detached, 5% is multifamily, and 0% is single-family attached.
- **Since 2000, Paisley's housing mix has remained relatively stable with slight growth in multifamily unit composition.** Paisley's housing stock grew by about

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⁵ A thorough description of the ACS can be found in the Census Bureau's publication "What Local Governments Need to Know." <https://www.census.gov/library/publications/2009/acs/state-and-local.html>

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15% (adding 21 new units) between 2000 and 2013-2017. Paisley experienced growth in multifamily housing, which grew from 1% to 5% of the total housing stock.

- **Single-family detached housing accounted for the majority of new housing growth throughout Lake County between 2000 and 2017.** Ninety-nine percent of new housing permitted in the county between 2000 and 2017 was single-family housing.

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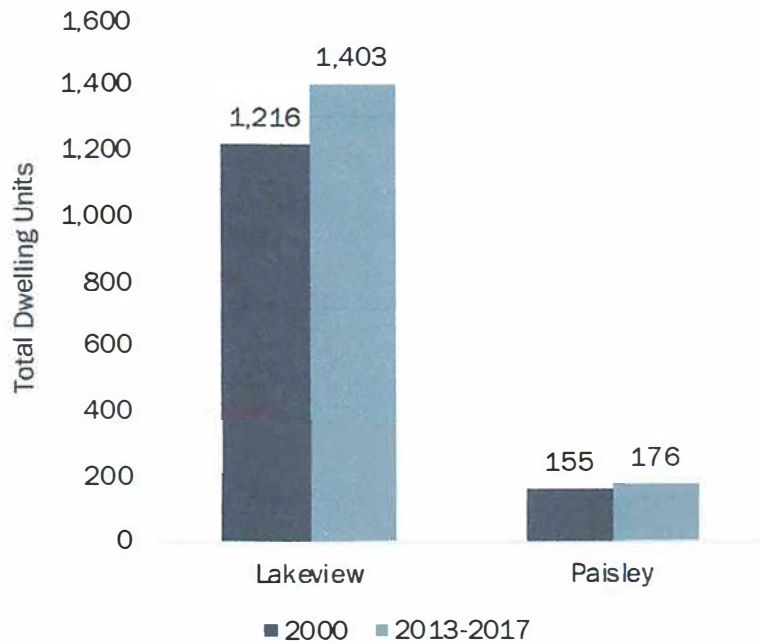
Housing Mix

The total number of dwelling units in Lakeview and Paisley increased by 15% and 14%, respectively, from 2000 to the 2013-2017 period.

Lakeview added 187 units since 2000 and Paisley added 21 units.

Exhibit 18. Total Dwelling Units, Lakeview and Paisley, 2000 and 2013-2017

Source: U.S. Census Bureau, 2000 Decennial Census, SF3 Table H030, and ACS 2013-2017 5-year estimates, Table B25024.

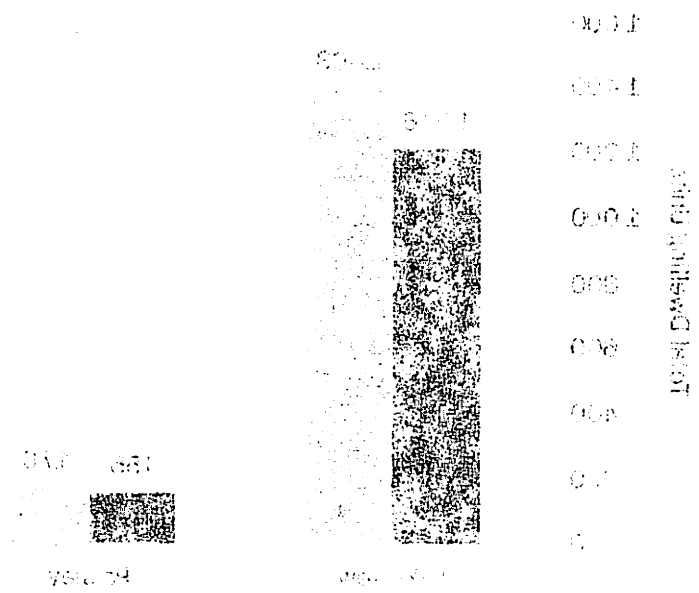


The first phase of the study was to identify the most common types of housing arrangements used by the population. This was done by conducting a survey of 100 households. The results of the survey are shown in the following table.

Housing Arrangements

Table 1: Housing Arrangements Used by 100 Households. The table shows the number of households using each arrangement and the percentage of the total sample.

Source: Data from the survey of 100 households.



The results of the survey indicate that the most common housing arrangement used by the population is Single Room Occupancy (SRO), followed by Rooming House. Apartments and other arrangements are used by a smaller percentage of the population.

#13

Trends in Tenure

Housing tenure describes whether a dwelling unit is owner-occupied or renter-occupied. This section shows:

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- **Trends in tenure for Lakeview:**

- Homeownership rates in Lakeview are lower than homeownership rates in Lake County and Oregon. About 56% of Lakeview households own their own home, compared to 62% of Lake County households and 61% of Oregon households.
- Homeownership rates in Lakeview decreased between 2000 and 2012-2016. In 2000, 65% of Lakeview households were homeowners, which dropped to 60% in 2010 and 56% in 2012-2016.
- All Lakeview homeowners (100%) live in single-family detached housing, while 28% of renters live in multifamily housing.

- **Trends in tenure for Paisley:**

- Homeownership rates in Paisley are similar to rates in Lake County and Oregon. About 62% of Paisley households own their own home, compared to 62% of Lake County households and 61% of Oregon households are homeowners.
- Homeownership rates in Paisley decreased between 2000 and 2012-2016. In 2000, 67% of Paisley households were homeowners, which dropped to 62% in 2010. Homeownership stayed static at 62% from 2010 to 2012-2016.
- All Paisley homeowners (100%) live in single-family detached housing, while 13% of renters live in multifamily housing.

For both Lakeview and Paisley, the implications for the forecasts of new housing is that opportunities for rental housing are limited, given the small amount of multifamily or attached housing in both jurisdictions.

#11

Vacancy Rates

Housing vacancy is a measure of housing that is available to prospective renters and buyers. It is also a measure of unutilized housing stock. The Census defines vacancy as: "Unoccupied housing units... determined by the terms under which the unit may be occupied, e.g., for rent, for sale, or for seasonal use only." The 2010 Census identified vacancy through an enumeration, separate from (but related to) the survey of households. Enumerators are obtained using information from property owners and managers, neighbors, rental agents, and others.

According to the 2013-2017 Census, the vacancy rate was 9.1% for Lakeview and 9.7% for Paisley, compared to 21.8% for Lake County and 9.3% for Oregon.

#14

Government-Assisted Housing

Governmental agencies and nonprofit organizations offer a range of housing assistance to low- and moderate-income households in renting or purchasing a home. There are two government-assisted housing developments in Lakeview:⁷

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- Aspen Court has 16 total units and all 16 units are affordable housing for seniors and persons with disabilities.
- Lakeview Commons has 28 total units and 27 of the units are affordable housing for families.

There are no government-assisted housing developments in Paisley.

⁷ Oregon Housing and Community Services. (Nov. 2018). Affordable Housing Inventory in Oregon. Retrieved from <https://www.oregon.gov/ohcs/Pages/research-multifamily-housing-inventory-data.aspx>.

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#15

4. Demographic and Other Factors Affecting Residential Development in Lakeview and Paisley

Demographic trends are important for a thorough understanding of the dynamics of the Lakeview and Paisley housing market. Lakeview and Paisley exist in a regional economy; trends in the region impact the local housing market. This chapter documents demographic, socioeconomic, and other trends relevant to Lakeview and Paisley at the national, state, and regional levels.

Demographic trends provide a context for growth in a region; factors such as age, income, migration, and other trends show how communities have grown and how they will shape future growth. To provide context, we compare Lakeview and Paisley to Lake County and Oregon. Characteristics such as age and ethnicity are indicators of how the population has grown in the past and provide insight into factors that may affect future growth.

A recommended approach to conducting a housing needs analysis is described in *Planning for Residential Growth: A Workbook for Oregon's Urban Areas*, the Department of Land Conservation and Development's guidebook on local housing needs studies. As described in the workbook, the specific steps in the housing needs analysis are:

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1. Project the number of new housing units needed in the next 20 years.
2. Identify relevant national, state, and local demographic and economic trends and factors that may affect the 20-year projection of structure type mix.
3. Describe the demographic characteristics of the population and, if possible, the housing trends that relate to demand for different types of housing.
4. Determine the types of housing that are likely to be affordable to the projected households based on household income.
5. Determine the needed housing mix and density ranges for each plan designation and the average needed net density for all structure types.
6. Estimate the number of additional needed units by structure type.

This chapter presents data to address steps 2, 3, and 4 in this list. Chapter 5 presents data to address steps 1, 5, and 6 in this list.

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Demographic and Socioeconomic Factors Affecting Housing Choice⁸

Analysts typically describe housing demand as the *preferences* for different types of housing (e.g., single-family detached or apartment), and *the ability to pay* for that housing (the ability to exercise those preferences in a housing market by purchasing or renting housing; in other words, income or wealth).

Many demographic and socioeconomic variables affect housing choice. However, the literature about housing markets finds that age of the householder, size of the household, and income are most strongly correlated with housing choice.

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- **Age of householder** is the age of the person identified (in the Census) as the head of household. Households make different housing choices at different stages of life. This chapter discusses generational trends, such as housing preferences of Baby Boomers, people born from about 1946 to 1964, and Millennials, people born from about 1980 to 2000.
- **Size of household** is the number of people living in the household. Younger and older people are more likely to live in single-person households. People in their middle years are more likely to live in multiple person households (often with children).
- **Income** is the household income. Income is probably the most important determinant of housing choice. Income is strongly related to the type of housing a household chooses (e.g., single-family detached, duplex, or a building with more than five units) and to household tenure (e.g., rent or own).

This chapter focuses on these factors, presenting data that suggests how changes to these factors may affect housing need in Lakeview and Paisley over the next 20 years.

⁸ The research in this chapter is based on numerous articles and sources of information about housing, including:

D. Myers and S. Ryu, *Aging Baby Boomers and the Generational Housing Bubble*, Journal of the American Planning Association, Winter 2008.

Davis, Hibbits, & Midghal Research, "Metro Residential Preference Survey," May 2014.

L. Lachman and D. Brett, *Generation Y: America's New Housing Wave*, Urban Land Institute, 2010.

George Galster. *People Versus Place, People and Place, or More?* New Directions for Housing Policy, Housing Policy Debate, 2017.

Herbert, Christopher and Hrabchak Molinsky. "Meeting the Housing Needs of an Aging Population," 2015.

J. McIlwain, *Housing in America: The New Decade*, Urban Land Institute, 2010.

Schuetz, Jenny. *Who is the new face of American homeownership?* Brookings, 2017.

The American Planning Association, "Investing in Place; Two Generations' View on the Future of Communities," 2014.

Transportation for America, "Access to Public Transportation a Top Criterion for Millennials When Deciding Where to Live, New Survey Shows," 2014.

National Trends⁹

This brief summary on national housing trends builds on previous work by ECONorthwest, the Urban Land Institute (ULI) reports, and conclusions from *The State of the Nation's Housing, 2018* report from the Joint Center for Housing Studies of Harvard University. The Harvard report summarizes the national housing outlook as follows:

“By many metrics, the housing market is on sound footing. With the economy near full employment, household incomes are increasing and boosting housing demand. On the supply side, a decade of historically low single-family construction has left room for expansion of this important sector of the economy. Although multifamily construction appears to be slowing, vacancy rates are still low enough to support additional rentals. In fact, to the extent that growth in supply outpaces demand, a slowdown in rent growth should help to ease affordability concerns.”

However, challenges to a strong domestic housing market remain. High mortgage rates make housing unaffordable for many Americans, especially younger Americans. In addition to rising housing costs, wages have also failed to keep pace, worsening affordability pressures. Single-family and multifamily housing supplies remain tight, which compound affordability issues. *The State of the Nation's Housing* report emphasizes the importance of government assistance and intervention to keep housing affordable moving forward. Several challenges and trends shaping the housing market are summarized below:

- **Moderate new construction and tight housing supply, particularly for affordable housing.** New construction experienced its eighth year of gains in 2017 with 1.2 million units added to the national stock. Estimates for multifamily starts range between 350,000 to 400,000 (2017). The supply of for sale homes in 2017 averaged 3.9 months, below what is considered balanced (six months) and lower cost homes are considered especially scarce. The State of the Nation's Housing report cites lack of skilled labor, higher building costs, scarce developable land, and the cost of local zoning and regulation as impediments to new construction.
- **Demand shift from renting to owning.** After years of decline, the national homeownership rate increased from a 50-year low of 62.9% in 2016 (Q2) to 63.7% in 2017 (Q2). Trends suggest homeownership among householders aged 65 and older have remained strong and homeownership rates among young adults have begun stabilizing after years of decline.
- **Housing affordability.** In 2016, almost one-third of American households spent more than 30% of their income on housing. This figure is down from the prior year, bolstered by a considerable drop in the owner share of cost-burdened households. Low-income households face an especially dire hurdle to afford housing. With such

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⁹ These trends are based on information from: (1) The Joint Center for Housing Studies of Harvard University's publication "The State of the Nation's Housing 2018," (2) Urban Land Institute, "2018 Emerging Trends in Real Estate," and (3) the U.S. Census.

a large share of households exceeding the traditional standards for affordability, policymakers are focusing efforts on the severely cost-burdened. Among those earning less than \$15,000, more than 70% of households paid more than half of their income on housing.

- **Long-term growth and housing demand.** The Joint Center for Housing Studies forecasts that nationally, demand for new homes could total as many as 12 million units between 2017 and 2027. Much of the demand will come from Baby Boomers, Millennials,¹⁰ and immigrants. The Urban Land Institute cites the trouble of overbuilding in the luxury sector while demand is in mid-priced single-family houses affordable to a larger buyer pool.
- **Growth in rehabilitation market.**¹¹ Aging housing stock and poor housing conditions are growing concerns for jurisdictions across the United States. With almost 80% of the nation's housing stock at least 20 years old (40% at least 50 years old), Americans are spending in excess of \$400 billion per year on residential renovations and repairs. As housing rehabilitation becomes the go to solution to address housing conditions, the home remodeling market has grown more than 50% since the recession ended—generating 2.2% of national economic activity (in 2017).

Despite trends suggesting growth in the rehabilitation market, rising construction costs and complex regulatory requirements pose barriers to rehabilitation. Lower-income households or households on fixed-incomes may defer maintenance for years due to limited financial means, escalating rehabilitation costs. At a certain point, the cost of improvements may outweigh the value of the structure, which may necessitate new responses such as demolition or redevelopment.

- **Changes in housing preference.** Housing preference will be affected by changes in demographics; most notably, the aging of the Baby Boomers, housing demand from Millennials, and growth of immigrants.
 - *Baby Boomers.* The housing market will be affected by continued aging of the Baby Boomers, the oldest of whom were in their seventies in 2018 and the youngest of whom were in their fifties in 2018. Baby Boomers' housing choices will affect housing preference and homeownership. Addressing housing needs for those moving through their 60s, 70s, and 80s (and beyond) will require a range of housing opportunities. For example, "the 82-to-86-year-old cohort dominates the assisted living and more intensive care sector" while new or near-retirees may prefer aging in place or active, age-targeted communities.¹²

¹⁰ According to the Pew Research Center, Millennials were born between the years of 1981 to 1996 (inclusive). Read more about generations and their definitions here: <http://www.pewresearch.org/fact-tank/2018/03/01/defining-generations-where-millennials-end-and-post-millennials-begin/>.

To generalize, and because there is no official generation of millennial, we define this cohort as individuals born between 1980 and 2000.

¹¹ These findings are copied from: Joint Center for Housing Studies. (2019). Improving America's Housing, Harvard University. https://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_Improving_Americas_Housing_2019.pdf

¹² Urban Land Institute (2018). Emerging Trends in Real Estate, United States and Canada.

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Characteristics like immigration and ethnicity play a role too as “older Asians and Hispanics are more likely than whites or blacks to live in multigenerational households.”¹³ Senior households earning different incomes may make distinctive housing choices. For instance, low-income seniors may not have the financial resources to live out their years in a nursing home and may instead choose to downsize to smaller, more affordable units. Seniors living in close proximity to relatives may also choose to live in multigenerational households.

- Research shows that “older people in western countries prefer to live in their own familiar environment as long as possible,” but aging in place does not only mean growing old in their own homes.¹⁴ A broader definition exists which explains that aging in place also means “remaining in the current community and living in the residence of one’s choice.”¹⁵ Therefore, some Boomers are likely to stay in their home as long as they are able, and some will prefer to move into other housing products, such as multifamily housing or age-restricted housing developments, before they move into to a dependent living facility or into a familial home. Moreover, “the aging of the U.S. population, [including] the continued growth in the percentage of single-person households, and the demand for a wider range of housing choices in communities across the country is fueling interest in new forms of residential development, including tiny houses.”¹⁶
- *Millennials*. Over the last several decades, young adults increasingly lived in multi-generational housing – and increasingly more so than older demographics.¹⁷ Despite this trend, as Millennials age over the next 20 years, they will be forming households and families. In 2018, the oldest Millennials were in their late-30s and the youngest were in their late-teens. By 2040, Millennials will be between 40 and 60 years old.

At the beginning of the 2007-2009 recession Millennials only started forming their own households. Today, Millennials are driving much of the growth in new households, albeit at slower rates than previous generations. From 2012 to 2017, millennials formed an average of 2.1 million net new households each year. Twenty-six percent of Millennials aged 25 to 34 lived with their parents (or other relatives) in 2017.

Millennials’ average wealth may remain far below Boomers and Gen Xers and student loan debt will continue to hinder consumer behavior and affect

¹³ Herbert, Christopher and Hrabchak Molinsky (2015). Meeting the Housing Needs of an Aging Population. https://shelterforce.org/2015/05/30/meeting_the_housing_needs_of_an_aging_population/

¹⁴ Vanleerberghe, Patricia, et al. (2017). The quality of life of older people aging in place: a literature review.

¹⁵ Ibid.

¹⁶ American Planning Association. Making Space for Tiny Houses, Quick Notes.

¹⁷ According to the Pew Research Center, in 1980, just 11% of adults aged 25 to 34 lived in a multi-generational family household and by 2008, 20% did (82% change). Comparatively, 17% of adults aged 65 and older lived in a multi-generational family household and by 2008, 20% did (18% change).

retirement savings. As of 2015, Millennials comprised 28% of active home buyers, while Gen Xers comprised 32% and Boomers 31%.¹⁸ That said, “over the next 15 years, nearly \$24 trillion will be transferred in bequests,” presenting new opportunities for Millennials (as well as Gen Xers).

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- *Immigrants.* Research on foreign-born populations finds that immigrants, more than native-born populations, prefer to live in multi-generational housing. Still, immigration and increased homeownership among minorities could also play a key role in accelerating household growth over the next 10 years. Current Population Survey estimates indicate that the number of foreign-born households rose by nearly 400,000 annually between 2001 and 2007, and they accounted for nearly 30% of overall household growth. Beginning in 2008, the influx of immigrants was stunted by the effects of the Great Recession. After a period of declines, however, the foreign born are again contributing to household growth. The Census Bureau’s estimates of net immigration in 2017–2018 indicate that 1.2 million immigrants moved to the U.S. from abroad, down from 1.3 million immigrants in 2016–2017 but higher than the average annual pace of 850,000 during the period of 2009–2011. However, if recent Federal policies about immigration are successful, growth in undocumented and documented immigration could slow and cause a drag on household growth in the coming years.
- *Diversity.* The growing diversity of American households will have a large impact on the domestic housing markets. Over the coming decade, minorities will make up a larger share of young households and constitute an important source of demand for both rental housing and small homes. The growing gap in homeownership rates between whites and blacks, as well as the larger share of minority households that are cost burdened warrants consideration. Since 1994, the difference in homeownership rates between whites and blacks rose by 1.9 percentage points to 29.2% in 2017. Alternatively, the gap between white and Hispanic homeownership rates, and white and Asian homeownership rates, both decreased during this period but remained sizable at 26.1 and 16.5 percentage points, respectively. Although homeownership rates are increasing for some minorities, large shares of minority households are more likely to live in high-cost metro areas. This, combined with lower incomes than white households, leads to higher rates of cost burden for minorities—47% for blacks, 44% for Hispanics, and 37% for Asians/others, compared to 28% for whites in 2015.
- Changes in housing characteristics. The U.S. Census Bureau’s Characteristics of New Housing Report (2017) presents data that show trends in the characteristics of new

¹⁸ Srinivas, Val and Goradia, Urval (2015). The future of wealth in the United States, Deloitte Insights. <https://www2.deloitte.com/insights/us/en/industry/investment-management/us-generational-wealth-trends.html>

housing for the nation, state, and local areas. Several long-term trends in the characteristics of housing are evident from the New Housing Report:¹⁹

- *Larger single-family units on smaller lots.* Between 1999 and 2017, the median size of new single-family dwellings increased by 20% nationally, from 2,028 sq. ft. to 2,426 sq. ft., and 20% in the western region from 2,001 sq. ft. in 1999 to 2,398 sq. ft. in 2017. Moreover, the percentage of new units smaller than 1,400 sq. ft. nationally, decreased by more than half, from 15% in 1999 to 6% in 2017. The percentage of units greater than 3,000 sq. ft. increased from 17% in 1999 to 25% of new one-family homes completed in 2017. In addition to larger homes, a move towards smaller lot sizes is seen nationally. Between 2009 and 2017, the percentage of lots less than 7,000 sq. ft. increased from 25% to 31% of lots.
- *Larger multifamily units.* Between 1999 and 2017, the median size of new multiple family dwelling units increased by 5.3% nationally and 2.4% in the Western region. Nationally, the percentage of new multifamily units with more than 1,200 sq. ft. increased from 28% in 1999 to 33% in 2017 and increased from 25% to 28% in the Western region.
- *Household amenities.* Across the U.S. and since 2013, an increasing number of new units had air-conditioning (fluctuating year by year at over 90% for both new single-family and multi-family units). In 2000, 93% of new single-family houses had two or more bathrooms, compared to 97% in 2017. The share of new multifamily units with two or more bathrooms decreased from 55% of new multifamily units to 45%. As of 2017, 65% of new single-family houses in the U.S. had one or more garages (from 69% in 2000).
- *Shared amenities.* Housing with shared amenities are growing in popularity as it may improve space efficiencies and reduce per unit costs / maintenance costs. Single-Room Occupancies (SROs)²⁰, Cottage Clusters, co-housing developments, and multifamily products are common housing types that take advantage of this trend. Shared amenities may take many forms and include shared: bathrooms; kitchens and other home appliances (e.g. laundry facilities, outdoor grills); security systems; outdoor areas (e.g. green space, pathways, gardens, rooftop lounges); fitness rooms, swimming pools, and tennis courts; and free parking.²¹

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¹⁹ U.S. Census Bureau, Highlights of Annual 2017 Characteristics of New Housing. Retrieved from: <https://www.census.gov/construction/chars/highlights.html>.

²⁰ Single-room occupancies are residential properties with multiple single room dwelling units occupied by a single individual. From: U.S. Department of Housing and Urban Development. (2001). *Understanding SRO*. <https://www.hudexchange.info/resources/documents/Understanding-SRO.pdf>

²¹ Urbsworks. (n.d.). Housing Choices Guide Book: A Visual Guide to Compact Housing Types in Northwest Oregon. https://www.oregon.gov/lcd/Publications/Housing-Choices-Booklet_DIGITAL.pdf

Saiz, Albert and Salazar, Arianna. (n.d.). Real Trends: The Future of Real Estate in the United States. Center for Real Estate, Urban Economics Lab.

State Trends

Oregon's 2016-2020 Consolidated Plan includes a detailed housing needs analysis as well as strategies for addressing housing needs statewide. The plan concludes that "a growing gap between the number of Oregonians who need affordable housing and the availability of affordable homes has given rise to destabilizing rent increases, an alarming number of evictions of low- and fixed- income people, increasing homelessness, and serious housing instability throughout Oregon."

It identified the following issues that describe housing need statewide:²²

- For housing to be considered affordable, a household should pay up to one-third of their income toward rent, leaving money left over for food, utilities, transportation, medicine, and other basic necessities. Today, one in two Oregon households pays more than one-third of their income toward rent, and one in three pays more than half of their income toward rent.
- More school children are experiencing housing instability and homelessness. The rate of K-12 homeless children increased by 12% from the 2013-2014 school year to the 2014-2015 school year. *what is it today Council Know*
- Oregon has 28,500 rental units that are affordable and available to renters with extremely low incomes. There are about 131,000 households that need those apartments, leaving a gap of 102,500 units.
- Housing instability is fueled by an unsteady, low-opportunity employment market. Over 400,000 Oregonians are employed in low-wage work. Low-wage work is a growing share of Oregon's economy. When wages are set far below the cost needed to raise a family, the demand for public services grows to record heights.
- Women are more likely than men to end up in low-wage jobs. Low wages, irregular hours, and part-time work compound issues.
- People of color historically constitute a disproportionate share of the low-wage work force. About 45% of Latinos, and 50% of African Americans, are employed in low-wage industries.
- The majority of low-wage workers are adults over the age of 20, many of whom have earned a college degree, or some level of higher education.
- In 2019, the minimum wage in Oregon²³ was \$11.25, \$12.50 in the Portland Metro, and \$11.00 for non-urban counties (which includes Lake County).

²² These conclusions are copied directly from the report: Oregon's 2016-2020 Consolidated Plan <http://www.oregon.gov/ohcs/docs/Consolidated-Plan/2016-2020-Consolidated-Plan-Amendment.pdf>.

²³ The 2016 Oregon Legislature, Senate Bill 1532, established a series of annual minimum wage rate increases beginning July 1, 2016 through July 1, 2022. <https://www.oregon.gov/boli/whd/omw/pages/minimum-wage-rate-summary.aspx>

#18

Regional and Local Demographic Trends that may affect housing need in Lakeview and Paisley

Demographic trends that might affect the key assumptions used in the baseline analysis of housing need are: (1) the aging population, (2) changes in household size and composition, and (3) increases in diversity.

An individual's housing needs change throughout their life, with changes in income, family composition, and age. The types of housing needed by a 20-year-old college student differ from the needs of a 40-year-old parent with children, or an 80-year-old single adult. As Lakeview and Paisley's population ages, different types of housing will be needed to accommodate older residents. The housing characteristics by age data below reveal this cycle in action in Lakeview and Paisley.

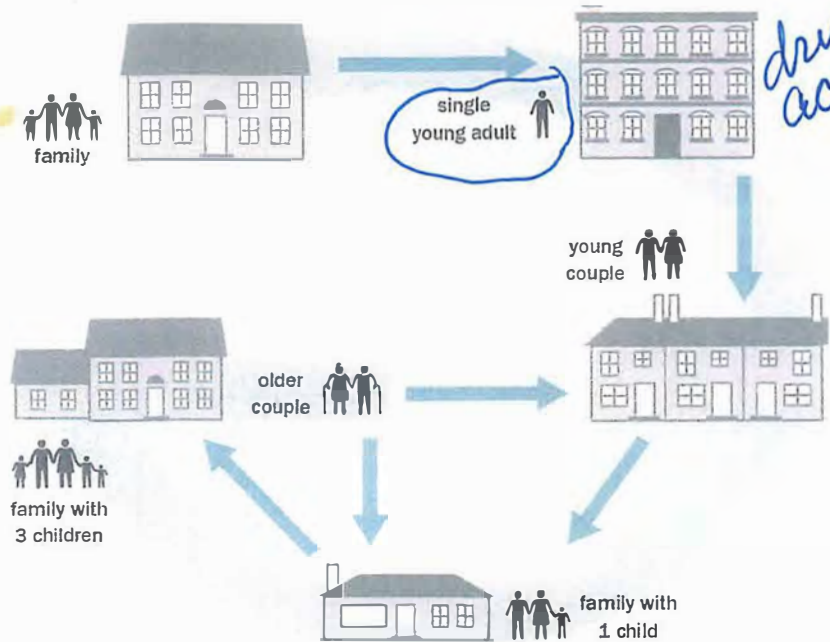
Housing needs and preferences change in predictable ways over time, such as with changes in marital status and size of family.

Families of different sizes need different types of housing.

no homeless mentioned

Exhibit 30. Effect of demographic changes on housing need

Source: ECONorthwest, adapted from Clark, William A.V. and Frans M. Dieleman. 1996. Households and Housing. New Brunswick, NJ: Center for Urban Policy Research.



drug addict accepted

#19

Pop 37-44

Population

Lakeview and Paisley's declining populations will result in little to no demand for new housing for new residents. Demand for new housing may be driven by condition of existing housing, which may require replacement of existing housing, and changes in demographics (i.e., growth of population over 60 years old) that results in need for different housing.

Lakeview and Paisley's populations have declined since 1990.

Lakeview lost 226 residents from 1990 to 2017, decreasing by 9%. Paisley lost 80 residents from 1990 to 2017, decreasing by 23%.

Over the planning period, Lakeview's population is forecast to stay relatively static. Lakeview is expected to lose two residents by 2039.

Over the planning period, Paisley's population is forecast to stay relatively static. Paisley is expected to grow by nine residents by 2039.

Exhibit 31. Population, Lakeview, Paisley, Lake County, and Oregon, 1990-2017

Source: U.S. Decennial Census 1990, and Portland State University, Population Research Center.

Geography			Change, 1990 to 2017		
	1990	2017	Number	Percent	AAGR
Oregon	2,842,321	4,141,100	1,298,779	46%	1.4%
Lake County	7,186	8,120	934	13%	0.5%
Lakeview	2,526	2,300	-226	-9%	-0.3%
Paisley	350	270	-80	-23%	-1.0%

Exhibit 32. Forecast of Population Growth, Lakeview UGB, 2019 to 2039

Source: Oregon Population Forecast Program, Portland State University, Population Research Center, June 2018.

3,175	3,173	-2	-0.1%
Residents in 2019	Residents in 2039	New residents 2019 to 2039	Percent Change
			-0.003%
			AAGR

Exhibit 33. Forecast of Population Growth, Paisley UGB, 2019 to 2039

Source: Oregon Population Forecast Program, Portland State University, Population Research Center, June 2018.

266	275	9	3%
Residents in 2019	Residents in 2039	New residents 2019 to 2039	Percent Change
			0.17%
			AAGR

#20

Pop 45-48

Household Size and Composition

On average, Lakeview and Paisley have smaller households than Oregon but larger households than Lake County. Lakeview and Paisley each have smaller shares of family households with children. Lakeview has a larger share of nonfamily households while Paisley has a larger share of family households without children.

homeless not mentioned

The average household size in Lakeview, Paisley, and Lake County is smaller than Oregon's average household size.

Exhibit 41. Average Household Size, Lakeview, Paisley, Lake County, and Oregon, 2013-2017

Source: U.S. Census Bureau, ACS 2013-2017 5-year estimates, Table B25010.

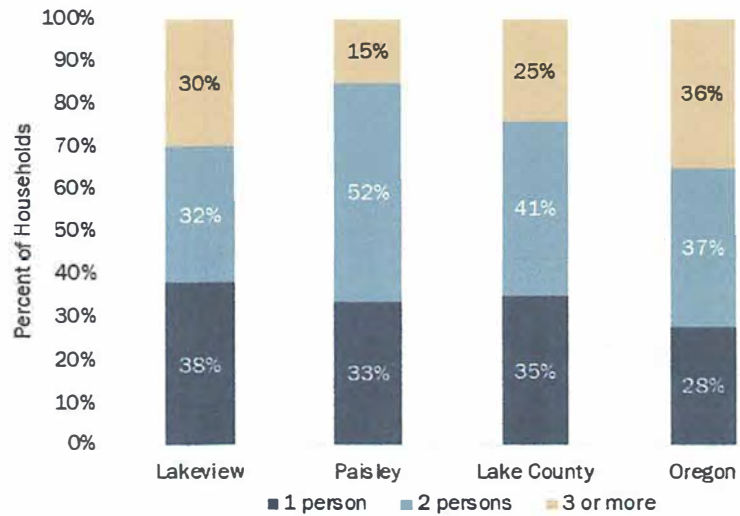
2.11 Persons Lakeview	2.08 Persons Paisley
2.06 Persons Lake County	2.50 Persons Oregon

Seventy percent of Lakeview's households are 1- or 2-person households.
Eighty-five percent of Paisley's households are 1- or 2-person households.

Exhibit 42. Household Size, Lakeview, Paisley, Lake County, and Oregon, 2012-2016

Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table B25009.

homeless



#22

Have any of you reviewed this section

52-63

Regional and Local Trends Affecting Affordability in Lakeview and Paisley

This section describes changes in sales prices, rents, and housing affordability in Lakeview, Paisley, Lake County, and Oregon (where data was available).

Changes in Housing Costs

The median home sales price in Lakeview was \$85,500 in 2017 and \$85,000 in 2018. Lakeview's housing prices fluctuated seasonally between January 2017 and December 2018.

Lakeview's median home sales price stayed static between 2017 and 2018.

Exhibit 54. Median Home Sale Price, Lakeview, 2017 and 2018
Source: Multiple Service Listing.

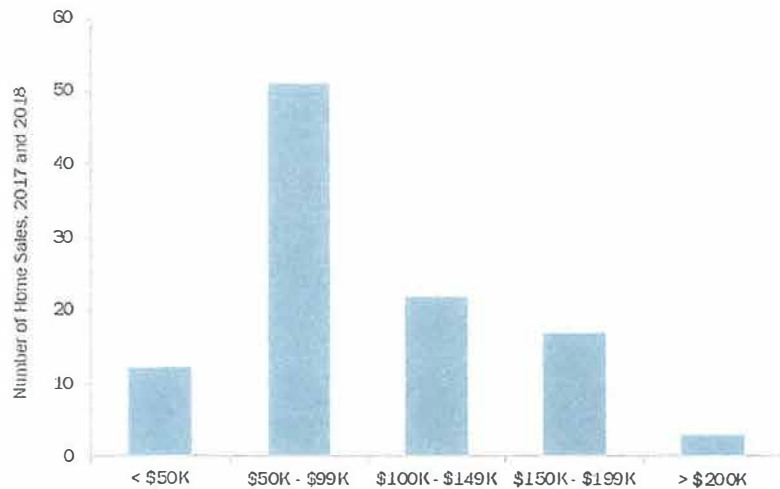
\$85,500	\$85,000
2017	2018

In 2017 and 2018, almost half of homes (49%) sold in Lakeview cost between \$50,000 and \$99,999.

About 40% of homes sold for more than \$100,000 in 2017 and 2018.

Exhibit 55. Distribution of Home Sale Prices, Lakeview, 2017 and 2018

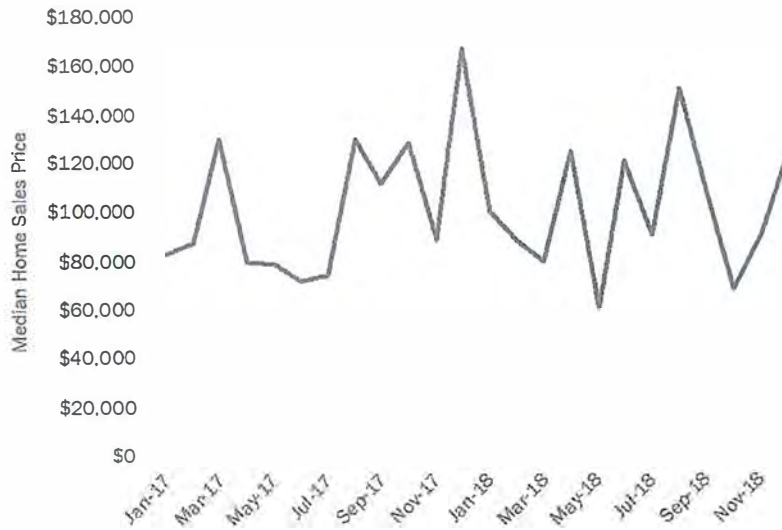
Source: Multiple Service Listing.



Median, monthly housing prices, in 2017 and 2018 in Lakeview, fluctuated between \$61,000 and \$166,750.

Exhibit 56. Median Sales Price, Lakeview, January 2017 – December 2018

Source: Multiple Service Listing.



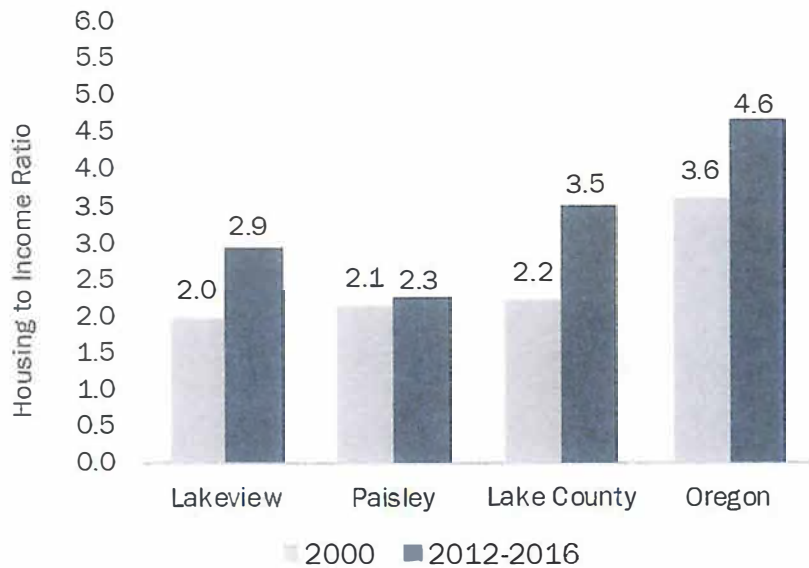
Since 2000, housing values increased faster than incomes in Lakeview, Paisley, Lake County, and Oregon.

Housing prices in Lakeview grew faster than incomes, with the median house value equivalent to two times the median household income in 2000, increasing to 2.9 in 2012-2016.

Housing values and incomes in Paisley grew at about the same rate since 2000.

Exhibit 57. Ratio of Median Housing Value to Median Household Income, Lakeview, Paisley, Lake County, and Oregon, 2000 and 2012-2016⁴⁰

Source: U.S. Census Bureau, 2000 Decennial Census, Tables HCT012 and H085, and ACS 2012-2016 5-year estimates, Tables B19013 and B25077.



⁴⁰ This ratio compares the median value of housing in Lakeview and Paisley (and other places) to the median household income. Inflation-adjusted median owner values in Lakeview decreased slightly from \$87,590 in 2000 to \$113,300 in 2012-2016. Inflation-adjusted median owner values in Paisley decreased slightly from \$87,734 in 2000 to \$113,300 in 2012-2016.

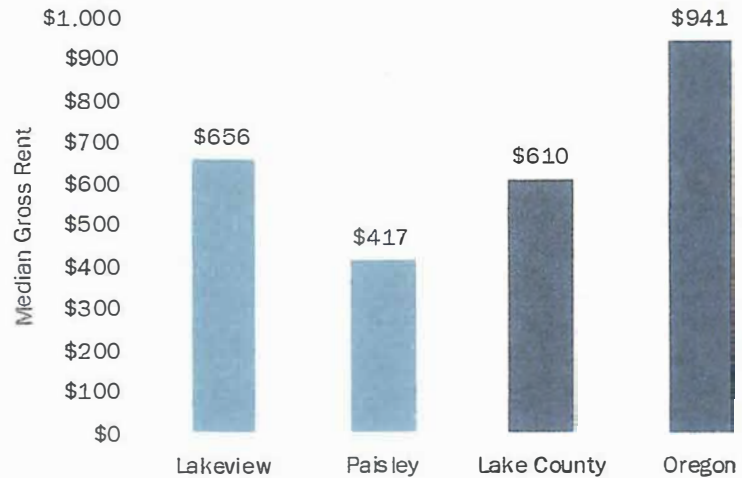
Rental Costs

Rent costs in Lakeview are similar to average rents in Lake County and lower than state averages. Rent costs in Paisley are lower than Lakeview, Lake County, and Oregon. The following charts show gross rent (which includes the cost of rent plus utilities) for Lakeview and Paisley based on Census data.

As of 2012-2016, the median gross rent was **\$656 in Lakeview and \$417 in Paisley.**

Exhibit 58. Median Gross Rent, Lakeview, Paisley, Lake County, and Oregon, 2012-2016

Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table B25064.

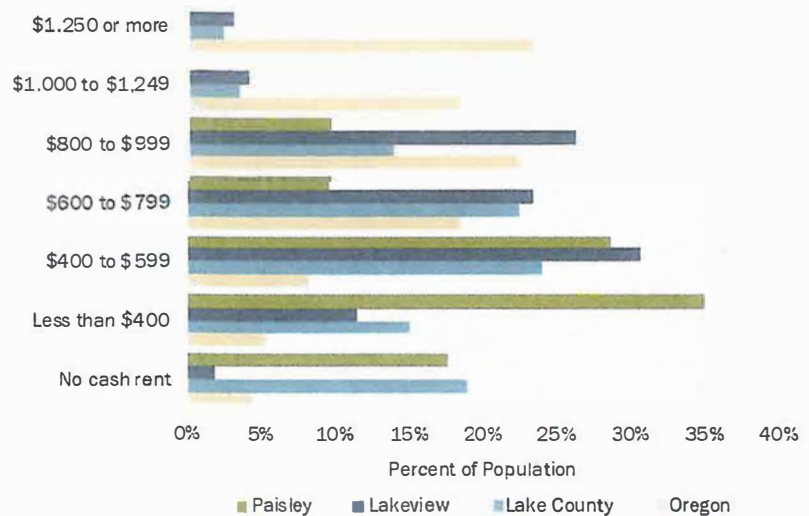


All of Paisley renters (100%) and nearly all of Lakeview renters (93%) pay less than \$1,000 per month in rent.

About 81% of Paisley renters pay less than \$600 per month in rent, compared to 44% of Paisley renters.

Exhibit 59. Gross Rent, Paisley, Lakeview, Lake County, and Oregon, 2012-2016

Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table B25063.



\$85,000 in 2012-2016. Over the same period, median income decreased from \$44,531 to \$38,953 in Lakeview and \$41,058 to \$37,679 in Paisley.

Housing Affordability

A typical standard used to determine housing affordability is that a household should pay no more than a certain percentage of household income for housing, including payments and interest or rent, utilities, and insurance. The Department of Housing and Urban Development's guidelines indicate that households paying more than 30% of their income on housing experience "cost burden," and households paying more than 50% of their income on housing experience "severe cost burden." Using cost burden as an indicator is one method of determining how well a city is meeting the Goal 10 requirement to provide housing that is affordable to all households in a community.

About 32% of Lakeview's households are cost burdened and 14% of Paisley's households are cost burdened. About 44% of Lakeview renter households are cost burdened, compared to 18% of Lakeview homeowners. In Paisley, about 17% of renter households are cost burdened relative to 13% of homeowners. Overall, Lakeview has a larger share of cost burdened households than Paisley and Lake County, but not as large of a share as Oregon. Lakeview also has more cost-burdened renter households (50%) than Paisley (17%) and Lake County (48%), but not as many as Oregon (53%).

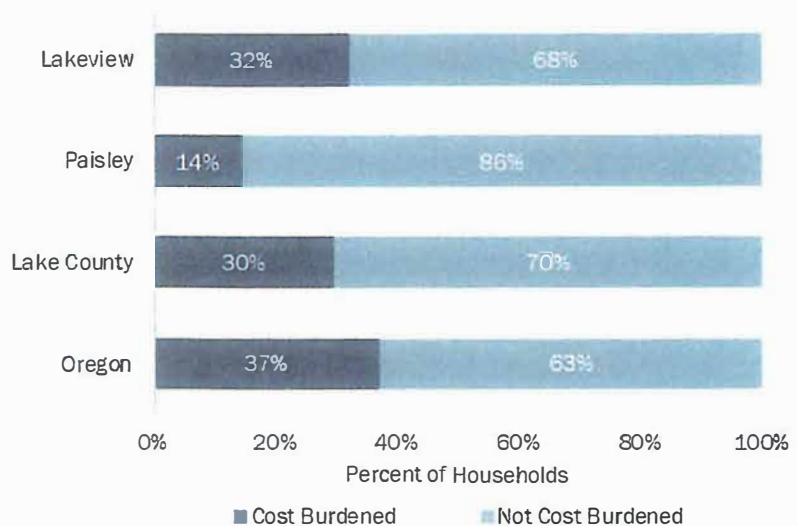
For example, about 34% of Lakeview's households have an income of less than \$25,000 per year. These households can afford rent of less than \$625 per month, or a home with a value of less than \$62,500. Most, but not all, of these households are cost burdened.

A similar percentage of Lakeview and Lake County households are cost burdened (32% and 30%).

Paisley has the lowest share of cost burdened households (14%) and Oregon has the highest (37%) for the 2012-2016 period.

Exhibit 60. Housing Cost Burden, Lakeview, Paisley, Lake County, and Oregon, 2012-2016

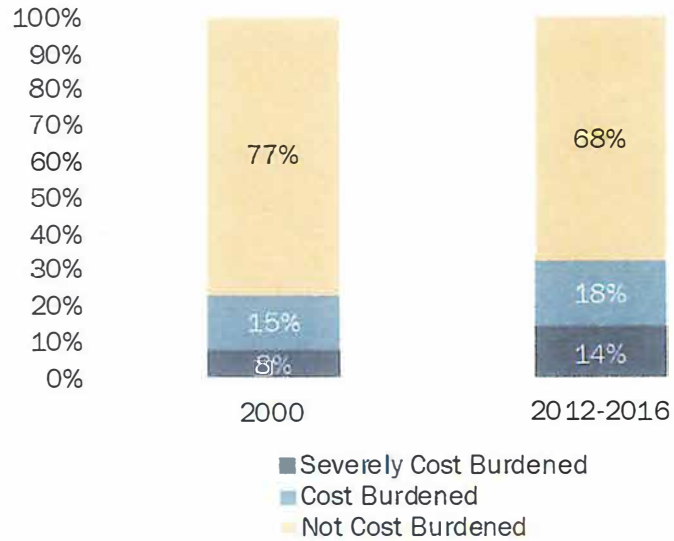
Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Tables B25091 and B25070.



The share of cost burdened and severely cost burdened households in Lakeview increased by 9% from 2000 to 2016.

Exhibit 61. Change in Housing Cost Burden, Lakeview, 2000 and 2012-2016

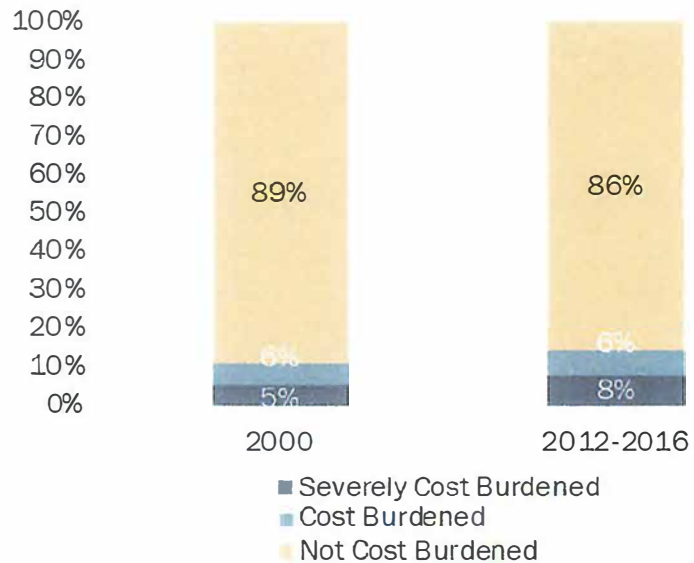
Source: U.S. Census Bureau, 2000 Decennial Census, Table H094 / H069 and ACS 2012-2016 5-year estimates, Tables B25091 / B25070.



The share of cost burdened and severely cost burdened households in Paisley increased by 3% from 2000 to 2016.

Exhibit 62. Change in Housing Cost Burden, Paisley, 2000 and 2012-2016

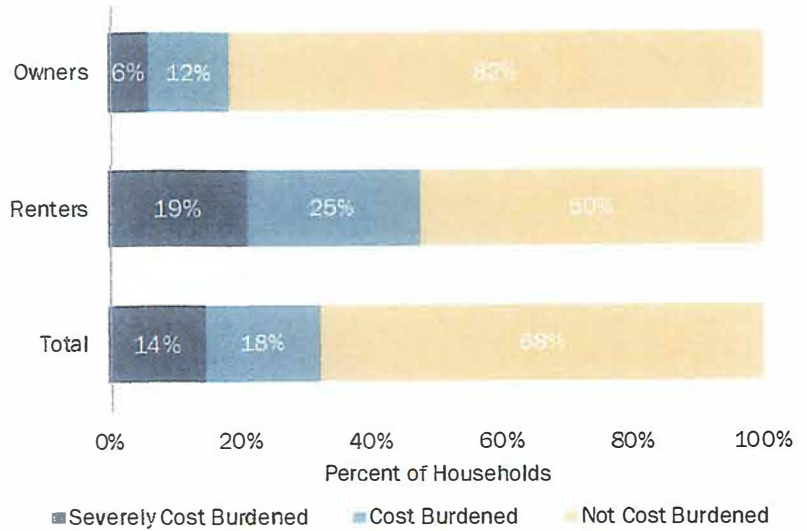
Source: U.S. Census Bureau, 2000 Decennial Census, Table H094 / H069 and ACS 2012-2016 5-year estimates, Tables B25091 / B25070.



Renters are much more likely to be cost burdened than homeowners in Lakeview.

In the 2012-2016 period, about 44% of renters were cost burdened, compared to 18% of homeowners.

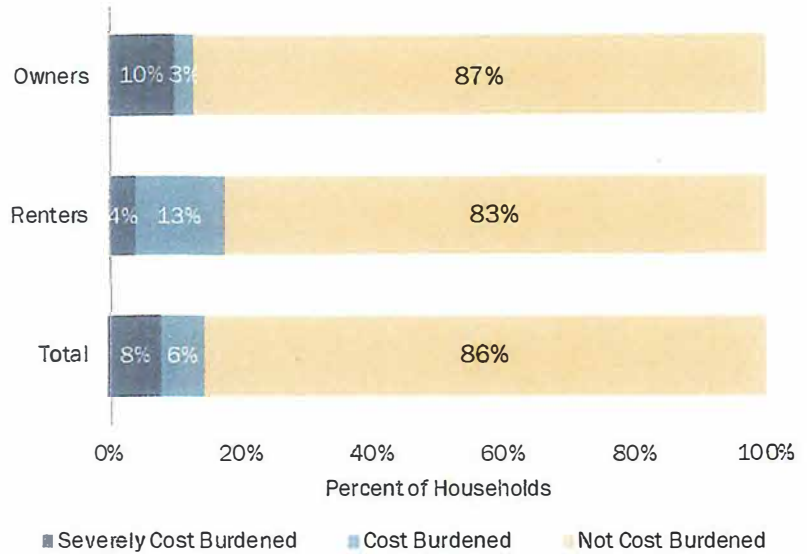
Exhibit 63. Housing Cost Burden by Tenure, Lakeview, 2012-2016
 Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Tables B25091 and B25070.



Renters are slightly more likely to be cost burdened than homeowners in Paisley.

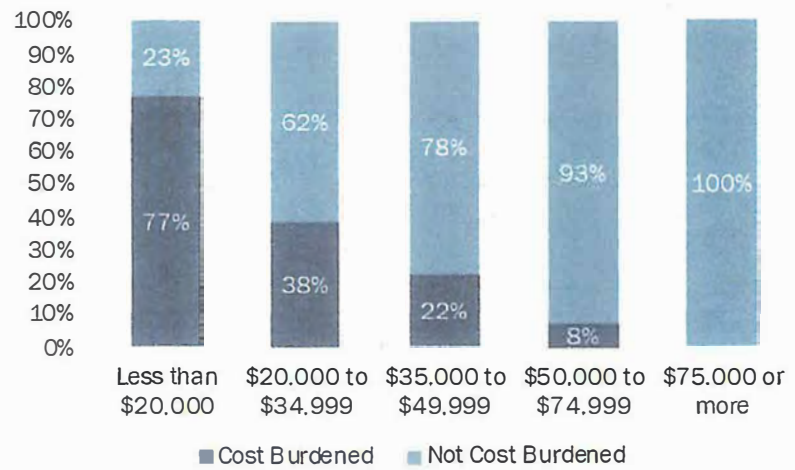
In the 2012-2016 period, about 17% of renters were cost burdened, compared to 13% of homeowners.

Exhibit 64. Housing Cost Burden by Tenure, Paisley, 2012-2016
 Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Tables B25091 and B25070.



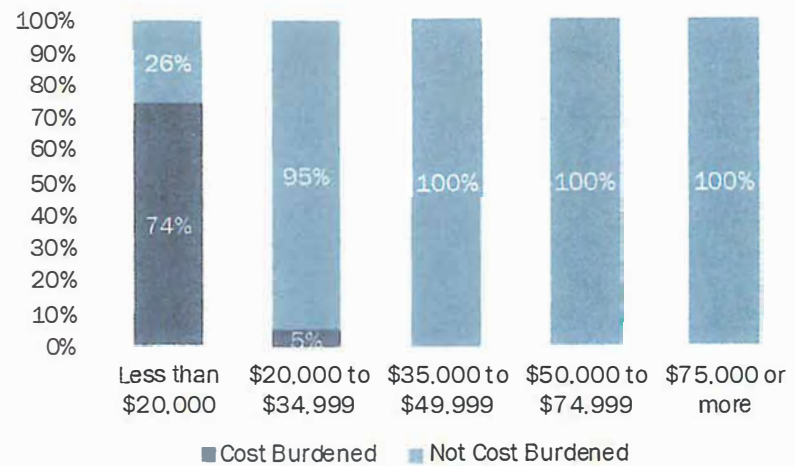
More than two thirds of households in Lakeview earning less than \$20,000 per year are cost burdened.

Exhibit 65. Housing Cost Burden by Income, Lakeview, 2012-2016
Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table S2503.



Approximately two thirds of households in Paisley earning less than \$20,000 per year are cost burdened.

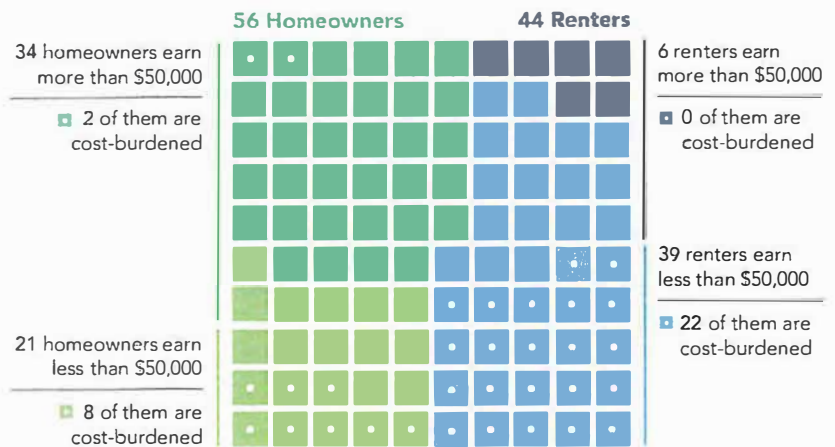
Exhibit 66. Housing Cost Burden by Income, Paisley, 2012-2016
Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table S2503.



Cost burden rates also vary by income. The majority of Lakeview renter households that earn less than \$50,000 per year are cost burdened (22 out of 39, or about 56%).

Exhibit 67. Illustration of Cost Burden: If all of Lakeview's Households were 100 Residents

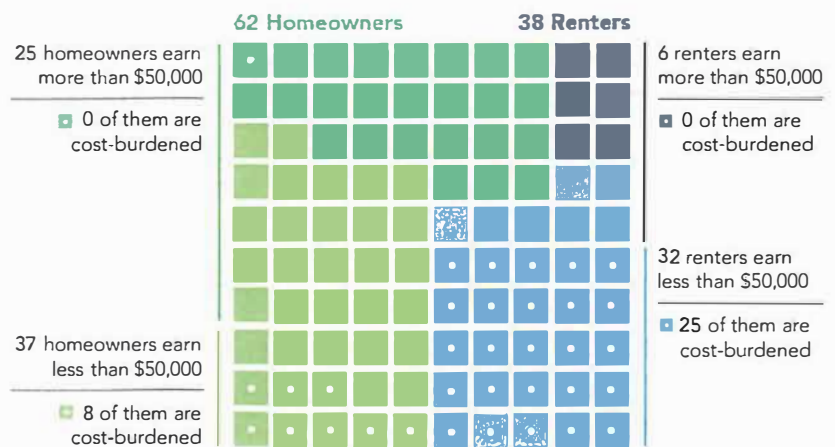
Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table S2503.



Cost burden rates also vary by income. The majority of Paisley renter households that earn less than \$50,000 per year are cost burdened (25 out of 32, or about 78%).

Exhibit 68. Illustration of Cost Burden: If all of Paisley's Households were 100 Residents

Source: U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table S2503.



While cost burden is a common measure of housing affordability, it does have some limitations. Two important limitations are:

- A household is defined as cost burdened if the housing costs exceed 30% of their income, regardless of actual income. The remaining 70% of income is expected to be spent on non-discretionary expenses, such as food or medical care, and on discretionary expenses. Households with higher incomes may be able to pay more than 30% of their income on housing without impacting the household's ability to pay for necessary non-discretionary expenses.
- Cost burden compares income to housing costs and does not account for accumulated wealth. As a result, the estimate of how much a household can afford

to pay for housing does not include the impact of a household's accumulated wealth. For example, a household of retired people may have relatively low income but may have accumulated assets (such as profits from selling another house) that allow them to purchase a house that would be considered unaffordable to them based on the cost burden indicator.

Another way of exploring the issue of financial need is to review housing affordability at varying levels of household income.

Fair Market Rent for a 2-bedroom apartment in Lake County is \$697.

Exhibit 69. HUD Fair Market Rent (FMR) by Unit Type, Lake County, 2018

Source: U.S. Department of Housing and Urban Development

\$445	\$539	\$697	\$927	\$1,209
Studio	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom

A household must earn at least \$13.40 per hour to afford a two-bedroom unit in Lake County at Fair Market Rent.

Exhibit 70. Affordable Housing Wage, Lake County, 2018

Source: U.S. Department of Housing and Urban Development; Oregon Bureau of Labor and Industries.

\$13.40/hour

Affordable Housing Wage for two-bedroom Unit in Lake County

A household in Lakeview or Paisley earning median family income (\$46,000) can afford a monthly rent of about \$1,150 or a home roughly valued between \$161,000 and \$184,000.

Exhibit 71. Financially Attainable Housing, by Median Family Income (MFI) for Lake County (\$45,700), Lakeview and Paisley, 2018

Source: U.S. Department of Housing and Urban Development, 2018. U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table 19001. Oregon Employment Department. Note: MFI is Median Family Income, determined by HUD for Lake County.

If your household earns....

\$14,000 (30% of MFI)	\$23,000 (50% of MFI)	\$37,000 (80% of MFI)	\$46,000 (100% of MFI)	\$55,000 (120% of MFI)
---------------------------------	---------------------------------	---------------------------------	----------------------------------	----------------------------------

Then you can afford....

\$350 monthly rent	\$570 monthly rent	\$925 monthly rent	\$1,150 monthly rent	\$1,375 monthly rent
	OR	OR	OR	OR
	\$69,000- \$81,000	\$130,000- \$148,000 home sales price	\$161,000- \$184,000 home sales price	\$193,000- \$220,000 home sales price



Part-time Cook
\$16,013



Library Assistant
\$24,071



Maintenance Worker
\$37,064



Court Clerk
\$45,750



Electrician
\$56,834



Animal Caretaker
\$23,737



School Bus Driver
\$34,786



Retail Supervisor
\$40,425



Executive secretary
\$52,206

About 32% of households in Lakeview are very low or extremely low income (earning less than 50% of MFI or \$22,850 per year).

Exhibit 72. Share of Households, by Median Family Income (MFI) for Lake County (\$45,700), Lakeview, 2016

Source: U.S. Department of Housing and Urban Development, 2018. U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table 19001. Note: MFI is Median Family Income, determined by HUD for Lake County.



About 24% of Paisley households are very low or extremely low income (earning less than 50% of MFI or \$22,850 per year).

Exhibit 73. Share of Households, by Median Family Income (MFI) for Lake County (\$45,700), Paisley, 2016

Source: U.S. Department of Housing and Urban Development, 2018. U.S. Census Bureau, ACS 2012-2016 5-year estimates, Table 19001. Note: MFI is Median Family Income, determined by HUD for Lake County.

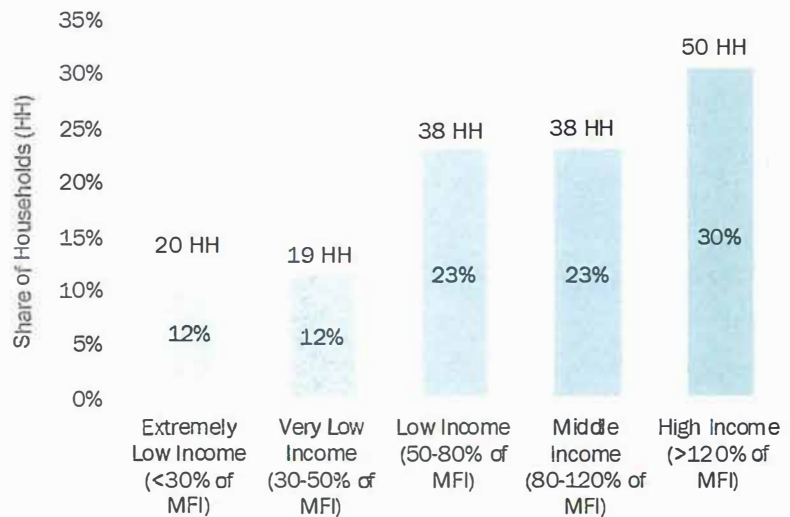
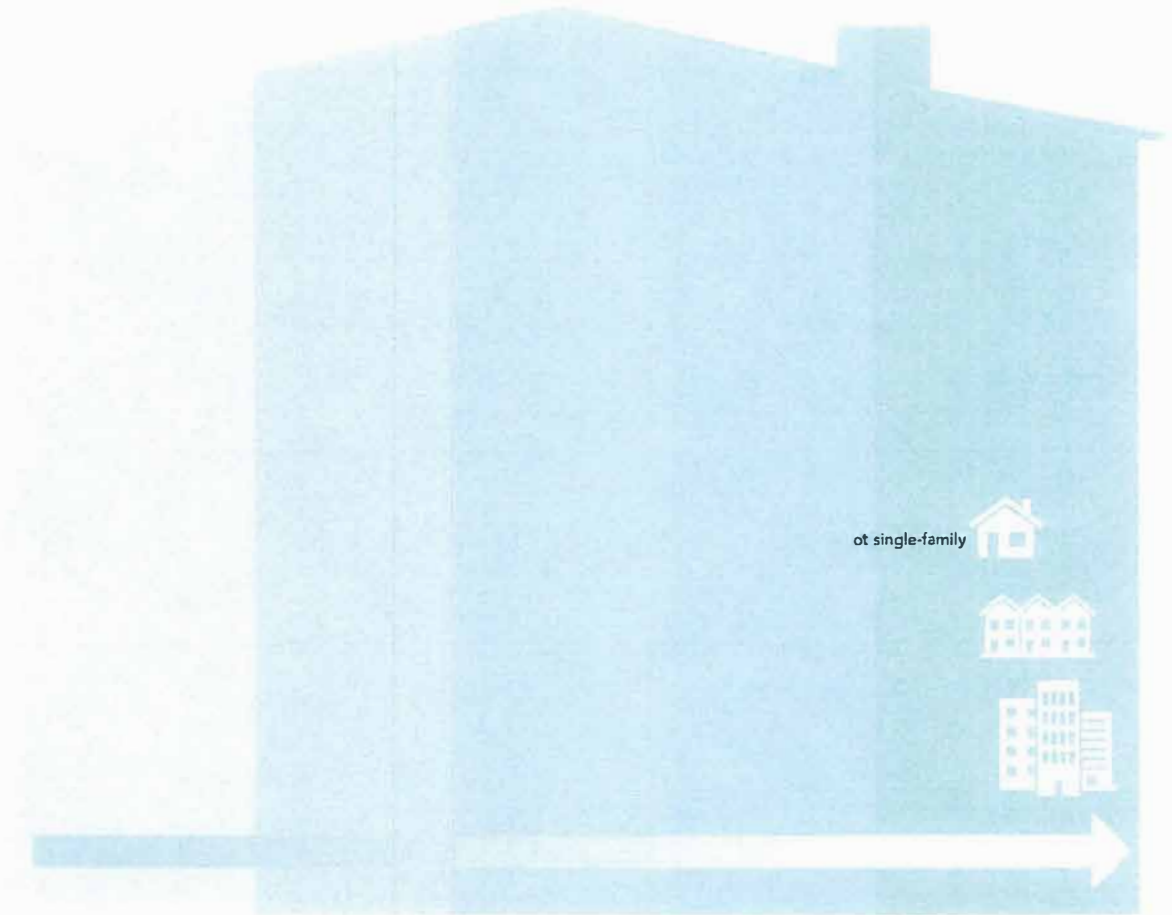


Exhibit 74. Characteristics of Financially Attainable Housing by Median Family Income (MFI) for Lake County (\$45,700)

Source: U.S. Department of Housing and Urban Development, 2018 Oregon Employment Department. Note: MFI is Median Family Income, determined by HUD for Lake County.



#23

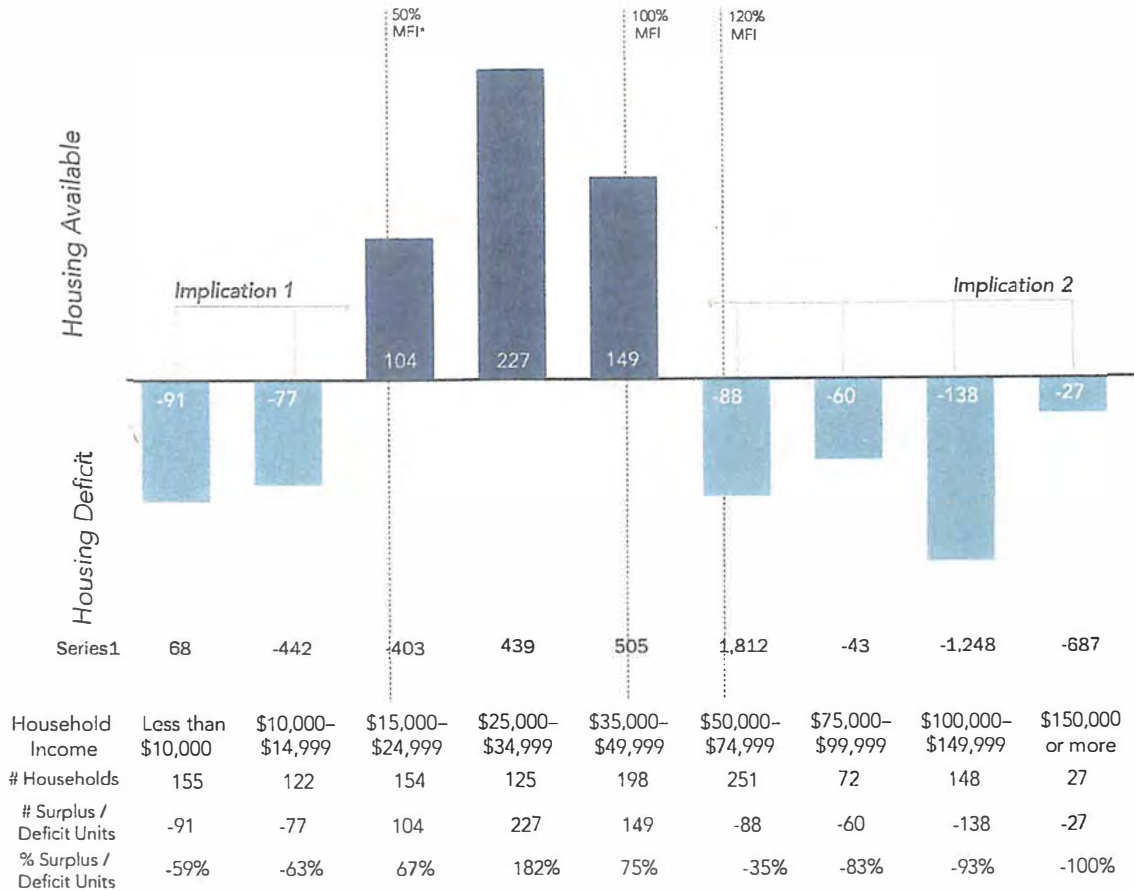
64-65

Read this

Exhibit 75 compares the number of households in Lakeview by income with the number of units affordable to those households in Lakeview. The data suggests that Lakeview currently has a deficit of housing affordable to households earning less than \$15,000/year. Lakeview has a deficit of more affordable housing types such as government-assisted housing (of all types), manufactured housing, and multifamily products (such as apartments, duplexes, and tri- and quad-plexes). Lakeview also has a need for moderate- and high-amenity housing for households earning more than \$50,000/year, such as single-family detached (small-lot, traditional, and high-amenity), townhomes, and higher-end multifamily products.

Exhibit 75. Affordable Housing Costs and Units by Income Level, Lakeview, 2016

Source: U.S. Census Bureau, 2012-2016 ACS. Note: MFI is Median Family Income, determined by HUD for Lake County. MFI for Lake County was \$45,700 in 2018.



Implication 1

Some lower-income households live in housing that is more expensive than they can afford because affordable housing is not available. These households are cost burdened.

Implication 2

Some higher-income households choose housing that costs less than they can afford. This may be the result of the household's preference or it may be the result of a lack of higher-cost and higher-amenity housing that would better suit their preferences.

#24

Pg 66-68

Summary of the Factors Affecting Lakeview and Paisley's Housing Needs 2020 - done for 2023?

The purpose of the analysis thus far has been to provide background on the kinds of factors that influence housing choice. While the number and interrelationships among these factors ensure that generalizations about housing choice are difficult to make and prone to inaccuracies, it is a crucial step to informing the types of housing that will be needed in the future. X

There is no question that age affects housing type and tenure. Mobility is substantially higher for people aged 20 to 34. People in that age group will also have, on average, less income than people who are older and they are less likely to have children. These factors mean that younger households are much more likely to be renters, and renters are more likely to be in multifamily housing.

The data illustrates what more detailed research has shown and what most people understand intuitively: life cycle and housing choice interact in ways that are predictable in the aggregate; age of the household head is correlated with household size and income; household size and age of household head affect housing preferences; and income affects the ability of a household to afford a preferred housing type. The connection between socioeconomic and demographic factors and housing choice is often described informally by giving names to households with certain combinations of characteristics: the "traditional family," the "never-marrieds," the "dinks" (dual-income, no kids), and the "empty-nesters."⁴¹ Thus, simply looking at the long wave of demographic trends can provide good information for estimating future housing demand.

X Still, one is ultimately left with the need to make a qualitative assessment of the future housing market. The following is a discussion of how demographic and housing trends are likely to affect housing in Lakeview and Paisley over the next 20 years:

- **Growth in housing is driven by growth in population; yet, Lakeview and Paisley's population is not growing.** Between 1990 and 2017, Lakeview's population declined by 226 people (-9%) and Paisley's population declined by 80 people (-23%). The population in Lakeview's UGB is forecasted to shrink from 3,175 to 3,173, a decrease of two people (-0.1%) between 2019 and 2039.⁴² The population in Paisley's UGB is forecasted to grow from 266 to 275, an increase of 9 people (3%) between 2019 and 2039.
- **Lack of population growth in Lakeview and Paisley does not mean that all housing need in Lakeview and Paisley are met.** Thirty-two percent of Lakeview's households (and 44% of renter households) are cost burdened. In Paisley, 14% of households (17% of renters) are cost burdened. Lakeview has a deficit of 168 dwelling units affordable to households earning less than \$15,000 (about 33% of MFI) and a deficit of 312 dwelling

No homeless mentioned

⁴¹ See *Planning for Residential Growth: A Workbook for Oregon's Urban Areas* (June 1997).

⁴² This forecast is based on Lake County's certified population estimate and official forecast from the Oregon Population Forecast Program for the 2019 to 2039 period, shown in Exhibit 32.

units affordable to households earning more than \$50,000 (about 109% or more of MFI). Paisley has a small deficit of three dwelling units affordable to households earning between \$10,000 and \$15,000 (about 22% to 32% of MFI) and a deficit of 59 dwelling units affordable to households earning more than \$35,000 (about 77% or more of MFI). This suggests that housing values and costs in Paisley are unusually low, which is supported by Census data about housing value.

- **Without substantial changes in housing policy, on average, future housing will look a lot like past housing.** That is the assumption that underlies any trend forecast, and one that is important when trying to address demand for new housing.

Lakeview and Paisley's residential policies can impact the amount of change in their respective housing markets, to some degree. If Lakeview and Paisley adopt policies to increase opportunities to build smaller-scale single-family and multifamily housing types (particularly multifamily that is affordable to low- and moderate-income households), a larger percentage of new housing developed over the next 20 years in Lakeview and Paisley may begin to address their needs. Examples of policies that Lakeview and Paisley could adopt to achieve this outcome include allowing a wider range of housing types (e.g., duplex or townhouses) in single-family zones, ensuring that there is sufficient land zoned to allow single-family attached and multifamily housing development, and supporting development of government-subsidized affordable housing. The degree of change in Lakeview and Paisley's housing markets, however, will depend on market demand for these types of housing in Lake County.

- **Lakeview and Paisley need to manage their declining population, while still providing opportunities for meeting the housing needs of people living in the cities.** Population is forecast to decline slightly in Lakeview and grow by a very small amount in Paisley. **These changes in population will not generate substantial demand for new housing.** However, the housing needs of current residents and the few new residents in the cities may change over time.

Key demographic and economic trends that will affect Lakeview and Paisley's future housing needs are: (1) the aging of the Baby Boomers, (2) the aging of the Millennials, and (3) the continued growth in Latinx population.

- *The Baby Boomer's population is continuing to age.* By 2040, people 60 years and older will account for 43% of the population in Lake County (up from 37% in 2020). The changes that affect Lakeview and Paisley's housing demand as the population ages are that household sizes and homeownership rates decrease. The majority of Baby Boomers are expected to remain in their homes as long as possible, downsizing or moving when illness or other issues cause them to move. Demand for specialized senior housing, such as age-restricted housing or housing in a continuum of care from independent living to nursing home care, may grow in Lakeview and Paisley.
- *Millennials will continue to age.* By 2040, Millennials will be roughly between 40 and 60 years old. As they age, generally speaking, their household sizes will increase, and their homeownership rates will peak by about age 55. Between 2020 and 2040, Millennials will be a key driver in demand for housing for

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Pg 69-70

5. Housing Need in Lakeview and Paisley

Project New Housing Units Needed in the Next 20 Years

The results of the housing needs analysis are based on: (1) the official population forecast for growth in Lakeview and Paisley over the 20-year planning period, (2) information about Lakeview and Paisley's housing market relative to Lake County and Oregon, and (3) the demographic composition of Lakeview and Paisley's existing population and expected long-term changes in the demographics of Lake County.

Lakeview's Projected Housing Need

This section describes the key assumptions and presents an estimate of new housing units needed in Lakeview between 2019 and 2039. The key assumptions are based on the best available data and may rely on safe harbor provisions, when available.⁴⁶

- C
Population. A 20-year population forecast (in this instance, 2019 to 2039) is the foundation for estimating needed new dwelling units. Lakeview's UGB will decline from 3,175 persons in 2019⁴⁷ to 3,173 persons in 2039, a reduction of two people.⁴⁸
- Persons in Group Quarters.**⁴⁹ Persons in group quarters do not consume standard housing units: thus, any forecast of new people in group quarters is typically derived from the population forecast for the purpose of estimating housing demand. Group quarters can have a big influence on housing in cities with colleges (dorms), prisons, or a large elderly population (nursing homes). In general, any new requirements for these housing types will be met by institutions (colleges, government agencies, health-care corporations) operating outside what is typically defined as the housing

⁴⁶ A safe harbor is an assumption that a city can use in a housing needs analysis that the State has said will satisfy the requirements of Goal 14. OAR 660-024 defines a safe harbor as "... an optional course of action that a local government may use to satisfy a requirement of Goal 14. Use of a safe harbor prescribed in this division will satisfy the requirement for which it is prescribed. A safe harbor is not the only way, or necessarily the preferred way, to comply with a requirement and it is not intended to interpret the requirement for any purpose other than applying a safe harbor within this division."

⁴⁷ Portland State University's population forecast shows that in 2018, the Lakeview and Paisley's urban growth boundary had 3,132 people. We extrapolated from 2018 to get to 3,175 in 2019 using Portland State University's method, a required use.

⁴⁸ This forecast is based on Lakeview UGB's official forecast from the Oregon Population Forecast Program for the 2019 to 2039 period.

⁴⁹ The Census Bureau's definition of group quarters is as follows: A group quarters is a place where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents. The Census Bureau classifies all people not living in housing units (house, apartment, mobile home, rented rooms) as living in group quarters. There are two types of group quarters: (1) Institutional, such as correctional facilities, nursing homes, or mental hospitals and (2) Non-Institutional, such as college dormitories, military barracks, group homes, missions, or shelters.

home
?
C

market. Nonetheless, group quarters require residential land. They are typically built at densities that are comparable to that of multifamily dwellings.

The 2013-2017 American Community Survey shows that 2.9% of Lakeview's population was in group quarters. For the 2019 to 2039 period, we assume 2.9% of Lakeview's new population will be in group quarters.

- **Household Size.** OAR 660-024 established a safe harbor assumption for average household size—which is the figure from the most-recent decennial Census at the time of the analysis. According to the 2013-2017 American Community Survey, the average household size in Lakeview was 2.11 people. Thus, for the 2019 to 2039 period, we assume an average household size of 2.11 persons in Lakeview.
- **Vacancy Rate.** The Census defines vacancy as: "unoccupied housing units are considered vacant. Vacancy status is determined by the terms under which the unit may be occupied, e.g., for rent, for sale, or for seasonal use only." The 2010 Census identified vacant units through an enumeration, separate from (but related to) the survey of households. The Census determines vacancy status and other characteristics of vacant units by enumerators obtaining information from property owners and managers, neighbors, rental agents, and others.

Call for Surveying homes unit

Vacancy rates are cyclical and represent the lag between demand and the market's response to demand for additional dwelling units. Vacancy rates for rental and multifamily units are typically higher than those for owner-occupied and single-family dwelling units.

OAR 660-024 established a safe harbor assumption for vacancy rate—which is the figure from the most recent decennial Census. According to the 2013-2017 American Community Survey, Lakeview's vacancy rate was 9.1%. For the 2019 to 2039 period, we assume a vacancy rate of 9.1% in Lakeview.

Population growth will not drive demand for new housing over the 20-year analysis period.

Exhibit 77. Forecast of demand for new dwelling units, Lakeview UGB, 2019 to 2039

Source: Calculations by ECONorthwest

Variable	New Dwelling Units (2019-2039)
Change in persons	(2)
<i>minus</i> Change in persons in group quarters	-
<i>equals</i> Persons in households	(2)
Average household size	2.11
New occupied DU	(1)
<i>times</i> Aggregate vacancy rate	9.1%
<i>equals</i> Vacant dwelling units	-
Total new dwelling units (2019-2039)	(1)
Annual average of new dwelling units	-

X

pg 71-74

Housing Units Needed Over the Next 20 Years in Lakeview

Exhibit 77 presents a forecast for new housing in Lakeview's UGB for the 2019 to 2039 period. This section determines the future housing mix and density for development of new housing in Lakeview over the 20-year analysis period.

In the future, population growth will not drive demand for new housing developed in Lakeview. Changing demographics and preferences for higher-quality housing will drive demand for a housing stock that better suits the needs of Lakeview residents, and prospective residents.

This assumption is based on the following findings in the previous chapters:

homeless

- Demographic changes across Lake County (and in Lakeview) suggest increases in demand for single-family attached housing. The key demographic trends that will affect Lakeview's future housing needs are the aging of the Baby Boomers and household formation of the Millennials. The implications of the trends are increased demand for small older (often single-person) households and increased demand for affordable housing for families, both for ownership and rent.
- The aging of Lakeview's housing stock suggests need for higher-quality housing of all types (single-family detached housing, single-family attached housing, and multifamily housing). About 55% of Lakeview's housing stock was built before 1950, resulting in many of these homes potentially needing rehabilitation, or alternatively, demolition and redevelopment/infill.

#26

Exhibit 78 shows a forecast of needed housing in the Lakeview UGB during the 2019 to 2039 period. The projection is based on the following assumptions:

- Lakeview's official forecast for population growth shows that the Town will decline by two people over the 20-year period. Exhibit 78 shows that the new population will not result in a need for new dwelling units over the 20-year period.

homeless

The assumptions about the mix of housing in Exhibit 78 are:

- About 85% of new housing will be single-family detached, a category which includes manufactured housing. Lakeview's housing stock was 87% single-family detached in the 2013-2017 period.
- Nearly 4% of new housing will be single-family attached. Lakeview's housing stock was 3% single-family attached in the 2013-2017 period.
- About 11% of new housing will be multifamily. Lakeview's housing stock was 11% multifamily in the 2013-2017 period.

Population growth will not drive demand for new housing over the 20-year analysis period.

Exhibit 78. Forecast of demand for new dwelling units, Lakeview UGB, 2019 to 2039

Source: Calculations by ECONorthwest.

Variable	Needed Mix
Needed new dwelling units (2019-2039)	-1
Dwelling units by structure type	
Single-family detached	
Percent single-family detached DU	85%
<i>equals</i> Total new single-family detached DU	-1
Single-family attached	
Percent single-family attached DU	4%
<i>equals</i> Total new single-family attached DU	0
Multifamily	
Percent multifamily	11%
Total new multifamily	0
<i>equals</i> Total new dwelling units (2019-2039)	-1

The forecast of new units does not include dwellings that will be demolished and replaced. This analysis does not factor those units in; however, it assumes they will be replaced at the same site and will not create additional demand for residential land. Given the problems with housing conditions in Lakeview, it is likely that demolition and replacement of units may be a significant part of housing development activity in Lakeview over the planning period.

Where Lakeview does have housing development, we assume that development will occur at densities consistent with those allowed by Lakeview’s zoning code. Exhibit 79 shows the following densities, in net and gross acres.⁵⁰ Exhibit 79 converts between net acres and gross acres to account for land needed for rights-of-way based on empirical analysis of existing rights-of-way by plan designation in Lakeview.

- **Residential:** 19% of land is in rights-of-way. The densities in these areas may range from 4.0 to 5.0 dwelling units per net acre based on the development standards in the zoning code, which allows single-family detached housing to develop on a minimum of 6,000 square foot lot sizes. Accounting for rights-of-way, this would be 3.2 to 4.1 dwelling units per gross acre.
- **Residential – Multiple Family:** 19% of land is in rights-of-way. The densities in these areas may range from 12.0 to 16.0 dwelling units per net acre based on the development standards in the zoning code, which allows multifamily development of 10 to 24 dwelling units per acre. Given the limited multifamily development in

⁵⁰ OAR 660-024-0010(6) uses the following definition of net buildable acre. “Net Buildable Acre” “...consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads.” While the administrative rule does not include a definition of a gross buildable acre, using the definition above, a gross buildable acre will include areas used for rights-of-way for streets and roads. Areas used for rights-of-way are considered unbuildable.

Lakeview, we assume development will occur at the lower end of the range. Accounting for rights-of-way, this would be 9.7 to 13.0 dwelling units per gross acre.

Exhibit 79. Future density for housing built in the Lakeview UGB, 2019 to 2039

Source: ECONorthwest. Note: DU is dwelling unit.

Plan Designation	Average Net Density (DU/Net Acre)		% for Rights-of-Way	Average Gross Density (DU/Gross Acre)	
	Low Est.	High Est.		Low Est.	High Est.
Residential	4	5	19%	3.2	4.1
Residential - Multiple Family	12	16	19%	9.7	13.0

*no homeless
single
adult
mention*

Paisley’s Projected Housing Need

This section describes the key assumptions and presents an estimate of new housing units needed in Paisley between 2019 and 2039. The key assumptions are based on the best available data and may rely on safe harbor provisions, when available.⁵¹

- **Population.** A 20-year population forecast (in this instance, 2019 to 2039) is the foundation for estimating needed new dwelling units. Paisley’s UGB will increase by only nine persons from 266 persons in 2019 to 275 persons in 2039.⁵²
- **Persons in Group Quarters.**⁵³ Persons in group quarters do not consume standard housing units: thus, any forecast of new people in group quarters is typically derived from the population forecast for the purpose of estimating housing demand. Group quarters can have a big influence on housing in cities with colleges (dorms), prisons, or a large elderly population (nursing homes). In general, any new requirements for these housing types will be met by institutions (colleges, government agencies, health-care corporations) operating outside what is typically defined as the housing market. Nonetheless, group quarters require residential land. They are typically built at densities that are comparable to that of multi-family dwellings.

⁵¹ A safe harbor is an assumption that a city can use in a housing needs analysis that the State has said will satisfy the requirements of Goal 14. OAR 660-024 defines a safe harbor as "... an optional course of action that a local government may use to satisfy a requirement of Goal 14. Use of a safe harbor prescribed in this division will satisfy the requirement for which it is prescribed. A safe harbor is not the only way, or necessarily the preferred way, to comply with a requirement and it is not intended to interpret the requirement for any purpose other than applying a safe harbor within this division."

⁵² This forecast is based on Paisley UGB’s official forecast from the Oregon Population Forecast Program for the 2019 to 2039 period.

⁵³ The Census Bureau's definition of group quarters is as follows: A group quarters is a place where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents. The Census Bureau classifies all people not living in housing units (house, apartment, mobile home, rented rooms) as living in group quarters. There are two types of group quarters: (1) Institutional, such as correctional facilities, nursing homes, or mental hospitals and (2) Non-Institutional, such as college dormitories, military barracks, group homes, missions, or shelters.

single-family housing, townhomes, and higher-end multifamily products close to services.

Read this

#28

Need for Government-Assisted, Farmworker, and Manufactured Housing

ORS 197.303, 197.307, 197.312, and 197.314 requires cities to plan for government-assisted housing, farmworker housing, manufactured housing on lots, and manufactured housing in parks.

Amekawing

- **Government-subsidized housing.** Government-subsidies can apply to all housing types (e.g., single-family detached, single-family attached, and multifamily products). The Town of Lakeview and City of Paisley allows development of government-assisted housing in all residential plan designations, with the same development standards for market-rate housing. This analysis assumes that the communities will continue to allow government-subsidized housing in all of its residential plan designations. Because government-subsidized housing is similar in character to other housing types (with the exception being the subsidies), it is not necessary to develop separate forecasts for government-subsidized housing.
- **Farmworker housing.** Farmworker housing can also apply to all housing types and the Town of Lakeview and City of Paisley allows development of farmworker housing in all residential zones, with the same development standards as market-rate housing. This analysis assumes that the communities will continue to allow farmworker housing in all of its residential zones. Because it is similar in character to other housing (with the possible exception of government subsidies, if population restricted), it is not necessary to develop separate forecasts for farmworker housing.
- **Manufactured housing on lots.** Lakeview allows manufactured homes on lots in their residential designation. Lakeview has requirements for the design of manufactured homes on individual lots, such as requiring that the unit be multi-sectional with a floor area of not less than 1,000 square feet and include a garage or carport.⁵⁵ Paisley allows manufactured homes on lots in the R and RC designations. The communities do not have special siting requirements for manufactured homes. Since manufactured homes are subject to the same siting requirements as site-built homes, it is not necessary to develop separate forecasts for manufactured housing on lots for either community.
- **Manufactured housing in parks.** OAR 197.480(4) requires communities to inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial, or high-density residential development. According to the Oregon Housing and Community Services'

⁵⁵ Town of Lakeview Development Code section 2.1.200 C.

Manufactured Dwelling Park Directory,⁵⁶ Lakeview has four manufactured home parks within the town, with 96 spaces. Paisley has no manufactured home parks within the city.

- ORS 197.480(2) requires Lakeview and Paisley to project need for mobile home or manufactured dwelling parks based on: (1) population projections, (2) household income levels, (3) housing market trends, and (4) an inventory of manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial, or high density residential.
- Lakeview has not forecasted growth in dwelling units over the 2019 to 2039 period. Paisley will grow by four dwelling units over the 2019 to 2039 period.
 - Analysis of housing affordability shows that Lakeview currently has 31% and Paisley currently has 24% Very-Low or Extremely-Low Income households, earning 50% or less of the region's median family income. One type of housing affordable to these households is manufactured housing.
 - Manufactured housing in parks accounts for about 7% (about 96 dwelling units) of Lakeview's current housing stock, and 0% (no dwelling units) of Paisley's current housing stock.
 - National, state, and regional trends since 2000 showed that manufactured housing parks are closing, rather than being created. For example, between 2000 and 2015, Oregon had 68 manufactured parks close, with more than 2,700 spaces. Discussions with several stakeholders familiar with manufactured home park trends suggest that over the same period, few to no new manufactured home parks have opened in Oregon.
 - The households most likely to live in manufactured homes in parks are those with incomes between \$13,710 and \$22,850 (30% to 50% of MFI), which include 12% of Lakeview's households and 12% of Paisley's households. However, households in other income categories may live in manufactured homes in parks.

In Lakeview, manufactured home park development is an allowed use in the Residential designation. In Paisley, manufactured home park development is not an outright permitted use. The national and state trends of closure of manufactured home parks, and the fact that no new manufactured home parks have opened in Oregon in over the last 15 years, demonstrate that development of new manufactured home parks in Lakeview and Paisley are unlikely.

Our conclusion from this analysis is that development of new manufactured home parks in Lakeview and Paisley is unlikely over the 2019 to 2039 analysis period. It is, however, likely that manufactured homes will continue to locate on

⁵⁶ Oregon Housing and Community Services, Oregon Manufactured Dwelling Park Directory, <http://o.hcs.state.or.us/MDPCRParcs/ParkDirQuery.jsp>

#30

Residential Land Sufficiency

The next step in the analysis of the sufficiency of residential land within Lakeview and Paisley is to compare the demand for housing by plan designation with the capacity of land by plan designation.

Lakeview's Residential Sufficiency

Exhibit 77 shows that Lakeview has no demand for new housing units, and results in Lakeview having sufficient land to accommodate housing in each residential zoning designation. Exhibit 83 shows that Lakeview's vacant land has capacity to accommodate approximately 998 to 1,286 new dwelling units.

Paisley's Residential Sufficiency

Exhibit 85 shows that Paisley has sufficient land to accommodate development in all residential zoning designations.

Exhibit 85. Comparison of capacity of existing residential land with demand for new dwelling units and land surplus or deficit, Paisley UGB, 2019 to 2039

Source: Buildable Lands Inventory; Calculations by ECONorthwest. Note: DU is dwelling unit.

Plan Designation	Capacity (Dwelling Units)		Demand (Dwelling Units)	Remaining Capacity (Dwelling Units)		Land Sufficiency (Acres)	
	Low Est.	High Est.		Low Est.	High Est.	Low Est.	High Est.
Residential	142	180	2	140	178	41.2	41.4
Rural Community	157	198	2	155	196	44.3	44.5
Total	300	378	4	296	374	85.8	86.0

~~Co-garland~~

#31

Read this?

Pg 84-80

The key findings for Lakeview's Housing Needs Analysis are that:

- **Lakeview's population is forecast to decline over the analysis period.** Lakeview's UGB is forecast to decline by two people from 3,175 people in 2019 to 3,173 people in 2039. This population decline will occur at an average annual growth rate of -0.1%.
- **The forecast for flat population growth suggests that Lakeview has no demand for new dwelling units over the planning period.** The decline of two people will result in no demand for dwelling units between 2019 and 2039. Lakeview does, however, have unmet housing need, as described below.
- **Lakeview will have need for housing development over the planning period.** The poor condition of existing housing will require rehabilitation or replacement of some existing housing. In addition, demographic changes will drive need for a wider variety of housing types, such as housing for seniors with universal design standards, multifamily housing, or small-lot, single-family housing that is comparatively affordable. *no mention of homeless seniors adults*
- **Poor housing conditions are one of Lakeview's primary housing issues.** Nearly 55% of Lakeview's housing was built before 1950. Only 20% of Lakeview's housing was built since 1990. While age of housing does not necessarily indicate housing condition problems, the age of Lakeview's housing stock plays a role in the poor condition of housing. Discussions with stakeholders in Lakeview confirmed that poor housing conditions is a substantial problem in Lakeview. The poor conditions are found in all types of housing but especially mobile homes or manufactured housing, as well as stick-built single-family detached housing. Actions that address housing condition will be key to addressing Lakeview's housing needs.
- **Lack of good condition housing is a barrier to economic development.** Several large employers have difficulty attracting workers to Lakeview because of the lack of housing choices and the poor housing conditions. People have difficulty finding rental or ownership opportunities for housing in good condition. For example, the Forest Service has between 30 and 50 openings for jobs they would like to fill in Lakeview but encounter difficulty in attracting workers because of a lack of housing. Staffing the Red Rock Biofuels manufacturing facility, which is expected to have about 40 permanent workers, may be challenging because of the lack of housing.

In addition, Lakeview employers often have seasonal workers (present in the late spring through early fall), such as Forest Service or BLM employees or wildfire fighters. The increase in demand for housing from seasonal housing strains the already overly tight housing market. There is insufficient housing for seasonal workers in Lakeview.

- **Lakeview has a deficit of housing affordable to current extremely low-income and low-income residents.** Lakeview's existing deficit of housing affordable to low-income and very-low income households (nearly 400 households) indicates a need for a wider

range of housing types, especially for renters. These households can afford less than \$570 per month in rent and median gross rent in Lakeview is about \$656 (and likely higher, given the age of the rent data, with increases in rental costs since 2012). About 77% of Lakeview's households earning less than \$20,000 per year are cost burdened (paying more than 30% of their income on housing costs).

- **Lakeview also needs housing affordable to low- and middle-income households.** These households earn between \$23,000 and \$55,000 per year. Households at the lower end of this income range likely struggle to find affordable rental housing. Almost 40% of households earning between \$20,000 and \$35,000 are also cost burdened. Households earning \$46,000 and more are likely to be able to afford homeownership, with an average sales price at the end of 2018 of around \$165,000. All households in this category may struggle to find housing in good condition, given the poor condition of much of Lakeview's housing stock.
- **Lakeview lacks higher-amenity housing.** Lakeview also has an absence of higher-amenity housing types for households earning \$50,000 or more per year. Some of these high-income households must choose housing that costs less than what they can afford. They may have housing preferences that are not met by these housing types. Like other households, higher income households may be unable to find housing in good condition.
- **Lakeview has a large surplus of capacity for all types of housing, but serviceability of land is a significant barrier to residential development.** Lakeview has enough unconstrained vacant and partially vacant land to accommodate between 1,000 to 1,300 new households. However, much of the vacant land in Lakeview, especially land in the area between the town limits and UGB (unincorporated areas within the UGB) lack urban infrastructure such as sanitary sewer, municipal water, or roads. The Town will need to focus growth in the near term in areas with vacant land that is serviced, such as areas near the town's center. Over the long term, the Town will need to work with the County and other partners to support development on infrastructure for residential development to occur, as described in the Housing Strategy memorandum.
- **Lakeview has relatively little land for multifamily development.** Lakeview only has 13 acres of land in the Residential Multifamily zone. Much of this land is in an area with slopes, making it more difficult to develop multifamily housing. While this amount of land is sufficient to accommodate some multifamily growth over the next 20-years, its location and topography suggest that it may not provide opportunities for development of new multifamily housing. The Town may want to evaluate whether Residential Multifamily land is in places where there is market demand for multifamily development. The characteristics of Residential Multifamily land (such as topography, access key transportation corridors, or other characteristics) may make these sites less likely to develop.

The Housing Strategy memorandum provides recommendations for policies to these and other issues identified in the Housing Needs Analysis. Lakeview is embarking on updating its

Been done?

Comprehensive Plan. The Housing Strategy memorandum will provide a starting place for updating the Town's Comprehensive Plan policies for housing. *Been done '7.*

The key findings for Paisley's Housing Needs Analysis are that:

- **Paisley's population is forecast to grow marginally over the analysis period.** Paisley's UGB is forecast to grow by nine people from 266 people in 2019 to 275 people in 2039. This population growth will occur at an average annual growth rate of 0.17%.
- **Paisley has demand for four new dwelling units over the analysis period.** The four units will likely be single-family detached housing.
- **Paisley will have need for housing development over the planning period.** The aging of the Baby Boomers and the household formation of the Millennials increase need for a wider variety of housing types, such as housing for seniors with universal design standards or small-lot, single-family housing that is comparatively affordable. Further, Paisley's existing need for housing for middle-income and high-income households indicates a need for a wider range of higher-amenity housing types, especially for homeowners.
- **Paisley has a need for housing affordable to extremely-low and very-low income households.** About 24% of Paisley's households have incomes below \$23,000. These households can afford less than \$570 per month in rent and median gross rent in Paisley is about \$417 per month. About 74% of Paisley's households earning less than \$20,000 per year are cost burdened (paying more than 30% of their income on housing costs).
- **Paisley has sufficient land to accommodate new housing, but landowners may be reluctant to develop.** Paisley has capacity for about 140 to 180 dwelling units in the Residential zone and another 155 to about 200 in the Rural Community zone. Discussions with stakeholders suggest that landowners are reluctant to sell or develop their land. Achieving more residential development may require the City to work with landowners, as they become willing to sell or develop their land.

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Ag 87-88
91-95

Appendix A – Residential Buildable Lands Inventory

The general structure of the buildable land (supply) analysis is based on the DLCD HB 2709 workbook "Planning for Residential Growth – A Workbook for Oregon's Urban Areas," which specifically addresses residential lands. The buildable lands inventory uses methods and definitions that are consistent with Goal 10/OAR 660-008. This appendix describes the methodology that ECONorthwest used for this report, based on 2018 data. The results of the BLI are discussed in Chapter 2.

Overview of the Methodology

Following are the statutes and administrative rules that provide guidance on residential BLIs:

OAR 660-008-0005(2):

"Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

Coastal
flood plain

(a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7; ⁷ 0

(b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;

(c) Has slopes of 25 percent or greater;

(d) Is within the 100-year flood plain; or

(e) Cannot be provided with public facilities.

Coastal
qualify

Inventory Steps

The BLI consists of several steps:

1. Generate UGB "land base"
2. Classify land by development status
3. Identify constraints
4. Verify inventory results
5. Tabulate and map results

2

MAY 8, 2023 PLANNING AGENDA QUESTION

DID B&B CONTACT COGAR ABOUT SALE OF HIS PROPERTY OR COGAR CONTACT B&B? WHY DID B&B SELECT LAKEVIEW CITY FOR THIS PROPERTY?

PAGE 2. 5TH PARAGRAPH: SAYS "APPLICANT OWNED IS B&B?"

Page 3. +A+B

Fire Chief not consulted WHY NOT? (letter attached)

HAVE THE ISSUES IN CHIEF MORRIS' LETTER BEEN CONSIDERED? IF NOT, DENY THESE PROJECTS

PAGE 4.

DECISION CRITERIA SECTION 4.3.140 IS THE CITIES WAY OUT OF THIS HOUSING PROJECT

(a) "DENY PRELIMINARY PLAT" BASED ON THE 2019/2020 Town of Lakeview and paisley housing needs to be talked about later

PAGE 9

FINDINGS 4TH – SENTENCE READ HAS THIS BEEN DONE?

PAGE 10.

READ HAS THIS ROAD APPROACH PERMIT BEEN OBTAINED?

PAGE 10

4TH FINDINGS WHY HAS THE TOWN NEVER ADOPTED STANDARS INTO CHAPTER 3.5 THAT REQUIRES STORM WATER TO BE ADEQUATELY ADDRESS? FLOOD PLANE WATER AND HOW THE RUN OFF OF THESE COMPLEXES WILL AFFECT SURROUNDING PROPERTY? **DENY THESE PROJECTS**

PAGE 11.

FIRST FINDINGS HAS THIS BEEN DONE

HAS THE CONCLUSIONS BEEN DONE?

HAVE THE RECOMMENDATIONS BEEN DONE? READ 1. A, B, C, AND 2, 3, 4, 5 ON PAGE 11 → 12

PAGE12 READ: ITEMS 1 THROUGH 9

SITE DESIGN REVIEW BEEN APPROVED BY PLANNING COMMISSION?

PAGE 22.

3.1.200 SECOND SENTENCE LESS THAN 300 NO IMPACT REALLY?

3.1.300 PEDESTRAIN & BICYCLE DAILY IMPACT DONE?

PAGE 23

3.4.300 DOES THIS BULIDER KNOW ABOUT THE BAD WATER COMING FROM THE PIPES AND THE CONSEQUENCES IT WILL HAVE ON TENNANTS?

Cancer kidney issues **COUNCIL CAN BE HELD LIABLE FOR NOT FIXING**

PAGE 24.

3.4.400 BEING IN THE FLOOD PLANE WILL THE STORM SEWER BE ABLE TO HANDLE THE RUNOFF FROM THESE TWO COMPLEXES AND THE AFFECT IT WILL HAVE ON SURROUNDING PROPERTY AND THE OWNERS?

3.7.100 FLOOD PLANE AGAIN HAS AN IMPACT STUDY BEEN DONE AND WHAT WILL THE AFFECTS BE ON SURROUNDING PROPERTY AND OWNERS OF THESE PARCELS?2

PAGE 40 - 41

AGAIN WHERE IS THE IMPACT STUDY FROM THE RAISED FLOOD PLANES OF THESE TWO COMPLEXES AND THE AFFECT IT WILL HAVE ON SURROUNDING PROPERTY AND OWNERS?

PAGE 49 3.7.100 FLOOD PLANS **SHALL I REPEAT MYSELF?**

PAGE 56 WANT AN EXPLINATION OF THIS DEED? **PAGE 82** **EXPLAIN**

STAFF REPORT TOWN OF LAKEVIEW
APPLICATION NOS. 788
May 1, 2023

APPLICANT: BB Development, LLC

OWNER: John Cogar

AGENT: Darryl Anderson, P.E.

PURPOSE OF REQUEST AND PROPERTY DESCRIPTION: The applicant submitted applications for land division and site design review for property comprising a portion of the land identified as 39S-20E-16AC, Tax Lot 100. The subject property is located on the west side of South 'U' Street between South 3rd Street on the south, and New Mexico Avenue (vacated) on the north. The proposed land division is to replat Lots 1-24 of Block 93 in the Oregon Valley Land Company's First Addition as two lots of approximately 0.93 acres each. The site design review application is for the construction of two multi-family dwelling projects on the two replatted lots. The proposed multi-family dwelling projects consists of two three-story apartment buildings with 17 units on one lot, and five duplex units (ten units total) on the second lot.

X **PROPERTY SIZE AND CURRENT ZONING:** The subject property comprises approximately 1.86 acres and is zoned Residential Multifamily – Subdistrict (R-MF) which allows for multi-family housing development. The property was rezoned in December 2022 by Ordinance No. 894.

CURRENT USE: The property does not contain any vertical development, but has existing improvements that were constructed in the past to support RV use.

LOT LEGALITY: The subject property consists of 24 pre-existing Town Lots platted as part of Oregon Valley Land Company's First Addition in 1909, as well as a currently vacated alley at the rear of the subject lots that is proposed to be re-dedicated.

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0 **ADJACENT ZONING AND USES:** Lands immediately to the west within Block 93 are planned residential (R-1) and are owned by the Applicant. Land further to the west across the 'V' Street right-of-way is designated Commercial. Lands immediately north and east are planned residential (R-1) and are vacant and owned by the Applicant. Lands half a block away on South 'S' Street are planned Residential (R-1) and are developed with single-family dwellings and are owned by multiple owners. Land to the south is owned by the Town and is planned for Residential (R-1) and is occupied by baseball fields.

PRIOR LAND USE ACTIONS SUMMARY:

- o **December 13, 2022** – Minor Comprehensive Plan Amendment from Residential (R-1) to Multifamily Residential (R-3) and a corresponding zone change from Residential (R) to Residential Multifamily – Subdistrict (R-MF). This action was a policy choice recommended by the Planning Commission and approved by the City Council to add multi-family zoned land in this part of the Town.

ACCESS: The subject property abuts South 3rd Street on the south, which is classified as a Collector in the TSP. The South 'U' Street right-of-way on which the subject property fronts, was allowed to be developed with a paved access surface. As noted in the staff report for the above described zone change approved in December 2022, the South 'U' Street and South 3rd Street frontages will need to be improved to current Town standards as part of the proposed multi-family residential development. Similarly, the 15-foot wide vacated alley along the west edge of the subject property will need to be improved to the Town's alley standards before a re-dedication of such could be accepted. Finally, if the Applicant intends to use the vacated but also paved New Mexico Avenue for access to the proposed multi-family residential development, an easement will also need to be established at the time of final plat. Alternatively, if the Applicant seeks to rededicate New Mexico Avenue to the Town, then New Mexico Avenue will also need to be improved to Town street standards before it can be accepted by the Town as a public right-of-way. The conditions of approval are structured to allow the dedication and improvement choices to be made as part of development implementation either prior to final plat or prior to issuance of building permits for vertical construction, whichever comes first.

WATER AND SEWER: It appears an 8-inch waterline and 8-inch sewer line were installed in the South 'U' Street right-of-way at some point in the past for the RV Park use. Applicant's engineer indicates that water service for the proposed Lot 1 will be provided through new connections to the existing 8-inch water line, and water service for the proposed Lot 2 will be provided by an existing 2-inch water line located within said Lot 2. Sewer service for Lot 1 is proposed to be provided through a new connection to the sewer line in South 'U' Street, and Lot 2 will be served by an existing sewer line located within that lot. Applicant's engineer has stated that there is adequate capacity within the sewer system to accommodate the proposed multi-family development and Applicant's engineer has conducted water pressure testing that indicates required fire flows can be provided.

STORM WATER: Applicant's engineer indicates that a new storm sewer line will be connected to the existing Town of Lakeview storm sewer on South 3rd Street for the proposed Lot 1, and Lot 2 drainage will be through a new storm sewer line connecting to the existing drainage ditch at the northeast corner of the subject property.

FIRE PROTECTION: Town of Lakeview.

AGENCIES MAILED SPECIAL NOTICE: None.

NOTICE: By publication, Lake County Examiner. Individual notice by mail to adjacent property owners.

PROCEDURAL DISCUSSION: The subject applications request approval of a subdivision replat for the east half of Block 93 in Oregon Valley Land Company's First Addition, and a request for site design review approval for the construction of two multi-family dwelling projects. Applications for both land divisions and site design review are processed as a Type III quasi-judicial procedure pursuant to Section 4.1.500, which results in review and a decision by the Planning Commission.

Fwd: Alternative housing

Fire Training <firetraining024@gmail.com>

Mon 5/22/2023 5:32 PM

To: firemedic_cutie@hotmail.com <firemedic_cutie@hotmail.com>

----- Forwarded message -----

From: **Fire** <fire@townoflakeview.org>

Date: Mon, May 8, 2023, 20:13

Subject: Fwd: Alternative housing

To: Fire Training <firetraining024@gmail.com>

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From: Fire

Sent: Tuesday, April 4, 2023 10:16:01 PM

To: Michele Parry <townmanager@townoflakeview.org>; Dawn Roberts <adminassistant@townoflakeview.org>

Subject: Alternative housing

I've spent some time looking at the plan for housing development that you shared with me today, I have some thoughts I'd like you to consider as we move forward. I have also shared the plan with Jeremy Wadkins, the fire marshal assigned to Klamath and lake counties. I'm sure he will have detailed input on the specific requirements for the building itself.

My comments are more geared toward the community aspects of such a development. I base the following on the question "does this affect the safety and security of our community today and into the future"?

First, is this solving a problem within our community? Do we have a problem that this will help alleviate or are we importing someone else's problem? If we are solving an issue already present within the community then the investment will add value by helping alleviate an already existing problem that has its own social and financial costs. If we are importing problems from another place then we need to look deeper at what the total costs of those problems are and ensure that they are all accounted for in the planning, building, maintenance and long-term operation of such a facility. Questions such as will this increase the load on the services offered by our community disproportionately to tax revenue? Is there going to be an increase in the need for emergency services, utilities, medical services? Does this plan account for those potential costs above what standard development brings? Does the location support the type of people being housed without disruption or safety concerns to existing residents? How are these new residents going to access the community? By car, on foot, public transportation? Is it provided and does that area support the type of traffic that will come with it? Our schools lay between commercial areas of our town and the proposed development, is there any risk to our children?

3-A

I believe it is essential for this kind of development to know very detailed information on who will be housed there how they will be cared for and what the real costs to the community might be. You can argue that typical low-income housing is similar in nature, but I would disagree since those type of developments typically addresses a need that already resides within the community.

The potential benefits to the community come with increased tax revenue and increased economic activity both during construction and after. It has the potential to help support local business and organizations making our community stronger. However, it has to have the true financial support from start to finish to make it a net benefit and not a drain on an already economically disadvantaged community.

As Fire Chief I do not take a stance for or against development, I believe my job is to ensure the safety of our citizens to the best of my ability. My opinion is limited to how those developments may affect the safety and security of this community.

Thank you,
Chief Morris

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DECISION CRITERIA: The decision criteria for preliminary plat approval are found at Section 4.3.140 of the Town of Lakeview Development Code. Decision criteria for site design review are found at Section 4.2.600 of the Town of Lakeview Development Code.

Section 4.3.140(A) General Approval Criteria: Preliminary Plat.

The Town may approve, approve with conditions or deny a preliminary plat based on the following criteria: *See pag 10 of 86 attached: a Chapter 3.*

1. *The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5.0 (Exceptions);*

FINDINGS: The Applicant has provided findings addressing compliance with the applicable sections of the Development Code, specifically those in Chapter 2.0 since the application is for the replat of an existing subdivision and will not require the creation of new streets, blocks, landscaping, etc. Staff provides the following additional findings and finds that in conjunction with the Applicant’s findings the preliminary plat can be found to satisfy the applicable regulations:

The minimum lot area for multi-family housing in the R-MF zone is 10,000 square feet for four units, and 1,500 square feet for each additional unit (1,000 square feet for buildings with more than two levels). The proposed lots are each approximately 40,500 square feet, which provides for each lot to be developed with up to 24 units of single level multi-family housing, or up to 45 units of two level multi-family housing.

At approximately 300 feet in width the lots exceed the minimum width of 55 feet, and at 135 feet in depth the lots exceed the maximum depth; however, as existing legal lots which are part of a platted city block, they are allowed to be developed despite exceeding the maximum lot depth under the current code.

Sanitary sewer, storm drainage, and water service facilities have been or will be provided through extensions and connections of existing facilities in the area.

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

FINDINGS: The application is for a replat of lots within a legal subdivision that has never been vacated, and therefore does not propose a new name for the underlying recorded subdivision which is the “Oregon Valley Land Company’s First Addition to Lakeview.” Furthermore, staff finds that the provisions of ORS Chapter 92 have been met for preliminary replat and all final platting requirements of ORS Chapter 92 and the Town’s development ordinance can feasibly and will be met.

- b. *A minimum of 50 percent of all upper-floor housing units shall have balconies or porches at least 4 feet deep and measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade;*

FINDINGS: There are a total of twelve upper-floor units within the Desert Horizons Apartments which is proposed as two three-story buildings connected at the second and third floors by catwalks. There is a continuous balcony that spans the west elevation of each building to provide access to each of the upper floor units and enhance fire-life-safety considerations, and similar to what is proposed for the ground floor units, there are 6-foot tall privacy screens enclosing at least some of the balcony area in front of six of the upper-floor units. As such, while the 50 percent of units threshold has been met, and while each of the spaces referenced as being “private balcony” meets the minimum dimensional requirement, the Planning Commission needs to decide if the proposed design provides private open space under the code.

- c. *Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable;*

FINDINGS: Under the state’s needed housing statute, this standard cannot be applied due to its use of the phrase “...to the greatest extent practicable” nor is it clear when “toward” has been architecturally achieved. This standard is not clear and objective and cannot be applied for this reason.

3. *The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*

FINDINGS: Staff finds that the site is vacant and therefore the upgrading of existing development is not applicable.

4. *The application complies with all Design Standards contained in Chapter 3. All of the following standards shall be met:*

FINDINGS: Staff finds that the Applicant submitted findings addressing the design standards in Chapter 3 and that the development can be found to comply, or can be made to comply, through conditions of approval as explained in the below findings.

- a. *Chapter 3 .1 - Access and Circulation;*

FINDINGS: Table 3.1.200.A requires private driveways on local streets to be separated by a minimum of 50 feet; however, Table 4 in the Town’s recently adopted 2021 Transportation System Plan (TSP) specifies that local street driveway spacing applies only to driveway distance from adjacent public or private street intersections, not between driveways on the same street. When such conflicts exist, staff looks to the most recently adopted standard for governance, which in this instance is the TSP. The centerline of the two proposed driveways on South ‘U’ Street are located ~200+ feet from the intersections of New Mexico Avenue and South 3rd Street, and therefore

comply with the standard in the TSP. Staff finds the plan can comply subject to the recommended conditions of approval:

- Obtain required road approach permits for the new driveways (TLDC 3.1.200.C).

b. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;

FINDINGS: Staff finds planned landscape areas can be found to comply with applicable requirements subject to submission of a final landscape plan that addresses the following:

- Final plan that meets all applicable requirements of Chapter 3.2 including, but not limited to: a combination of plant types/materials, automatic irrigation plan, buffering walls or landscape screening elements along both street frontage, screening of mechanical equipment, and street trees.

c. Chapter 3.3 - Automobile and Bicycle Parking;

FINDINGS: Staff finds the plan complies with the applicable standards of Chapter 3.3.

d. Chapter 3.4 - Public Facilities and Franchise Utilities;

FINDINGS: The proposed plan includes the installation of a sidewalk along the site frontage on South 'U' Street (where no sidewalk currently exists). The Applicant's findings indicate that all sidewalks, curbs, and driveway approaches are to be constructed in accordance with Town standards. Improvements to Town Standards on South 3rd Street and South 'U' Street will be conditions of approval. The sanitary sewer, water service, and storm drainage facilities will be provided as described under the land division (replat) application, and as such, staff finds the plan complies with the applicable standards of Chapter 3.4.

e. Chapter 3.5 - Surface Water Management;

FINDINGS: The Town has never adopted standards into Chapter 3.5, but Section 3.4.400 requires stormwater be adequately addressed. The Applicant's findings and land division (replat) application indicate that storm drainage facilities have been or will be provided through extensions and connections of the existing facilities in the area, and that adequate capacity exists.

f. Chapter 3.6 - Other Standards.(Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs), as applicable.

FINDINGS: Staff finds the plan complies with applicable provisions, subject to Applicant's stipulation that signage details will be provided through separate sign permit application.

5. *Conditions required as part of a Land Division.(Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.*

FINDINGS: The proposed replat will need to be approved and finalized before permits for construction of either of the proposed multi-family developments can be issued.

6. *Exceptions to criteria 4 (a-f), above, may be granted only when approved as a Variance (Chapter 5.1).*

FINDINGS: Staff finds that the application either complies with applicable standards or can be made to comply through the imposition of conditions of approval, and therefore, no variances are required.

CONCLUSION AND PLANNING COMMISSION ACTIONS:

The subject applications are for the replat of a portion of an existing subdivision and for site design review for the construction of two multi-family dwelling projects on the two replatted lots.

With regards to the replat, staff finds that the proposed lots are in conformance with and/or bring them closer to conformance with the standards for the respective zoning district.

Staff recommends the replat be approved subject to the following Conditions of Approval:

Prior to any construction within the public right-of-way or prior to vertical construction on the site, Applicant shall have public improvement plans reviewed and approved by the Town of Lakeview. The public improvement plans shall include the following improvements:

- a. A declaration of intent to improve and rededicate the alley or New Mexico Avenue. If the intent is to improve and rededicate the alley or New Mexico Avenue, plans shall be provided to improve the facilities up to current Town Standards.
- b. Public improvement plans for the South 'U' Street project frontage to improve the west half of the street to Town Standards, and up to an additional 10-feet beyond the centerline if the same is required by the Public Works Director.
- c. Public improvement plans for the 3rd Street project frontage to improve the north half of the street to Town Standards, and up to an additional 10-feet beyond the centerline if the same is required by the Public Works Director. Given the existing drainage feature adjacent to the paving, the Public Works Director may approve an alternate cross-section putting the new sidewalk behind (north) of the existing drainage ditch and maintaining the shoulder/v-ditch cross-section (as opposed to installing curb and gutter with a planter strip and sidewalk immediately behind the planter strip). Applicant shall coordinate with the Public Works Director to obtain approval for alternate cross-section prior to undertaking detailed engineering on the project design.

2. Prior to final plat, Applicant shall provide water and sanitary sewer facility as-builts for Public Works to verify Town Standards are met. If as-builts are unavailable, Applicant

shall provide copies of Public Works inspections. If as-builts and Public Works inspections are unavailable, Applicant's engineer shall provide a stamped statement that the existing water and sewer facilities were installed to the Town Standards in effect at the time they were constructed.

3. Prior to final plat, Applicant shall provide new water, sanitary sewer, and storm sewer line connections to Lot 1.
4. Prior to final plat, Applicant shall install all public improvements required by the approved public improvement plans.
5. New Mexico Avenue and the alley within Block 93 shall be improved to Town standards prior to final plat if Applicant intends to rededicate them to the Town at that time, otherwise, access easements for their use by the subject lots shall be set forth on the final plat and the plat shall note that these facilities are not maintained by the Town of Lakeview.

With regards to the site design review, staff finds that the two proposed multi-family residential developments are in conformance with or can be brought into conformance with the applicable standards through the imposition of conditions of approval, noting however, that the matter of the required private open space for the units needs to be determined by the Planning Commission.

If the Commission decides that the private open space requirement has been meet, **Staff recommends the site design review be approved subject to the following Conditions of Approval:**

1. Prior to issuance of building permits for vertical construction, the final plat for the proposed replat shall be approved and recorded.
3. Prior to issuance of building permits for vertical construction, obtain required road approach permits for the two new driveways on South 'U' Street.
4. Prior to issuance of building permits for vertical construction, provide an updated landscape plan that satisfies all the landscape requirements at TLDC Section 3.2 including planting plan, street trees, installation plan, and automatic irrigation plan.
5. Prior to issuance of building permits for vertical construction, provide an updated site plan that demonstrates the required building separation between the Desert Horizons buildings is satisfied.
6. Prior to issuance of building permits for vertical construction, provide an updated site plan that demonstrates the required building separation between the maintenance building and the southwest duplex is satisfied.
7. Prior to issuance of building permits for vertical construction, the Applicant's engineer shall provide base flood elevation(s) on the subject sites rounded up to the nearest 1/10 of one foot.
8. Prior to certificate of occupancy or final inspection approval of the building permits for the respective buildings, elevation certificates demonstrating that the lowest floors are elevated to or above the base flood elevation.

architectural drawings. There are safety concerns with providing upper unit balconies that are accessed from the unit only, so these areas will include 6-foot-tall privacy walls to create a private open space. Both ground floor patios and upper floor balconies are oriented toward the common open spaces. Freedom Square contains single story duplex units which have rear patio areas as shown on the Site Plan and architectural drawings.

3. Exemptions: Not applicable.

4. Trash Receptacles: Trash receptacles are oriented away from adjacent residences and are screened as shown on the attached Site Plan.

2.1.600 Manufactured Dwelling Park Sub District

Not applicable.

Chapter 3.0: Design Standard Administration

Chapter 3.1: Access and Circulation

3.1.200 Vehicular Access and Circulation

Vehicular access for Desert Horizon Apartments will be provided by a 24' approach from South U Street as shown on the Site Plan. Vehicular access for Freedom Square Apartments will be provided by a 24' approaches from South U Street. Access driveways meet the minimum clearance to other driveways and access points. The driveways meet the minimum width requirement, can accommodate emergency vehicles, and provide good visibility and clearance for all vehicles.

The proposed development will increase traffic by less than 300 trips per day, and a traffic impact study is not required.

3.1.300 Pedestrian Access and Circulation

Pedestrian access to both Desert Horizons and Freedom Square will be provided by new sidewalk that will be constructed along South U Street and connect to sidewalks on the lots as shown on the Site Plan.

Chapter 3.2: Landscaping, Street Trees, Fences and Walls

3.2.200 Landscape Conservation

There is no existing vegetation on either Lot 1 or Lot 2. This area was previously prepared for use as an RV park and has been graded and graveled.

3.2.300 New Landscaping

The Desert Horizons development will include new landscaping on 23.5% of the site. Freedom Square will have new landscaping covering 37.4% of the site. A general landscape plan is shown on the attached landscape plans. The landscape plans as submitted at this time do not reflect the site changes to the Freedom Square development or the site and building changes to Desert Horizons. These changes will have minimal impact on the landscape plan layout, and both developments will meet

the Development Code requirements. Revised landscape plans will be submitted prior to issuance of construction permits.

Chapter 3.3: Vehicle and Bicycle Parking

3.3.300 Vehicle Parking Standards

The Desert Horizons development requires 19.5 parking spaces per Development Code standards. 19 parking spaces will be provided as shown on the Site Plan (12 on site and 7 on street). The Freedom Square development requires 15 spaces and 18 will be provided (11 on site and 7 on street). All off-street parking will conform to Town of Lakeview standards.

3.3.400 Bicycle Parking Standards

Sheltered bicycle parking is provided for Desert Horizons as shown on the attached Site Plan. Bicycle parking is provided at each unit of the Freedom Square development as shown on the Site Plan.

Chapter 3.4: Public Facilities Standards

3.4.100 Transportation Improvements

Access to the developments will be provided by South U Street, which is an existing, paved street. Proposed improvements include sidewalks, curbs, and driveway approaches along the west side of the street. All improvements will conform to Town of Lakeview standards.

3.4.200 Public Use Areas

Not Applicable – no public use areas

3.4.300 Sanitary Sewer and Water Service Improvements

Water service for the Desert Horizons development will be provided by a new connection to the existing 8" water main on South U Street as shown on the Site Plan. Water service for Freedom Square will be provided by an existing 2" water line located on Lot 2, as shown on the Site Plan. Domestic water needs for both Desert Horizons and Freedom Square are estimated at a maximum of 9,000 gallons per day. The Desert Horizons apartment buildings will have a fire sprinkler system as per Oregon Fire Code regulations with a 4" service. Fire flow needs will be from 750 – 1,000 gallons per minute. Area hydrants are already in place for fire suppression. The Town of Lakeview water system has adequate capacity to meet the water needs for both developments.

Sewer service for Desert Horizons will be provided by a new connection to the existing sewer line of South U Street, as shown on the Site Plan. Sewer service for Freedom Square will be provided by an existing sewer line already in place on Lot 2. Sewer flow requirements are estimated at 6.25 gallons per minute. The Town of Lakeview sewer system has adequate capacity to meet the sewer needs of the developments.

3.4.400 Storm Drainage

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for the Desert Horizons development. Freedom Square drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot. Drainage lines are shown on the Site Plan.

3.4.500 Utilities

Overhead power is available along South 3rd Street and electrical service is already available on the site. All power on site will be buried. Phone and internet are available in the area and lines will be buried.

3.4.600 Easements

A 7.5' easement is proposed on the west edge of Lots 1 and 2 as shown on the Site Plan. This is for possible expansion of the alley in the future as per land owner's request.

3.4.700 Construction Plan Approval and Assurances

BB Development will abide by all planning regulations concerning plan approval and assurances.

Chapter 3.6: Other Design Standards

3.6.500 Signs

Signage details will be submitted at a later date along with a Sign Permit Application.

Chapter 3.7: Sensitive Lands

3.7.100 Flood Plains

The site is shown on Map 410115 2005 B and the project area is in Zone AE: Special flood hazard areas inundated by 100-year flood, base flood elevations determined. All base grading and construction will be set above the base flood elevation.

3.7.200 Significant Resource Overlay

Not Applicable – project is not in a significant resource overlay area.

3.7.300 Restricted Groundwater Use Overlay

Not Applicable – project is not in a restricted groundwater use overlay area.

3.7.400 Wetland Protection Areas

Not Applicable – not wetlands in project area.

3.7.500 Riparian Corridors

Not Applicable – project is not in a riparian corridor.

**BB Development, LLC – Replat Application
Adjacent Landowners**

Map	Tax Lot	Owner
39 20 16DB	100	Town of Lakeview 525 North 1 st Street Lakeview, OR 97630
39 2016AC	135	Kevin & Linda Pardue 610 South I Street Lakeview, OR 97630
39 20 16AC	148	Gary & Shawna Taylor 212 South T Street Lakeview, OR 97630
39 20 16AC	138	Gilbert Andrews 804 SE Rancho Lane Madras, OR 97741
39 20 16AC	140	Teresa Black 28215 Hogback Road Plush, OR 97637
39 20 16AC	139	Jeanine & Daniel Fleury 204 South T Street Lakeview, OR 97630
39 20 16AC	144	Vincent & Lana Maganzini 202 South T Street Lakeview, OR 97630
39 20 16AC	145	Marvin Moulton Family Trust 916 Center Street Lakeview, OR 97630
39 20 16AC	120	Dennis & Clidean Sheridan PO Box 844 Lakeview, OR 97630
39 20 16AC	143	Victoria Nickelson 106 S T Street Lakeview, OR 97630

Map	Tax Lot	Owner
39 20 16AC	142 & 149	Dennis & Pamela Amsbaugh PO Box 768 Lakeview, OR 97630
39 20 16AC	141	John Pradmore 80 South T Street Lakeview, OR 97630
39 20 16AC	137	Rick & Sheila Strubel 68 South T Street Lakeview, OR 97630
39 20 16AC	1500	Pacific Power & Light Co 700 NE Multnomah Ste 700 Portland, OR 97232
39 20 16BD	100	Lake County 513 Center Street Lakeview, OR 97630
39 20 16BD	200	AD Kreuzsch c/o Bernard Kreuzsch Jr 2287 W Gold Dust Lane Highlands Ranch, CO 80129
39 20 16CA	101	Forrest Bradley 811 South 12 th Street Lakeview, OR 97630

3.4.700 Construction Plan Approval and Assurances

Bogatay Construction will abide by all planning regulations concerning plan approval and assurances.

Chapter 3.6: Other Design Standards

3.6.500 Signs

Signage details will be submitted at a later date along with a Sign Permit Application.

Chapter 3.7: Sensitive Lands

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The site is shown on Map 410115 2005 B and the project area is in Zone AE: Special flood hazard areas inundated by 100-year flood, base flood elevations determined. All base grading and construction will be set above the base flood elevation.

3.7.200 Significant Resource Overlay

Not Applicable – project is not in a significant resource overlay area.

3.7.300 Restricted Groundwater Use Overlay

Not Applicable – project is not in a restricted groundwater use overlay area.

3.7.400 Wetland Protection Areas

Not Applicable – not wetlands in project area.

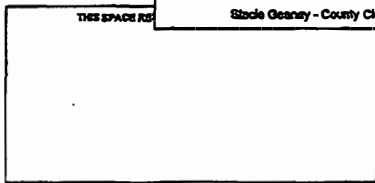
3.7.500 Riparian Corridors

Not Applicable – project is not in a riparian corridor.

LAKE COUNTY, OREGON 2019-001768
 M-TDEED 09/10/2019 01:27:00 PM
 Cnt=1 Pgs=7 \$35.00 \$11.00 \$10.00 \$60.00 \$116.00
 I, Stacie Geaney, County Clerk for Lake County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.
 Stacie Geaney - County Clerk

After Recording Return to:
 Hopkins Mortgage Fund c/o
 Hopkins Loan Services
 910 E. Carol Street
 Meridian, ID 83848

Please Send Tax Statements to:
 John R. Cogar c/o
 Hopkins Loan Services
 910 E. Carol Street
 Meridian, ID 83848



TRUST DEED

THIS TRUST DEED is made as of the 10th day of September 2019, by John R. Cogar, an unmarried man, whose address is PO Box 649, Lakewood, 97030, ("Grantor"), to AmeriTitle, 300 Klamath Ave, Klamath Falls, OR 97601 ("Trustee"), for the benefit of Hopkins Mortgage Fund, LLC, an Idaho Limited Liability Company "as trustee for the benefit on a parity for all Series "A" Debenture Holders", whose address is PO Box 670, Meridian, ID, ("Beneficiary").

WHEREAS, Beneficiary has made a loan to Grantor in the sum of THREE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$350,000.00), which loan is to be evidenced by a Promissory Note of even date herewith. The loan, if not sooner paid, is due and payable in full on 09/09/2024 (The Promissory Note, as it may be modified, extended, or replaced from time to time, is referred to herein as the "Note"), and

WHEREAS, as a condition to the making of the loan to Grantor, Beneficiary has required, and Grantor has agreed to provide, this Trust Deed.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, and for the purpose of securing the Obligations described in Section 1.01 below, Grantor hereby irrevocably grants, conveys, sells, conveys, assigns, and transfers to Trustee in trust for the benefit and security of Beneficiary, with power of sale, all of Grantor's right, title, and interest in and to the real property located in Lake County, State of Oregon, and more particularly described in Exhibit A attached hereto and incorporated herein, together with (1) all dwellings and other improvements now or hereafter located thereon, (2) all easements, mortgages, liens, encumbrances, and appurtenances relating thereto, (3) all awards for any taking of all or any portion thereof, and (4) all insurance proceeds for any damage thereto (collectively, the "Trust Property").

TO HAVE AND TO HOLD the Trust Property to Trustee and its successors and assigns for the benefit of Beneficiary and its successors and assigns, forever.

PROVIDED ALWAYS, that if all the Obligations shall be paid, performed, and satisfied in full, then the lien and estate hereby granted shall be reconveyed.

This Trust Deed, the Note, and all other agreements executed at any time in connection therewith, as they may be amended or supplemented from time to time, are sometimes collectively referred to as the "Loan Documents."

TO PROTECT THE SECURITY OF THIS TRUST DEED, GRANTOR COVENANTS AND AGREES AS FOLLOWS:

ARTICLE I
 Particular Covenants and Warranties of Grantor

1.01 Obligations Secured. This Trust Deed secures the payment of all indebtedness, including but not limited to principal and interest, and the performance of all covenants and obligations of Grantor, under the Note, this Trust Deed, and the other Loan Documents, whether such payment and performance is now due or becomes due in the future (collectively, the "Obligations").

This Trust Deed also secures the payment and performance of any and all other indebtedness and obligations of Grantor to Beneficiary, present and future, of any nature whatsoever, whether direct or indirect, primary or secondary, joint or several, liquidated or unliquidated, whenever and however arising, and whether or not reflected in a written agreement or instrument.

1.02 Payment and Performance. Grantor shall pay and perform all of the Obligations when due.

1.03 Property. Grantor warrants that it holds good and merchantable title to the Trust Property, free and clear of all liens, encumbrances, reservations, restrictions, easements, and adverse claims except those specifically listed in Exhibit A attached hereto. Grantor covenants that it shall forever defend Beneficiary's and Trustee's rights hereunder and the priority of this Trust Deed against the adverse claims and demands of all persons.

1.04 Further Assurances. Grantor shall execute, acknowledge, and deliver, from time to time, such further instruments as Beneficiary or Trustee may require to accomplish the purposes of this Trust Deed.

1.05 Compliance with Laws. Grantor represents, warrants, and covenants that the Trust Property is currently in material compliance with, and will at all times be maintained in material compliance with, all applicable laws, and all covenants, conditions, easements, and restrictions affecting the Trust Property.

1.06 Environmental Compliance

- (1) For purposes of this section, "Environmental Law" means any federal, state, or local law or regulation now or hereafter at any time pertaining to Hazardous Substances or environmental conditions. For purposes of this section, "Hazardous Substance" includes, without limitation, any substance that is or becomes classified as hazardous, dangerous, or toxic under any federal, state, or local law or regulation.
- (2) Grantor will not use, generate, store, release, discharge, or dispose of on, under, or about the Trust Property or the groundwater thereof any Hazardous Substance and will not permit any other person to do so, except for storage and use of such Hazardous Substances (and in such quantities) as may commonly be used for household purposes, provided such substances are stored and used in compliance with all Environmental Laws. Grantor will keep and maintain the Trust Property in compliance with all Environmental Laws.
- (3) Beneficiary shall have the right to participate in any legal proceeding initiated with respect to the Trust Property in connection with any Environmental Law and have its share of any costs paid by Grantor. If, at any time, Beneficiary has reason to believe that any violation of this Section 1.06 has occurred or is threatened, Beneficiary may require Grantor to obtain or may itself obtain, at Grantor's expense, an environmental assessment by a qualified environmental consultant. Grantor shall promptly provide to Beneficiary a complete copy of any environmental assessment obtained by Grantor.
- (4) If any investigation, monitoring, containment, cleanup, or other remedial work of any kind is required on the Trust Property under any applicable Environmental Law or by any governmental agency or person in connection with a release of a Hazardous Substance, Grantor shall promptly complete all such work at Grantor's expense.
- (5) All representations, warranties, and covenants in this Section 1.06 shall survive the satisfaction of the Obligations, the reconveyance of the Trust Property, or the foreclosure of this Trust Deed.

1.07 Maintenance and Improvements. Grantor shall not permit the Trust Property or any part thereof to be removed, demolished, or materially altered without Beneficiary's prior written consent. Grantor shall maintain the Trust Property, and every portion thereof, in good repair and condition, except for reasonable wear and tear, and shall at Beneficiary's election restore, replace, or rebuild the Trust Property or any part thereof now or hereafter damaged or destroyed by any casualty (whether or not insured against or insurable) or affected by any Condemnation (as defined in Section 2.01). Grantor shall not commit or suffer any waste or stop of the Trust Property.

1.08 Liens. Grantor shall pay when due all claims for labor and materials that, if unpaid, might become a lien on the Trust Property. Grantor shall not create or suffer any lien, security interest, or encumbrance on the Trust Property that may be prior to, or on a parity with, the lien of this Trust Deed, except as specifically provided in Exhibit B attached hereto.

1.09 Impositions. Grantor shall pay when due all taxes, assessments, fees, and other governmental and nongovernmental charges of every nature now or hereafter assessed against any part of the Trust Property or on the lien or estate of Beneficiary or Trustee therein (collectively, the "impositions"); provided, however, that if by law any such imposition may be paid in installments, Grantor may pay the same in installments, together with accrued interest on the unpaid balance thereof, as they become due. Grantor shall furnish to Beneficiary promptly upon request satisfactory evidence of the payment of all impositions. Beneficiary is hereby authorized to request and receive from the responsible governmental and nongovernmental personnel written statements with respect to the accrual and payment of all impositions.

1.10 Limitations of Use. Grantor shall not initiate or consent to any rezoning of the Trust Property or any change in any covenant or other public or private restrictions limiting or defining the uses that may be made of the Trust Property without the prior written consent of Beneficiary.

1.11 Insurance

- (1) Property and Other Insurance. Grantor shall obtain and maintain during the term of this Trust Deed all risk property insurance (including flood insurance unless waived by Beneficiary) in an amount not less than the full remaining principal balance of the Note or, if greater, in the amount of the full replacement cost of the Trust Property, without reduction for co-insurance.
- (2) Insurance Companies and Policies. All insurance shall be written by a company or companies reasonably acceptable to Beneficiary; shall contain a long form mortgage endorsement in favor of Beneficiary with proceeds under any policy payable to Beneficiary, subject to the terms of this Trust Deed; shall require 10 days' prior written notice to Beneficiary of cancellation or reduction in coverage; and shall contain a waiver of subrogation. Grantor shall furnish to Beneficiary upon request a certificate evidencing the coverage required under this Trust Deed and a copy of each policy.

WARNING

- (3) Beneficiary's Right to Insure.
UNLESS GRANTOR PROVIDES BENEFICIARY WITH EVIDENCE OF THE INSURANCE COVERAGE AS REQUIRED BY THIS TRUST DEED, BENEFICIARY MAY PURCHASE INSURANCE AT GRANTOR'S EXPENSE TO PROTECT BENEFICIARY'S

INTEREST, THIS INSURANCE MAY, BUT NEED NOT, ALSO PROTECT GRANTOR'S INTEREST. IF THE PROPERTY CONVEYED BY THIS AGREEMENT BECOMES DAMAGED, THE COVERAGE BENEFICIARY PURCHASES MAY NOT PAY ANY CLAIM GRANTOR MAKES OR ANY CLAIM MADE AGAINST GRANTOR. GRANTOR MAY LATER CANCEL THIS COVERAGE BY PROVIDING EVIDENCE THAT GRANTOR HAS OBTAINED PROPERTY COVERAGE ELSEWHERE. GRANTOR IS RESPONSIBLE FOR THE COST OF ANY INSURANCE PURCHASED BY BENEFICIARY. THE COST OF THIS INSURANCE MAY BE ADDED TO THE NOTE BALANCE IF THE COST IS ADDED TO THE NOTE BALANCE. THE INTEREST RATE ON THE UNDERLYING NOTE WILL APPLY TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF COVERAGE MAY BE THE DATE GRANTOR'S PRIOR COVERAGE LAPSED OR THE DATE GRANTOR FAILED TO PROVIDE PROOF OF COVERAGE.

THE COVERAGE BENEFICIARY PURCHASES MAY BE CONSIDERABLY MORE EXPENSIVE THAN INSURANCE GRANTOR CAN OBTAIN ON GRANTOR'S OWN AND MAY NOT SATISFY ANY NEED FOR PROPERTY DAMAGE COVERAGE OR ANY MANDATORY LIABILITY INSURANCE REQUIREMENTS IMPOSED BY APPLICABLE LAW.

1.12 Casualty/Loss Restoration

- (1) After the occurrence of any casualty to the Trust Property, whether or not covered by insurance, Grantor shall give prompt written notice thereof to Beneficiary. Beneficiary may make proof of loss if it is not made promptly and to Beneficiary's satisfaction by Grantor.
- (2) All insurance proceeds with respect to the Trust Property shall be payable to Beneficiary. At Beneficiary's discretion, insurance proceeds may be applied to the Obligations or may be released to Grantor, on such terms and conditions as Beneficiary elects, for restoration of the Trust Property.

1.13 Actions to Protect Trust Property Reserves

- (1) If Grantor shall fail to pay, perform, or observe any of its covenants hereunder, Beneficiary may, but shall not be required to, take such actions as it deems appropriate to remedy such failure. All sums, including reasonable attorney fees, so expended, or expended to maintain the lien or estate of this Trust Deed or its priority, or to protect or enforce any of Beneficiary's rights hereunder, shall be a lien on the Trust Property, shall be secured by this Trust Deed, and shall be paid by Grantor on demand, together with interest thereon at the rate provided in the Note. No payment or other action by Beneficiary under this section shall impair any other right or remedy available to Beneficiary or constitute a waiver of any Event of Default.
- (2) If Grantor fails to promptly perform any of its obligations under Section 1.09 or 1.11 of this Trust Deed, Beneficiary may require Grantor thereafter to pay and maintain with Beneficiary reserves for payment of such obligations. In that event, Grantor shall pay to Beneficiary each month a sum estimated by Beneficiary to be sufficient to produce, at least 20 days before due, an amount equal to the impositions, insurance premiums, or both. If the sums so paid are insufficient to satisfy any imposition or insurance premium when due, Grantor shall pay any deficiency to Beneficiary on demand. The reserves may be commingled with Beneficiary's other funds. Beneficiary shall credit to Grantor interest on such reserves at the minimum rate required from time to time by applicable law. Beneficiary shall not hold the reserves in trust for Grantor, and Beneficiary shall not be the agent of Grantor for payment of the taxes and assessments required to be paid by Grantor.

1.14 Estoppel Certificates. Grantor, within five days of request therefor, shall furnish Trustee and Beneficiary a written statement, duly acknowledged, of the amount of the Obligations secured by this Trust Deed and whether any offsets or defenses exist against the Obligations secured hereby. If Grantor shall fail to furnish such a statement within the time allowed, Beneficiary shall be authorized, as Grantor's attorney-in-fact, to execute and deliver such statement.

**ARTICLE II.
Condemnation**

2.0 Should the Trust Property or any part thereof be taken or damaged by reason of any public improvement, eminent domain, condemnation proceeding, or in any other manner (a "Condemnation"), or should Grantor receive any notice or other information regarding such action, Grantor shall give immediate notice thereof to Beneficiary. Beneficiary shall be entitled to all compensation, awards, and other payments or relief therefrom ("Condemnation Proceeds") up to the full amount of the Obligations, and may appear in any Condemnation proceeding in its own or Grantor's name and make any settlement in connection therewith. Beneficiary may, at its option, apply the Condemnation Proceeds to the Obligations or release the proceeds to Grantor, on such terms and conditions as Beneficiary elects, for restoration of the Trust Property.

**ARTICLE III
Leases and Rents**

3.01 Assignment of Leases and Rents. Grantor assigns to Beneficiary all leases, rental contracts, and other agreements now or hereafter relating to the Trust Property or any portion thereof (the "Leases") and all rents and income derived therefrom (the "Rents"). Beneficiary shall have the right, but shall not be obligated, after the occurrence of an Event of Default, to notify any and all obligors under any of the Leases that the same have been assigned to Beneficiary, to discuss, negotiate, enforce, and collect the Leases and Rents and to exercise any and all other rights and remedies of the lessor in connection with any of the Leases and Rents. Beneficiary shall have the right to use and apply any Rents received (1) for any costs and expenses incurred in connection with enforcing this assignment and collecting Rents; (2) for the

maintenance of the Trust Property; and (3) for reduction of the Obligations in such order as Beneficiary shall determine. Beneficiary hereby gives Grantor a revocable license to collect and receive the Rents. Such license may be revoked by Beneficiary, without notice to Grantor, upon the occurrence of any Event of Default under this Trust Deed. Grantor agrees not to collect any Rents more than 30 days in advance. This assignment shall not operate to place responsibility for the care, maintenance, or repair of the Trust Property upon Beneficiary.

3.02 **Attorney-in-Fact.** Grantor irrevocably constitutes and appoints Beneficiary as its true and lawful attorney-in-fact, with power of substitution, to exercise any and all of the rights, powers, and authorities described in this Article III and to endorse any instruments given in payment of any Rents.

ARTICLE IV Security Agreement and Fixture Filing

4.0 To secure the Obligations, Grantor hereby grants to Beneficiary a security interest in all fixtures located on the Trust Property. This Trust Deed shall constitute a security agreement and fixture filing under the Uniform Commercial Code statutes of the state of Oregon. The mailing address of Grantor and the address of Beneficiary from which information may be obtained are set forth in the introductory paragraph of this Trust Deed.

ARTICLE V Events of Default; Remedies

5.01 Events of Default. Each of the following shall constitute an Event of Default under this Trust Deed and under each of the other Loan Documents:

- (1) **Nonpayment.** Failure of Grantor to pay any of the Obligations on or within 15 days after the due date.
- (2) **Breach of Other Covenants.** Failure of Grantor to perform or abide by any other covenant included in the Obligations, including without limitation those covenants in the Note, in this Trust Deed, or in any other Loan Document.
- (3) **Misinformation.** Falsity when made in any material respect of any representation, warranty, or information furnished by Grantor or its agents to Beneficiary in connection with any of the Obligations.
- (4) **Other Default.** The occurrence of any other event of default under the Note, the Loan Documents, or any of the other Obligations.
- (5) **Other Indebtedness, Secondary Financing.** Grantor's default beyond applicable grace periods in the payment of any other indebtedness secured by all or any portion of the Trust Property.
- (6) **Bankruptcy.** The occurrence of any of the following with respect to Grantor, any guarantor of the Obligations, or the then owner of the Trust Property: (a) appointment of a receiver, liquidator, or trustee for any such party or any of its properties; (b) adjudication as a bankrupt or insolvent;
- (7) **filing of any petition by or against any such party under any state or federal bankruptcy, reorganization, moratorium, or insolvency law; (d) inability to pay debts when due; or (e) any general assignment for the benefit of creditors.**
- (8) **Transfer, Due-on-Sale.** Any sale, gift, conveyance, contract for conveyance, transfer, or assignment of the Trust Property, or any part thereof or any interest therein, either voluntarily, involuntarily, or by the operation of law (a "Transfer"), without Beneficiary's prior written consent. Any lease for a term in excess of three years, and any lease containing an option to purchase the Trust Property or any portion thereof, shall be a Transfer. The provisions of this subsection (7) shall apply to each and every Transfer, regardless of whether or not Beneficiary has consented or waived its rights in connection with any previous Transfer. Beneficiary may attach such conditions to its consent under this subsection (7) as Beneficiary may determine in its sole discretion, including without limitation an increase in the interest rate or the payment of transfer or assumption fees, and the payment of administrative and legal fees and costs incurred by Beneficiary.

5.02 Remedies in Case of Default. If an Event of Default shall occur, Beneficiary or Trustee, as the case may be, may exercise any one or more of the following rights and remedies, in addition to any other remedies that may be available by law, in equity, or otherwise:

- (1) **Acceleration.** Beneficiary may declare all or any portion of the Obligations immediately due and payable.
- (2) **Rents.** Beneficiary may revoke Grantor's right to collect the Rents, and may collect the Rents. Beneficiary shall not be deemed to be in possession of the Trust Property solely by reason of exercise of the rights contained in this subsection (2).
- (3) **Power of Sale.** Beneficiary may direct Trustee, and Trustee shall be empowered, to foreclose the Trust Property by advertisement and sale under applicable law.
- (4) **Foreclosure.** Beneficiary may judicially foreclose this Trust Deed and obtain a judgment foreclosing Grantor's interest in all or any part of the Trust Property.

- (5) **Fixtures and Personal Property.** With respect to any fixtures or other property subject to a security interest in favor of Beneficiary, Beneficiary may exercise any and all of the rights and remedies of a secured party under the Uniform Commercial Code.

5.03 Sale. In any sale under this Trust Deed or pursuant to any judgment, the Trust Property, to the extent permitted by law, may be sold as an entirety or in one or more parcels and in such order as Beneficiary may elect. The purchaser at any such sale shall take title to the Trust Property or the part thereof so sold, free and clear of the estate of Grantor, the purchaser being hereby discharged from all liability to see to the application of the purchase money. Any person, including Beneficiary, may purchase at any such sale. Beneficiary is hereby irrevocably appointed Grantor's attorney-in-fact, with power of substitution, to make all appropriate transfer and deliveries of the Trust Property or any portions thereof so sold. Nevertheless, Grantor shall notify and confirm any such sale or sales by executing and delivering to Beneficiary or to such purchaser or purchasers all such instruments requested by Beneficiary for such purpose. Except for as follows: NONE.

5.04 Cumulative Remedies. All remedies under this Trust Deed are cumulative. Any election to pursue one remedy shall not preclude the exercise of any other remedy. No delay or omission in exercising any right or remedy shall impair the full exercise of that or any other right or remedy or constitute a waiver of any Event of Default.

5.05 Application of Proceeds. All proceeds from the exercise of the rights and remedies under this Article V shall be applied (1) to costs of exercising such rights and remedies; (2) to the Obligations, in such order as Beneficiary shall determine in its sole discretion; and (3) the surplus, if any, shall be paid to the clerk of the court in the case of a judicial foreclosure proceeding, otherwise to the person or persons legally entitled thereto.

ARTICLE VI General Provisions

6.01 Time is of the Essence. Time is of the essence with respect to all covenants and obligations of Grantor under this Trust Deed.

6.02 Reconveyance by Trustee. At any time on the request of Beneficiary, payment of Trustee's fees, if any, and presentation of this Trust Deed, without affecting the liability of any person or payment of the Obligations, Trustee may reconvey, without warranty, all or any part of the Trust Property. The grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any facts shall be conclusive proof of the truthfulness thereof.

6.03 Notice. Except as otherwise provided in this Trust Deed, all notices shall be in writing and may be delivered by hand, or mailed by first-class certified mail, return receipt requested, postage prepaid, and addressed to the appropriate party at its address set forth at the outset of this Trust Deed. Any party may change its address for such notices from time to time by notice to the other parties. Notices given by mail in accordance with this paragraph shall be deemed to have been given upon the date of mailing; notices given by hand shall be deemed to have been given when actually received.

6.04 Substitute Trustee. In the event of resignation or resignation of Trustee, Beneficiary may substitute one or more trustees to execute the trust hereby created, and the new trustee(s) shall succeed to all the powers and duties of the prior trustee(s).

6.05 Trust Deed Binding on Successors and Assigns. This Trust Deed shall be binding on and inure to the benefit of the heirs, legatees, personal representatives, successors, and assigns of Grantor, Trustee, and Beneficiary.

6.06 Indemnity. Grantor shall, to the fullest extent allowed by law, hold Beneficiary and Trustee and, if either is a corporation or other legal entity, their respective directors, officers, employees, agents, and attorneys harmless from and indemnify them for any and all claims, demands, damages, liabilities, and expenses, including but not limited to attorney fees and court costs, arising out of or in connection with Trustee's or Beneficiary's interests and rights under this Trust Deed.

6.07 Expenses and Attorney Fees. Grantor shall pay all fees and expenses, taxes, assessments, and charges arising out of or in connection with the execution, delivery, and recording of this Trust Deed. If Beneficiary notifies any of the Obligations to an attorney for collection or seeks legal advice following a default; if Beneficiary is the prevailing party in any litigation instituted in connection with any of the Obligations; or if Beneficiary or any other person institutes any judicial or nonjudicial action, suit, or proceeding in connection with any of the Obligations or the Trust Property (including but not limited to bankruptcy, eminent domain, or probate proceedings), and an attorney is employed by Beneficiary to appear in any such proceeding or seek relief from a judicial or statutory stay, or otherwise enforce Beneficiary's interests, then in any such event Grantor shall pay reasonable attorney fees, costs, and expenses incurred by Beneficiary in connection with the above mentioned events and any appeals. Such amounts shall be secured by this Trust Deed and, if not paid upon demand, shall bear interest at the rate specified in the Note.

6.08 Applicable Law. This Trust Deed shall be governed by the laws of the state of Oregon.

6.09 "Person" Defined. As used in this Trust Deed, the word "person" shall mean any natural person, partnership, trust, corporation, or other legal entity of any nature.

6.10 Severability. If any provision of this Trust Deed shall be held to be invalid, illegal, or unenforceable, the other provisions of this Trust Deed shall not be affected.

6.11 Entire Agreement. This Trust Deed contains the entire agreement of the parties with respect to the Trust Property. No prior agreement or promise made by any party to this Trust Deed that is not contained herein shall be binding or valid.

6.12 Joint and Several Liability. In the event this Trust Deed is executed by two or more persons as Grantor, all of such persons shall be liable, jointly and severally, for payment of all sums and performance of all other covenants in this Trust Deed.

6.13 Standard for Discretion. In the event this Trust Deed is silent on the standard for any consent, approval, determination, or similar discretionary action, the standard shall be sole and unfettered discretion as opposed to any standard of good faith, fairness, or reasonableness.

6.15 Additional Terms.

6.18 ORS 53.060 Warning. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.030.

GRANTOR(S):



John R. Cogar

STATE OF OREGON) S.S.
County of Lake)

On this date, before me, the undersigned Notary Public for such State, personally appeared John R. Cogar, known to me to be the person(s) that executed the within instrument, and acknowledged to me that such Trust executed the same.

Witness my hand and seal on this 10th day of September, 2019




Notary Public for Oregon

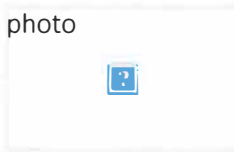
From: [Matt Bogatay](#)
To: [Jay Harland](#)
Cc: [Darryl Anderson](#); [Dawn Roberts](#); [Seth Adams](#); [Michele Parry](#); diana@klamathhousing.org; [Briana Manfrass](#); [Victoria Tranca](#)
Subject: RE: apartment building project
Date: Tuesday, May 2, 2023 7:34:08 AM

Jay,

I appreciate your thoughts, however this project is considered a multifamily housing project and does not require any licensing for the type of residents planned to reside here.

Thank you,

photo



Matt Bogatay
President, Bogatay Construction, Inc.
[541-BOGATAY](tel:541-BOGATAY) | [541-331-0009](tel:541-331-0009) | mbogatay@bci.us
www.bci.us
4223 Venture Court, Klamath Falls, OR. 97601

From: Jay Harland <jay@csaplanning.com>
Sent: Tuesday, May 2, 2023 6:57 AM
To: Matt Bogatay <mbogatay@bci.us>
Cc: Darryl Anderson <darryla@andersonengineering.com>; Dawn Roberts <adminassistant@townoflakeview.org>; Seth Adams <Seth@csaplanning.com>; Michele Parry <townmanager@townoflakeview.org>
Subject: apartment building project

CAUTION: This email originated outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bogatay,

I was thinking about this project before going to bed. The findings that Darryl provided is for a multi-family apartment building. This is an allowed use in the zone. The staff report treats this application as a multi-family dwelling.

However, in looking at the plans – there is a room labeled as a “therapy room”. Also, the most recent plans with the additional privacy screens there are notes about the design requirements being done this way because the residents may be a danger to themselves.

This raises a big question. My question is whether this building will actually be used as a residential facility that requires licensing by the Oregon Department of Human Services pursuant to ORS 443.400? If so, the notice is defective because the actual proposed use is not the use described on the application. Residential Facilities are a distinct use under the zoning code. The zoning code allows residential facilities up to 15 individuals in the multi-family zone. If the use requested is a residential care facility, the application needs to be amended and the hearing re-noticed. Also, two

of the units would need to be designated as staff units (so they do not count against the 15-unit maximum).

Please confirm that no licensing from DHS pursuant to ORS 443.400 will be required for this project. Please also confirm this is not an issue for the duplex project (that appears to be a pretty standard independent living project but I just want to make sure).

Done

Jay Harland



President
CSA Planning Ltd.
4497 Brownridge, Suite 101
Medford, Oregon 97504
(541) 779-0569

KOTEK EXECUTIVE ORDER NO. 23-02 QUESTION

Has either the Mayor or the City Council members read this EO?

Page 1. 2nd Sentence: NO MENTION OF LAKEVIEW, SO WHAT FUNDS HAS THE CITY RECEIVED FROM THE FED TO ADDRESS HOMELESSNESS?

LAKEVIEW NOR LAKE COUNTY ARE A MEMBER OF THE 8 CONTINUUMS MENTIONED IN THIS EO.

DRAW YOUR ATTENTION TO LAST SENTENCE 2ND PARAGRAPH; METRO REGION NO MENTION OF LAKVIEW EITHER PAGE 1 NOR PAGE 2 OF THIS EO.

PAGE 2.

WHAT WIDESPREAD INJURY TO PROPERTY HAS BUSINESS' IN LAKEVIEW HAD BECAUSE OF HOMELESSNESS?

THE HIGH COMMISSIONER OF THE UN HAS NO JURISDICTION HERE SO WHY IS KOTEK BRINGING HIM INTO THIS HOMELESSNESS ISSUE? PERSONALLY I DON'T GIVE A DAMM WHAT THE UN THINKS!!!

PAGE 3.

2ND. SENTENCE – KOTEK STATES INFATICALLY THE GOAL THIS EO IS TO “REHOUSE PEOPLE EXPERIENCING UNSHELTERED HOMELESSNESS.....WITH A PERMIT FROM HUD HOUSING THEY CAN GO ANYWHERE IN THE UNITED STATES.....WHICH IS KOTEX’S GOAL TO REHOME PORTLAND’S HOMELESS TO OTHER COUNTIES AND CITIES.....

LAST SENTENCE (1) (I) LAKEVIEW IS NOT AN EMERGENCY AREA WE HAVE NO HOMELESS PEOPLE AND AS YOUR HOUSING ANALYSIS OF 2019-2020 STATES THERE WILL BE A -2% DECLINE IN NEW RESIDENT TO INCLUDE HOMELESS PEOPLE UNTIL 2039 THAT IS UNTIL PERMITS ARE ISSUED FOR HOMELESS IN THE 8 CONINNUIM AREAS AND THEN THEY CAN GO ANYWHERE AND WE WILL SEE HOMELESS COME HERE IF THESE COMPLEXES ARE BUILT.

PAGE 4. WILL THESE MAC TEAMS COME TO LAKEVIEW AS MENTIONED IN (iv)

C. WHAT STATE RESOURCES REQUESTS HAS THE CITY OF LAKEVIEW MADE THAT COMPLY WITH ORS 401.165 (2)?

IS B&B GETTING ANY OF THESE FUNDS FOR THEIR PROJECTS?

Attachments for your review:

ATTACHMENTS ORS 401.165 AND PRS 401.168 Pertinent to EO 23-20

House Bill 3501 Establishes the Oregon Right to Rest Act.

FORTUNATELY FOR THE CITIZENS OF OREGON AND LAKEVIEW THIS BILL WAS NEVER SIGNED INTO LAW.....PAY ATTENTION TO :

Line13 (b) Decriminalization of rest allows local governments to redirect resources from local law enforcement activities to activities that address the root cause of homelessness and poverty.



EXECUTIVE ORDER NO. 23-02

DECLARING STATE OF EMERGENCY DUE TO HOMELESSNESS

Over the past six years, the number of people experiencing homelessness in Oregon has increased by 63%. The 2022 Point in Time count, an estimate of the number of people experiencing homelessness that is conducted every other year as required by the US Department of Housing and Urban Development, found at least 18,000 individuals experiencing homelessness across the state. From 2017 to 2022, there was a particularly dramatic increase in those who were experiencing unsheltered homelessness. For purposes of this order, “unsheltered homelessness” describes a person who resides in a place not meant for human habitation, including but not limited to cars, parks, sidewalks, abandoned buildings, and streets. Currently, across the state, about 62% of those who are experiencing homelessness are unsheltered. Oregon has the fourth-highest rate of unsheltered homelessness in the country and the highest rate of unsheltered homelessness for families with children.

X The federal government created the Continuum of Care program to promote a community-wide commitment to end homelessness. The program provides funding to state and local governments and nonprofits to rehouse and provide services to people experiencing homelessness. The federal government has recognized eight continuums of care across the State of Oregon, covering the entire geography of the state. These continuum of care regions directly receive federal resources to address homelessness. Continuums of care play a key role in coordinating funding and services across their service areas to advance the goal of ending homelessness in each region. Oregon’s eight continuum of care regions are: Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; Clackamas County; and the Balance of State. Three continuum of care regions are located within the Portland Metro region: Portland, Gresham/Multnomah County; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, the “Metro region”). For the purposes of evaluating changes in unsheltered homelessness over time, the data for the Metro region has been combined for reporting in this Executive Order.

X Four continuum of care regions and the Metro region have experienced an increase in unsheltered homelessness of 50% or more from 2017 to 2022:

- Metro region Continuums of Care¹ (50.4%);
- Central Oregon (86%);

¹ Portland, Gresham/Multnomah, Hillsboro, Beaverton/Washington County, and Clackamas County.



EXECUTIVE ORDER NO. 23-02
PAGE TWO

- Eugene, Springfield/Lane County (110%);
- Medford, Ashland/Jackson County (132%); and
- Salem/Marion, Polk Counties (150%).

X Homelessness in Oregon has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss.

In terms of widespread injury to property, local jurisdictions and businesses have spent and continue to spend significant resources to address the impact of people experiencing unsheltered homelessness. Examples include, but are not limited to, picking up and disposing of debris, garbage, waste, and biohazards to restore land to its intended public use.

X Above all, unsheltered homelessness leads to widespread human suffering. According to the United Nations Human Rights Office of the High Commissioner: “Homelessness is a profound assault on dignity, social inclusion and the right to life. It is a prima facie violation of the right to housing and violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.”² Undoubtedly, people experiencing unsheltered homelessness are suffering most acutely, but Oregonians with housing also suffer significant moral injury as a result of the crisis of homelessness in our state. As defined by Syracuse University, moral injury means “the damage done to one’s conscience or moral compass when that person perpetrates, witnesses, or fails to prevent acts that transgress one’s own moral beliefs, values, or ethical codes of conduct.”³

Oregonians are gravely concerned about homelessness across our state. According to a survey conducted by the Oregon-based, nonpartisan Oregon Values and Beliefs Center in September 2022, respondents identified homelessness as a top priority. Homelessness was also the top issue in local and statewide elections

² United Nations Office of the High Commissioner, *Homelessness and Human Rights Special Rapporteur on the Right to Adequate Housing*, December 26, 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/353/90/PDF/G1935390.pdf?OpenElement> (accessed January 7, 2023).

³ *What is Moral Injury*, <https://moralinjuryproject.syr.edu/about-moral-injury/> (accessed January 7, 2023).



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in 2022, reflecting the widespread concern Oregonians have about homelessness in the State.

ORS 401.165 *et seq.* empowers the Governor to declare a state of emergency upon determining that an emergency has occurred or is imminent. Pursuant to that authority, I find that unsheltered homelessness in the continuum of care regions for Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, “emergency areas”), has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss and thus constitutes an emergency under ORS 401.025(1).

λ To reduce homelessness and its impacts, this declaration of emergency is necessary to rapidly expand the state’s low-barrier shelter capacity, to rehouse people experiencing unsheltered homelessness, and to prevent homelessness to the greatest extent possible. This Executive Order directs the state’s emergency management response capacity and an initial infusion of targeted funding and other resources that will meaningfully reduce the level of unsheltered homelessness in Oregon, while establishing a framework to support the continued reduction of homelessness in the long term, even after the state of emergency has ended.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

There is a state of emergency in the emergency areas due to unsheltered homelessness. I declare this emergency for these areas because they have experienced an increase in unsheltered homelessness of 50% or greater since 2017.

1. Oregon Department of Emergency Management (OEM). OEM shall activate the State’s Emergency Operations Plan and coordinate access to and use of personnel and equipment of all state agencies necessary to assess, alleviate, respond to, mitigate, or recover from this emergency.
 - a. OEM coordination efforts shall include, but not be limited to:
 - i. Activating the Comprehensive Emergency Management Plan in the emergency areas.



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- ii. Establishing a multiagency coordination (MAC) team in the tri-county Metro region to be led by the Governor or her designee.
 - iii. Coordinating with local jurisdictions in emergency areas to determine unmet needs.
 - iv. Providing technical assistance support to establish MAC teams in the emergency areas.
 - v. Providing additional support and capacity to local jurisdictions to address emergency management gaps to the greatest extent possible.
 - vi. Coordinating an inventory of vacant and surplus lands owed by state agencies and agency recommendations regarding suitability of inventoried land for use in responding to the emergency.
 - b. In conformance with the Comprehensive Emergency Management Plan and ORS chapter 401, state agencies are directed to provide any assistance and supports requested by OEM as needed to assist in the response to this emergency.
 - c. Any local government requests for state resources to respond to or recover from this emergency must be submitted through county or city governing bodies to OEM, in compliance with ORS 401.165(2).
2. Oregon Housing and Community Services (OHCS). OHCS, in coordination with any executive state agencies necessary, shall repurpose up to \$40 million in funds appropriated to OHCS for the 2021-2023 biennium to respond to the emergency, as further directed by me or my delegate.
3. Executive State Agencies.
 - a. As necessary to respond to the emergency, all executive state agencies are authorized, upon further direction from me and my office, to take any actions authorized under the provisions set forth in ORS 401.168 through ORS 401.192.



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- b. For purposes of an emergency exemption from competitive procurement requirements, an emergency exists as that term is defined in ORS 279A.010(1)(f), Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
 - c. For purposes of an emergency exemption from legal sufficiency review requirement under ORS 291.047(5)(b) and OAR 137-045-0070, an emergency exists. Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
4. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforcement at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
5. Delegation. Where this Executive Order delegates the Governor's authority to an agency, that delegation does not deprive the Governor of that authority.
6. Legal Effect. This Executive Order is issued under the authority conferred on the Governor by ORS 401.035, ORS 401.165 to 401.236, and ORS 401.525. Pursuant to ORS 401.192, this Executive Order and the actions taken pursuant to it have the full force and effect of law, and any existing laws, ordinances, rules, and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.
7. Severability. If any portion of this Executive Order is held by a court of competent jurisdiction to be invalid, all remaining portions of this Executive Order shall remain in effect.



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8. Duration. This Executive Order is effective immediately and shall remain in effect until January 10, 2024, unless extended or terminated earlier by the Governor. The Governor shall reassess the necessity of this Executive Order every two months and shall retain, modify, or supplement it as circumstances warrant.

Done at Salem, Oregon, this 10th day of January, 2023.




Tina Kotek
GOVERNOR

ATTEST:


Shemia Fagan
SECRETARY OF STATE

401.165. (1) The Governor may declare a state of emergency by proclamation at the request of a county governing body or after determining that an emergency has occurred or is imminent.

(2) All requests by a county governing body that the Governor declare an emergency shall be sent to the Office of Emergency Management. Cities must submit requests through the governing body of the county in which the majority of the city's property is located. Requests from counties shall be in writing and include the following:

Lakeview City or county made requests

(a) A certification signed by the county governing body that all local resources have been expended; and

(b) A preliminary assessment of property damage or loss, injuries and deaths.

(3)(a) If, in the judgment of the Adjutant General, the Governor cannot be reached by available communications facilities in time to respond appropriately to an emergency, the Adjutant General shall notify the Secretary of State or, if the Secretary of State is not available, the State Treasurer that the Governor is not available.

(b) After notice from the Adjutant General that the Governor is not available, the elected state official so notified may declare a state of emergency pursuant to the provisions of subsections (1) and (2) of this section.

(c) If the Adjutant General is unavailable to carry out the duties described in this subsection, such duties shall be performed by the Director of the Office of Emergency Management.

(4) Any state of emergency declared by the Secretary of State or State Treasurer pursuant to this section has the same force and effect as if issued by the Governor, except that it must be affirmed by the Governor as soon as the Governor is reached. However, if the Governor does not set aside the proclamation within 24 hours of being reached, the proclamation shall be considered affirmed by the Governor.

(5) Any proclamation of a state of emergency must specify the geographical area covered by the proclamation. Such area shall be no larger than necessary to effectively respond to the emergency.

(6) The governing body of each county shall establish a procedure for receiving, processing and transmitting to the Office of Emergency Management, in a timely manner, a request submitted by a city that the Governor declare an emergency.

401.168 Governor's powers during state of emergency; suspension of agency rules. (1)

During a state of emergency, the Governor has complete authority over all executive agencies of state government and the right to exercise, within the area designated in the proclamation, all police powers vested in the state by the Oregon Constitution in order to effectuate the purposes of this chapter.

(2) During a state of emergency, the Governor has authority to suspend provisions of any order or rule of any state agency, if the Governor determines and declares that strict compliance with the provisions of the order or rule would in any way prevent, hinder or delay mitigation of the effects of the emergency.

(3) During a state of emergency, the Governor has authority to direct any agencies in the state government to utilize and employ state personnel, equipment and facilities for the performance of any activities designed to prevent or alleviate actual or threatened damage due to the emergency, and may direct the agencies to provide supplemental services and equipment to local governments to restore any services in order to provide for the health and safety of the citizens of the affected area. [Formerly 401.065]

401.170 [Amended by 1963 c.179 §1; 1971 c.766 §1; repealed by 1983 c.586 §49]

401.175 Additional powers during emergency. During the existence of an emergency, the Governor may:

(1) Assume complete control of all emergency operations in the area specified in a proclamation of a state of emergency issued under ORS 401.165, direct all rescue and salvage work and do all things deemed advisable and necessary to alleviate the immediate conditions.

(2) Assume control of all police and law enforcement activities in such area, including the activities of all local police and peace officers.

(3) Close all roads and highways in such area to traffic or by order of the Governor limit the travel on such roads to such extent as the Governor deems necessary and expedient.

(4) Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work.

(5) Require the aid and assistance of any state or other public or quasi-public agencies in the performance of duties and work attendant upon the emergency conditions in such area. [Formerly 401.115; 2020 s.s.2 c.2 §§1,2; 2021 c.3 §§1,2]

Note: The amendments to 401.175 by section 2, chapter 3, Oregon Laws 2021, become operative on the date on which the declaration of a state of emergency related to COVID-19 issued by the Governor on March 8, 2020, and any extension of the declaration of emergency, is no longer in effect. See section 3, chapter 3, Oregon Laws 2021. The text that is operative until the date on which the declaration of a state of emergency related to COVID-19 issued by the

Governor on March 8, 2020, and any extension of the declaration of emergency, is no longer in effect, including amendments by sections 1 and 2, chapter 2, Oregon Laws 2020 (second special session), and section 1, chapter 3, Oregon Laws 2021, is set forth for the user's convenience.

401.175. During the existence of an emergency, the Governor may:

(1) Assume complete control of all emergency operations in the area specified in a proclamation of a state of emergency issued under ORS 401.165, direct all rescue and salvage work and do all things deemed advisable and necessary to alleviate the immediate conditions.

(2) Assume control of all police and law enforcement activities in such area, including the activities of all local police and peace officers.

(3) Close all roads and highways in such area to traffic or by order of the Governor limit the travel on such roads to such extent as the Governor deems necessary and expedient.

(4) Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work.

(5) Require the aid and assistance of any state or other public or quasi-public agencies in the performance of duties and work attendant upon the emergency conditions in such area.

(6) Authorize the Director of the Department of Revenue to disclose and give access to information described in ORS 314.835 to the Director of the Employment Department if the Director of the Department of Revenue determines that the administration of any federal or state law or program requires the disclosure of the information to enable the Employment Department to verify the identity or income level of any person for purposes related to the emergency or any consequences of the emergency. The information that may be disclosed under this subsection shall be limited to information that is necessary to verify a person's identity or income level. The Director of the Employment Department shall maintain the confidentiality of the information during and after the state of emergency.

Note: Section 4, chapter 3, Oregon Laws 2021, provides:

Sec. 4. Notwithstanding the operative date set forth in section 3 of this 2021 Act, authority granted under ORS 401.175 (6) to the Director of the Department of Revenue before the operative date set forth in section 3 of this 2021 Act to disclose and give access to information shall continue until the earliest of:

(1) The date that is 90 days following the latest date of expiration of any temporary federal program that is related to COVID-19 and administered by the Employment Department to provide unemployment benefits based on self-employment or similar earnings for which information may be disclosed to the Director of the Employment Department under ORS 401.175 (6);

(2) December 31, 2022; or

(3) The date on which the Governor revokes the grant of authority. [2021 c.3 §4]

401.178 Removal of disaster debris or wreckage; unconditional authorization of community; liability for injury or damage. (1) Whenever the Governor has declared a disaster emergency to exist under the laws of this state, or the President of the United States, at the request of the Governor, has declared a major disaster or emergency to exist in this state, the Governor is authorized:

(a) Through the use of state departments or agencies, or the use of any of the state's instrumentalities, to clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety, or public or private property.

(b) To accept funds from the federal government and utilize such funds to make grants to any political subdivision for the purpose of removing debris or wreckage from publicly or privately owned land or water.

(2) Authority under subsection (1) of this section shall not be exercised unless the affected political subdivision, corporation, organization, or individual shall first present an unconditional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the state government against any claim arising from such removal.

(3) Whenever the Governor provides for clearance of debris or wreckage pursuant to subsections (1) and (2) of this section, employees of the designated state agencies or individuals appointed by the Governor are authorized to enter upon private lands or waters and perform any tasks necessary to the removal or clearance operation.

(4) Except in cases of willful misconduct, gross negligence or bad faith, any state employee or individual appointed by the Governor authorized to perform duties necessary to the removal of debris or wreckage shall not be liable for death of or injury to persons or damage to property. [Formerly 401.145]

401.180 [Repealed by 1983 c.586 §49]

401.185 Providing temporary housing during emergency. Whenever the Governor has declared a state of emergency or the President of the United States has declared an emergency or a major disaster to exist in this state, the Governor, with the concurrence of the Joint Committee on Ways and Means or the Emergency Board, if the Legislative Assembly is not in session, is authorized:

(1) To enter into purchase, lease or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make the units available to local governments of the state.

B+Bappy for this

(2) To assist any local government of this state which requires temporary housing for disaster victims following the declaration of a state of emergency to acquire and prepare a site to receive and utilize temporary housing units by:

(a) Advancing or lending funds available to the Governor from any appropriation made by the Legislative Assembly or from any other source; and

(b) Passing through funds made available by any public or private agency. [Formerly 401.074]

401.186 Waiver of waiting period for unemployment benefits. If the Governor by proclamation has declared a state of emergency under ORS 401.165, the Governor may waive the one-week waiting period required by ORS 657.155 for persons making a claim for unemployment benefits who reside within the geographical area subject to the proclamation and specified by the Governor. [2008 c.23 §2]

Note: Section 4, chapter 23, Oregon Laws 2008, provides:

Sec. 4. Sections 1 and 2 [401.186] of this 2008 Act and the amendments to ORS 657.155 by section 3 of this 2008 Act become operative when federal law permits without penalty a waiver under section 2 of this 2008 Act of the one-week waiting period required by ORS 657.155. [2008 c.23 §4]

401.188 Management of resources during emergency; rules. Whenever the Governor has declared a state of emergency, the Governor may issue, amend and enforce rules and orders to:

(1) Control, restrict and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods and services;

(2) Prescribe and direct activities in connection with use, conservation, salvage and prevention of waste of materials, services and facilities, including, but not limited to, production, transportation, power and communication facilities training, and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, rehabilitation, education, welfare, child care, recreation, consumer protection and other essential civil needs; and

(3) Take any other action that may be necessary for the management of resources following an emergency. [Formerly 401.085]

401.190 [Amended by 1963 c.528 §5; repealed by 1983 c.586 §49]

401.192 Effect of rules and orders during emergency; scope; effect; termination. (1) All rules and orders issued under authority conferred by ORS 401.165 to 401.236 shall have the full force and effect of law both during and after the declaration of a state of emergency. All existing laws, ordinances, rules and orders inconsistent with ORS 401.165 to 401.236 shall be inoperative during the period of time and to the extent such inconsistencies exist.

(2) The authority exercised under ORS 401.165 to 401.236 may be exercised with respect to the entire territory over which the Governor has jurisdiction, or to any specified part thereof.

(3) When real or personal property is taken under power granted by ORS 401.188, the owner of the property shall be entitled to reasonable compensation from the state.

(4) The powers granted to the Governor by ORS 401.165 to 401.236 shall continue until termination of the state of emergency. The powers granted to the Governor by ORS 401.185 may continue beyond the termination of the state of emergency and shall be terminated by proclamation of the Governor or by joint resolution of the Legislative Assembly. [Formerly 401.095]

House Bill 3501

Sponsored by Representative CHAICHI; Representative PHAM K

SUMMARY

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

Establishes Oregon Right to Rest Act. Makes violation unlawful practice enforceable by Commissioner of Bureau of Labor and Industries or by civil action.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to rights of persons experiencing homelessness; creating new provisions; amending ORS 659A.885; and prescribing an effective date.

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

SECTION 1. Sections 2 to 6 of this 2023 Act are added to and made a part of ORS chapter 659A.

SECTION 2. Sections 3 to 6 of this 2023 Act shall be known and may be cited as the Oregon Right to Rest Act.

SECTION 3. (1) The Legislative Assembly finds that:

(a) Many persons in Oregon have experienced homelessness as a result of economic hardship, a shortage of safe and affordable housing, the inability to obtain gainful employment and a disintegrating social safety net system; and

(b) Decriminalization of rest allows local governments to redirect resources from local law enforcement activities to activities that address the root causes of homelessness and poverty.

(2) It is declared to be the public policy of Oregon to guarantee persons experiencing homelessness participation in the social and economic life of this state, remunerative employment, use of and free movement within public spaces, participation in and receipt of the benefits of the services, programs and activities of state government and local governments and housing accommodations of the person's choice, without discrimination.

SECTION 4. As used in sections 3 to 6 of this 2023 Act:

(1) "Harassment" means a knowing and willful course of conduct directed at a person experiencing homelessness that a reasonable person would consider as seriously alarming, tormenting or terrorizing of the person experiencing homelessness.

(2) "Housing status" means the residential status of a person experiencing homelessness.

(3) "Local government" has the meaning given that term in ORS 174.116.

(4) "Motor vehicle" has the meaning given that term in ORS 801.360.

(5)(a) "Persons experiencing homelessness" means persons who lack, or are perceived to lack, a fixed, regular and adequate nighttime residence.

(b) "Persons experiencing homelessness" includes persons who:

(A) Share the housing of other persons due to loss of housing, economic hardship or a

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

13

Homeless Housing violates Oregon Constitution

If homeless can have free housing so should all citizens of Lake County.

The B&B PROJECT violates this section of the Oregon Constitution:

https://www.oregonlegislature.gov/bills_laws/Pages/OrConst.aspx

Article 1. Natural Rights inherent in people

Section 20. Equality of privileges and immunities of citizens.

No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.

ARTICLE XI-I (2) MULTIFAMILY HOUSING FOR ELDERLY AND DISABLED

Sec. 1. State empowered to lend credit for multifamily housing for elderly and disabled persons (homeless not mentioned)

4. Legislation to effectuate Article

Section 1. State empowered to lend credit for multifamily housing for elderly and disabled persons. In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed, at any one time, one-half of one percent of the true cash value of all taxable property in the state to provide funds to be advanced, by contract, grant, loan or otherwise, for the purpose of providing additional financing for multifamily housing for the elderly and for disabled persons. Multifamily housing means a structure or facility designed to contain more than one living unit. NO MENTION OF HOMELESS

Section 2. Sources of revenue. The bonds shall be payable from contract or loan proceeds; bond reserves; other funds available for these purposes; and, if necessary, state ad valorem taxes.

FORCED TAXATION BOTH FEDERAL AND STATE AND COUNTY

A HUGE BURDEN ON THE PEOPLE OF LAKE COUNTY AND IT'S CITIZENS

THIS ENTIRE SECTION OF THE OREGON CONSTITUTION IS UNCONSTITUTIONAL AND A BURDEN ON THE TAXPAYER AND MUST BE ABOLISHED!!!!

Oregon Constitution

https://www.oregonlegislature.gov/bills_laws/Pages/OrConst.aspx

ARTICLE XI

CORPORATIONS AND INTERNAL IMPROVEMENTS

- Sec. 1. Prohibition of state banks
2. Formation of corporations; municipal charters; intoxicating liquor regulation
- 2a. Merger of adjoining municipalities; county-city consolidation
3. Liability of stockholders
4. Compensation for property taken by corporation
5. Restriction of municipal powers in Acts of incorporation
6. State not to be stockholder in company; exceptions; inapplicability to public universities

7. Credit of *State Not to Be Loaned*; Limitation Upon Power of Contracting Debts

Section 7. Credit of State Not to Be Loaned; Limitation Upon Power of Contracting Debts. The Legislative Assembly shall not lend the credit of the state nor in any manner create any debt or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum of fifty thousand dollars, except in case of war or to repel invasion or suppress insurrection or to build and maintain permanent roads; and the Legislative Assembly shall not lend the credit of the state nor in any manner create any debts or liabilities to build and maintain permanent roads which shall singly or in the aggregate with previous debts or liabilities incurred for that purpose exceed one percent of the true cash value of all the property of the state taxed on an ad valorem basis; and every contract of indebtedness entered into or assumed by or on behalf of the state in

violation of the provisions of this section shall be void and of no effect. This section does not apply to any agreement entered into pursuant to law by the state or any agency thereof for the lease of real property to the state or agency for any period not exceeding 20 years and for a public purpose. [Constitution of 1859; Amendment proposed by initiative petition filed July 2, 1912, and adopted by the people Nov. 5, 1912; Amendment proposed by H.J.R. 11, 1920 (s.s.), and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 4, 1961, and adopted by the people Nov. 6, 1962; Amendment proposed by S.J.R. 19, 1963, and adopted by the people Nov. 3, 1964]

Note: The leadline to section 7 was a part of the measure submitted to the people by H.J.R. 11, 1920 (s.s.).

Amendments

Amendment proposed by initiative petition filed July 2, 1912, and adopted by the people Nov. 5, 1912.

Amendment proposed by H.J.R. 11, 1920 (s.s.), and adopted by the people May 21, 1920.

Purpose: To amend section 7 of article XI of the constitution of the state of Oregon so as to permit the creation of debts and liabilities including previous debts and liabilities for the purpose of building and maintaining permanent roads to the amount of four per cent of the assessed valuation of all the property in the state of Oregon, instead of two per cent as now provided by law. --

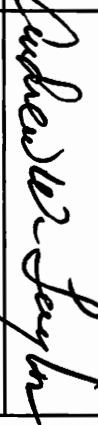










Amendment proposed by S.J.R. 4, 1961, and adopted by the people Nov. 6, 1962.

Purpose: Amends constitutional debt limit for permanent road purposes from 4% assessed valuation to 1% true cash value of all taxable property in state.

Amendment proposed by S.J.R. 19, 1963, and adopted by the people Nov. 3, 1964.








Purpose: To amend Constitution to permit State of Oregon and its agencies to lease real property for a period not exceeding 20 years.

Note: The leadline to section 7 was a part of the measure submitted to the people by H.J.R. 11, 1920 (s.s.).

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Full Name	Full Physical Address	Email address/Phone Number	Signature
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Dina Dunbar	14 South's Street	541 821 1969	<i>Dina Dunbar</i>
Laurie Deiter	1035 Linda Lane	541-417-2141	<i>Laurie Deiter</i>
John Prossmore	80 So T Street	541-219-0452	<i>John Prossmore</i>
Sunnor-Gi	539 NUT	541-414-1595	<i>Sunnor-Gi</i>
Cheryl St. Lewis	74 North T	541-417-0141	<i>Cheryl St. Lewis</i>
Pamela Lynn Davis	1117 North 3rd St	541- 417 ²¹⁹ 6227	<i>Pamela Lynn Davis</i>
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Sharon Gieg	1558 3/4 Twenty Mile	541-947-3495	<i>Sharon Gieg</i>
Martin M. Landis	1558 3/4 Twenty Mile Rd	541-947-3495	<i>Martin M. Landis</i>
Renee A Rice	372 30th Ave	541-947-4473	<i>Renee A Rice</i>

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Johanna Rogers	18457 Hwy 395	503-318-0022	Johanna Rogers
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James Felty	232 N 2nd St	541-870-5474	James Felty
Taryla Davidson	235 N 2nd St.	541-219-0840	Taryla Davidson
Shirley	235 N 2nd St	541-217-1120	Shirley
189773	Double Crocks	541 890 4795	GRASKINS
Grasha Haskins	85 South T Street	541-219-0730	Grasha Haskins
Grashline Austin	204 South T	541-417-0100	Grashline Austin
Jeanine Lynn Fleury	Lakeview OR 971630	541-417-2983	Jeanine Fleury
Larry L. Lucas	Lakeview OR 971630	541-417-2983	Larry L. Lucas
Teresa S. Lucas	12154 Westside Rd Westside Rd Lakeview OR 971630	541-417-2984	Teresa Lucas






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Kristi Singleton Mona-Rene Strubel	349 Sot Str Lk1 97630	541-480-4427	
Ginger R. Schert	115 N S St	541-417-1549	
Avery Strubel	1989 N 2nd - 22 Sot -	541-417-1592	
	115 N S St	541-417-1042	





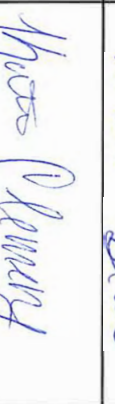
Full Name	Full Physical Address	Email address/Phone Number	Signature
Dennis Sheridan	Lakeview, Oregon 97130 127 South T	NOEMAIL / 541-219-0088	Dennis Sheridan
Clidan Tomi Sheridan	127 South T LAKEVIEW, OR 97130	NOEMAIL / 541-219-0187	Clidan Tomi Sheridan
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Ramona Brennan	Lakeview, OR 94969 Hwy 140	541-947-3248	Ramona Brennan
Debra Brennan	Lakeview, Oregon 93242 Hwy 140	541-947-3248	Debra Brennan
Jan D V	Lakeview, Oregon 18559 Hwy 395	(360)-929-4847	Jan D V
Brittnee Halbeis	Lakeview, Oregon 97130 18559 Hwy 395	911-848-0215	Brittnee Halbeis
David Halbeis	Lakeview, Oregon 97130 18559 Hwy 395	541-848-0216	David Halbeis


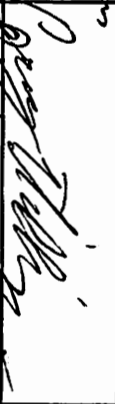


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DELBERT CASWELL	246 NORTH E ST	D	Delbert Caswell




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Levi Thomas	1076 S K St. Lakeview OR 97630	(530) 340-1096	Levi Thomas
FRANCIS MAURISSA	1077 S. K St Lakeview OR 97630	(541) 949-2394	Francis Maurissa
Stacey Havel	94128 Osborne Ln Lakeview, OR 97630	541-281-3024	Stacey Havel
CHRISTOPHER YEAGER	1800 N 9th Street SP. 45 LAKEVIEW, OR 97630	541-307-3384	Christopher Yeager
SUSAN R SUBA	LAKEVIEW 20560 KRISTINA RD LAKEVIEW 97630	541-417-1112	Susan Suba
Cambria Anklin	1024 5th St Lakeview OR 97630	541-219-0019	Cambria Anklin
Kristin Stotts	1000 S 9th Street Lakeview OR, 97630	541-591-6324	Kristin Stotts
Dominic Scott	10525 J Lakeview OR 97630	541-219-1133	Dominic Scott

Full Name	Full Physical Address	Email address/Phone Number	Signature
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KATI CLEMENS	19056 LAKEBRIDGE RD LAKEVIEW, OR 97630	kati@hallmotor.com 541-219-9638	

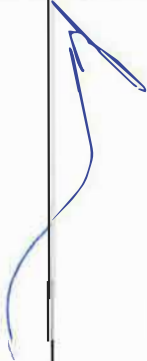






Full Name	Full Physical Address	Email address/Phone Number	Signature
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Ryan Dickinson	1075 South E St Lakeview OR 97630	ryan.dickinson25@gmail.com 541-417-2816	











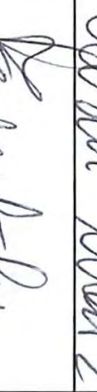
Full Name	Full Physical Address	Email address/Phone Number	Signature
Brad Allen	23097 Thomas Dr, Red	541-227-1609	Brad Allen
Raymond Blyler	91144 Osberne Lane Lynchburg, VA 24502	775 279397	
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Mary H Wood	Odegaard Rd 25229 Hopknock VA	541-501-3973	
David Heath	Plesh Dr 92637	541-947-4346	David Heath






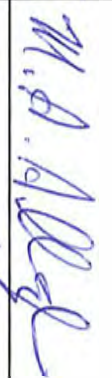





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Amanda Johnson	93397 Dairy OR W Lakewood OR 971030	Amandajohnson183@gmail.com 541 417 0701	Amanda Johnson
Danny Thompson	662 Mill St Parisley OR 97636	775-397-1836	Danny Thompson
Robert L. Davis	1038 West St. Parisley, OR 97636	541-407-0723	Robert L. Davis
Forris Sheridan	1141 S. 11th St Lakewood OR 97630	510-388-3812	Forris Sheridan
Mitchell Walton	93364 Red house lane Parisley OR 97636	541-219-9108	Mitchell Walton
Tame Marie	92264 Redhouse Lane Parisley OR AP #1	541-263-1189	Tame Marie





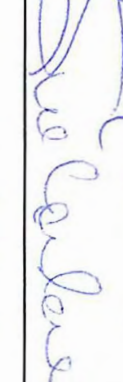
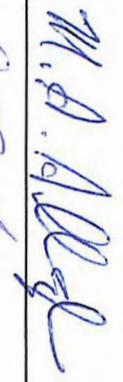
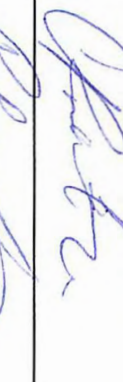

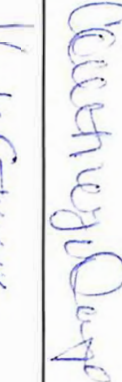

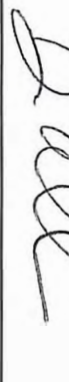
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Leora Benson	19308 Hwy 395 Lakeview, OR 97630	765-499-8112	Leora Benson
Brook M. Lissell	1864 So I Street Lakeview Oregon	541-417-2977	Brook M. Lissell
Jason M. Miller	1864 So I Street Lakeview Oregon	541-219-26104	Jason Miller
Zoe Howard		541-417-0269	Zoe Howard







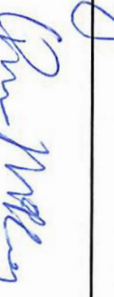


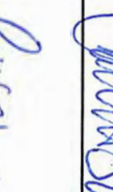

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Cole Anderson	923 S T St	541-536-5180	
David Geaney	1111 S. 11th St.	541-219-1632	
Ryan Peterson	92586 Waterford Ln	541-477-0753	
Mike Hothakis	849 S 57th St	417-1937	
Athon Bower	18297 Pappot Rd 1138 S 57th Lakeview OR 97630	417-0942	
Dakota Constance	18226 Westside Rd Lakeview or 97630	541 903 2124	
MATT STEIN		541-219-2699	

Full Name	Full Physical Address	Email address/Phone Number	Signature
Cole Anderson	923 ST ST	541-536-5180	
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Ryan Peterson	92586 Wadsworth	541-417-0753	
Mike Hothikis	845 5th st	417-1437	
Aron Bowers	18097 1st St NE 11305 SE 5th Lane OR 97630	417-0942	
Dakota Cousins	18226 Westside Rd Lakeview OR 97630	541 903 2124	
MATT SJELIN		541-219-2699	



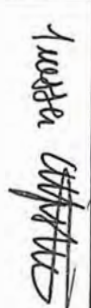








Full Name	Full Physical Address	Email address/Phone Number	Signature
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TERRENCE MARTINDALE	19438 PATTEN Methodist	548-232-7955	
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EONEST WERTZ	1040 S. G St. Lakeview, OR	386-984-9272	

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Sharon Ewert	932 Se 2nd St, N. Toos Oregon, OR	n.toos@yahoo.com	
Sue Gulue	40 Goshawk Dr	Carol on 25th St Sue Gulue	
Mark Alan ^{Albaugh}	13271 Hwy 395	Albaughinc@ATT.NET	
Cathy Proctor	92577 Dog Lake Ln	54121911056	
Ronald Proctor	92577 Dog Lake Ln	5412190329	
Courtney Dorey	38 N T street	541.589.0139	
Keith Frank	388 N T Street	541.219.0432	
Diane Allen	23097 Thomas Gr. Rd.	541-947-2159	





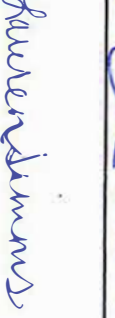
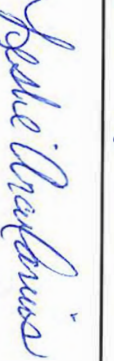





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Ronald Proctor	92577 Dog Lake Ln	5412190329	
Courtney Dorey	38 N T Street	541.589.0131	
WIM FRANK	788 N T Street	541.219.0432	
Diane Allen	23097 Thurman Dr. Rel.	541-947-2159	


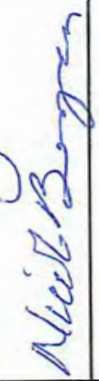








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Dustin McKay	27425 Hwy 395 Lakeview, OR 97630	541-417-1294	
Dawn McKay	27425 Hwy 395 Lakeview, OR 97630	541 219 2109	
Justin Simms	27423 Hwy 395 Lakeview OR 97630	541-417-0390	
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Tressa Alford	135 SL St Lakeview OR 97163	541-589-1335	
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Andr Spencer	292 W. F Lakeview	541-214-2382	
Shea Robison	20512 Cobbenwood RD 20220 Thomas Cir rd	541-880-4998	
Alan Palmer		541-219-9634	
David Reed	937 Linda Lane	541-417-2834	






Full Name	Full Physical Address	Email address/Phone Number	Signature
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Tressa Alstead	135 SL St Lakemuir OR 97630	541-589-1335	
TANNA STALLER	2364 ⁹ THOMAS CREEK RD LAKEVIEW OR 97630	541-219-6498	
PESCOTT RICE	93437 LEEMAN RD LN LAKEVIEW	541-280-2097	
Nik Litis	973 S. F Lakeview	530-526-2725	
Brooks McCain	973 S. F Lakeview	541-412-2863	
Audi Spivack	292 W. P LAKEVIEW	541-219-2382	
Shea Rebsel	20512 Colburnwood RD 20220 Thomas creek rd	541-880-4995	
Alan Palmer		541-219-9634	
Daniel Reed	937 Linda Lane	541-417-2834	


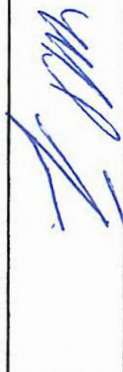







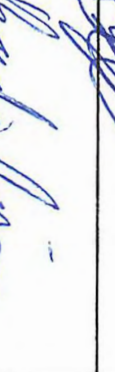

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Donald Moss	98517 Hwy 140 LKV OR 97630	N/A	Donald Moss
Lois Moss	98514 Hwy 140 LKV OR 97630	N/A	Lois Moss
Richard Johnson	927 NTH Rd LKV OR	541-788-1784	Richard Johnson
Joseph D. Haverly	94214 Stock Dr. Ln Lakeview Or, 97630	541-219-9630	
Balthaz Haverly	94214 Stock Dr Ln Lakeview, OR, 97630	541-219-6156	
Brandi Neider-	17912 Tunnel Hill Lakeview, OR 97630	541 219 0443	Brandi Neider-
Ernest Ambrose	17 Siskit Lakeview, OR 97630	583-703-2001	Ernest Ambrose

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Lois Moss	98514 Hwy 140 LWS OR 97630	N/A	
Richard Johnson	927 NTH 2nd LWS OR	541-788-1784	
Joseph D. Kaurly	94214 Stock Dr Ln Lakewood Or. 97630	541-219-9630	
Bethryn Harvey	94214 Stock Dr Ln Lakewood, OR, 97630	541-219-6156	
Brandi Neider	17912 Tunnel Hill Lakewood, OR 97630	541 219 0443	
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