



# LOCAL FOCUS

The Magazine of the League of Oregon Cities

Fourth Quarter 2018

## Addressing Oregon's Housing Needs







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# LOCAL FOCUS

# FOURTH QUARTER\* 2018

The Magazine of the League of Oregon Cities



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### \*New Publishing Schedule

The *Local Focus* magazine is now published on a quarterly basis. The tentative schedule for 2019 is February, May, August and November.

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growth starts with the right partner.



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# LOCAL FOCUS



*Local Focus* is published quarterly by:  
League of Oregon Cities  
1201 Court St. NE, #200  
Salem, Oregon 97301  
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Non-member subscription rate: \$96 per year

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# Looking Forward and Letting Cities Work: The Future of the LOC



Mike Cully  
Executive Director

**A**s we roll in to the final months of this year it is worth taking a quick look back on the positive and meaningful changes that have helped define your League of Oregon Cities in its quest to be an even more powerful and influential resource to all of you.

In many ways, this has been a rebuilding year for the LOC. Internally and externally, we have embraced the change that comes with new leadership and new vision, and cemented our mission to support all 241 of Oregon's cities by positioning the organization in a leadership role in the state. It has been exciting and fulfilling to be a part of this and to work with a team of so many talented, visionary and motivated staff and city leaders.

Through the year we pushed to develop key partnerships and collaborations where none existed before; to be both proactive and highly responsive in the eyes of our members; to leverage and

focus on improving effectiveness and service through leveraging technology and enhancing communications and to sharpen our focus on member service, trainings, advocacy, legal work and all things associated with the protection of home rule.

Before we close out 2018, the board and staff will have completed an overarching strategic plan meant to guide the LOC for the coming years. As a preview I can tell you: it will be both ambitious and defining in terms of its scope and purpose. The League of Oregon Cities will continue to rethink and reinvent itself by continuing to add value in its service to our cities. This year has been an exciting year with so many positive developments. 2019 will define us.

## The 2018 Conference: Eugene

Representatives from 137 of Oregon's 241 cities made the trek to Eugene recently for the 93rd Annual League of

*(continued on page 8)*

“The League of Oregon Cities will continue to rethink and reinvent itself by continuing to add value in its service to our cities.”

## Leadership is key to the sustainability of any organization.

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## 2019 City Day at the Capitol

### Let Cities Work

In addition to advocating on behalf of cities, gaining the grass-roots involvement of city officials in the legislative process is one of the major efforts that the League will undertake during the 2019 legislative session. First and foremost, this is critical to the legislative destinies of individual cities in Oregon, while also providing a powerful messaging tool for cities statewide.

In doing this, the League wants to change the paradigm from one of cities lobbying on behalf of the League to the idea of city officials advocating on their own behalf for their own city interests. In doing so, there is obviously the hope that city legislative priorities and messages will align with those of the League. And members can be assured that LOC advocacy staff will be ready and able to provide all of the background, data and other support needed as cities tell their own stories about the need for specific legislative outcomes.

On January 24, 2019, LOC member cities will have the opportunity to come to Salem for briefings from League staff on priority issues, to hear from legislative leaders, and to visit with their senators and representatives to discuss League and local concerns. City Day at the Capitol, co-sponsored by the Oregon Mayors Association and the LOC, is local government's major event of the legislative session.

City Day will be hosted both in the Capitol and at the Salem Convention Center. Local elected officials and professional staff will convene in the morning at the Convention Center for registration and a continental breakfast. A brief legislative orientation and program will follow. Then officials will have time to interact with legislators at the Capitol. **It is important that those planning to participate in City Day act soon after the election on November 6 to make appointments with their legislators for the afternoon of January 24.**

While League delegates to City Day at the Capitol are encouraged to take up local issues with their legislators, it is hoped that the League's six legislative priorities will be presented, explained and promoted. Those priorities are:

- Mental Health Investment
- Revenue Reform and Cost Containment
- Housing and Homelessness Improvement
- Infrastructure Financing and Resiliency Investment
- Broadband Investment and Right-of-Way Authority Protection
- Third Party Building Inspection Preservation



At the conclusion of the afternoon meetings in the Capitol, League members will be bused back to the Salem Convention Center for a reception to which the entire Legislature will be invited. This will afford League members the opportunity to network with each other and visit more informally with their legislators as well as those representing other areas of the state.

Registration forms and additional information on City Day at the Capitol (agenda, timelines, etc.) will be available on the League's website ([www.orcities.org/legislative](http://www.orcities.org/legislative)) and in the Friday *LOC Bulletin*.

The data and anecdotes that League members provide legislators, both at City Day and throughout the session, will play a pivotal role in our efforts to affect positive outcomes on bills of concern to cities. But it all starts with relationships. As local officials become better known and respected as spokespersons for their city, their message becomes more effective. So, while the League's advocacy team seeks to present one voice to the Legislature, it is actually the many voices from 241 cities in Oregon that can make the difference.

While the League's Intergovernmental Relations Department advocates effectively on behalf of cities, no message is more powerful than one provided to a legislator by a constituent, particularly if that constituent is a local government official. LOC member involvement in the legislative process will help to solidify that partnership and make city influence that much more effective.



# Cities' Role in the State Legislative Process

By Craig Honeyman, LOC Legislative Director

While those of us who represent cities focus our advocacy efforts on behalf of municipal government, it is important to note that the state has a stake in our issues as well. Cities are where most Oregonians live and where most of the state's population growth will take place in the future. Cities are where most of the state's physical infrastructure is located. They are home to most of the schools (K-12 and higher education), most of the hospitals and most of the libraries. There are also more city police officers than there are law enforcement officials from other jurisdictions.

This is why the League points out that economic growth is led by cities. It is why it is important for legislators to know that we have constituencies in common. It is why there needs to be an effective city-state partnership, something that the League continues to work on diligently.

So, what's your role as a city leader (either as an elected official or professional staff)? The answer is simple, and the execution is complex. First, know the issues—those that the League is working on, and the ones that are important to your community. Second, to the greatest extent possible, know the legislative process and be comfortable in it.

Presumably, as city officials and spokespersons, we are all interested in the art of creating public policy. And, presumably, we all have an appreciation of the importance of effective communication to the art of “making the deal.” As city leaders who follow the activities of the League in Salem and in Washington D.C., there are several ways you can get involved.

First, get to know your representatives in Salem and understand that they often possess little background on the challenges facing cities. Be willing to provide data and anecdotal evidence on issues of concern to Oregon's cities and the impact that certain public policy decisions might have on them.

In addition, stay up-to-date on the League's legislative agenda as well as other legislative developments impacting cities by reading the Friday *LOC Bulletin* when it arrives electronically every week. Respond to “Action Alerts,” which will appear from time to time at the top of the *LOC Bulletin* and the LOC website, calling for local official involvement of a specific nature on an issue or bill currently moving in the Capitol. Visit the League's website for up-to-date legislative information and activity. Follow the League on Facebook, Twitter and YouTube. And last, but not least, read *Local Focus* magazine

for feature stories on League priority issues that appear regularly. By doing all of this, you become a powerful part of the League's advocacy strategy.

The League typically tracks more than one-third of the 3,000-plus bills introduced during the long session (odd-numbered years). Your help—when called upon—in providing data or actual testimony is crucial to our success. Input from League members has resulted in some key legislative victories in past sessions, and the League will need your help more than ever in 2019.

You are already a leader in your community. You can also become a leader in the League's efforts to ensure that cities have the authority and the tools necessary to provide the services that your citizens expect and need. The need is critical, and the time is now.

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## DIRECTOR'S MESSAGE, CONTINUED

Oregon Cities Conference. In all, more than 800 city leaders, government officials, sponsors, vendors and other attendees soaked in a wealth of information and networking opportunities over three intensive days at the Hilton Eugene.

Our goal was to create an entirely new and valuable experience for attendees, and from the overwhelmingly positive feedback, we made great strides in that quest. Taking the comments and suggestions from previous efforts, we reimagined how our annual conference should look and feel, and we started implementing the most impactful and significant changes first. Sessions and trainings were restructured; tours were reconfigured; topics and presenters were carefully screened and attention to attendee experience was put at a premium. Our focus was not just to put on an event, but to create a worthwhile and memorable experience, and we think we made good progress in that respect.

Many thanks to Mayor Lucy Vinis of Eugene and Mayor Christine Lundberg of Springfield for hosting this conference. Both were instrumental in creating the warm and welcoming atmosphere and experience, and it was impressive to see such engagement and support from both cities in an ever-present display of community and collaboration. Both Mayor Vinis and Lundberg are true leaders and have done amazing things for their communities.

We are already looking forward to taking it up another notch next year in Bend. The planning has already begun, and new and innovative ideas are already presenting themselves. We are planning to marry the many outdoor activities in the region and surrounding communities with the more traditional conference experience one might expect. In the end, the 94th LOC Conference will likely be a significant departure from what attendees enjoyed this year, in all the best ways.

### Technology, Website and Branding: The League of Oregon Cities 2019

One of the ways the LOC will continue to define itself is by leveraging technology to create greater access for members and other key stakeholders. While we will remain a very high-touch organization with easy access to staff and leadership through more traditional methods, we are upping our game in the digital world to reach all our audiences.

There has been significant progress—though not yet visible to those of you reading this—as it relates to both our website and our new brand. An update for both is long overdue, coupled with a strategic redeployment of our overall communications efforts.

Employing the expertise and amazing talents of the gurus at Portland-based Happy, Inc., we embarked on a complete redesign of our website very early this year. The LOC is

tentatively scheduled to launch its new site in the first quarter of next year. While this may seem to be a protracted timeline for launching something so pivotal for the organization, that is only because we want to offer only the best, most reliable product possible. Our existing site contains a wealth of information, but it is no secret that accessing most things is a chore at best, impossible at worst. Our new site will erase ambiguity and create a seamless and intuitive experience for users. Optimized for mobile use, the idea is to provide visitors to the site information on demand with instant access to resources, and we will realize our goals.

Simultaneous to this effort we have been working to create a definable brand reflective of the new spirit and direction of the LOC, and we plan to unveil that by year's end. The new brand will speak clearly to our mission, vision and our role as the leader in the state.

The League of Oregon Cities is excited to share these developments and changes with you, and we persist in these efforts to Let Cities Work!



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# Inspiring the Next Generation of Oregon Local Government Leaders

*By Kirsten Wyatt, ELGL Executive Director*

On Friday, September 28, more than 60 University of Oregon undergraduate and graduate students participated in an event to learn more about the work of cities, counties, special districts, and utilities in Oregon. The League of Oregon Cities co-hosted this event in Eugene in conjunction with its 93rd Annual Conference.

This event is part of ELGLs (Engaging Local Government Leaders network) nationwide on-campus series of events designed to introduce the variety of careers that students can pursue with local government.

Each event includes a hosted lunch, “quick fire” presentations by speakers representing a wide variety of local government departments, more in-depth conversations with the speakers about their career paths, and a panel on the realities of finding a local government job, internship, or graduate degree. The University of Oregon hosted Oregon’s event for the 2018-19 school year.

The “quick fire” speakers each shared a four-minute overview about their field of public service, using pictures and stories to introduce the core functions of their jobs to the students. Students then rotated to tables to speak in small groups with these Oregon public servants:

- Lee Dobrowolski, Hillsboro Police Department
- Doug Erickson, West Linn, Library Director
- Rhett Martin, Silverton City Council
- Sarah Medary, Eugene Public Works
- Matt Michel, Lane Electric, Electric/Utility

- Steve Mokrohisky, Lane County Administration
- Cassandra Ulven, Tualatin Valley Fire & Rescue
- Ken Warner, West Linn Parks & Recreation
- Lisa Young, President, Oregon Government Finance Officers Association (OGFOA)

The “finding a local government job” panel included the following speakers with first-hand experiences with job searching and hiring:

- Mike Thomas, Student ICMA Chapter, University of Oregon
- Katie Babits, Eugene
- Liz Butterfield, Springfield
- Kylie Bayer, McMinnville
- Laura Vinson, Lane County
- Madison Thesing, Lake Oswego

“The event was so much fun, exciting and energetic,” said OGFOA’s Young.

“It was great to see so many students intrigued by the different career paths they could take with a city or county,” said Kylie Bayer, the human resources manager for the city of McMinnville. “They asked good questions about the realities of finding a job with one of our local governments after they graduate.”



# Have You Seen the New *LOC Bulletin*?

The *LOC Bulletin* has a new look! Launched October 5, the weekly e-newsletter has been redesigned and reformatted from a pdf to an HTML email. The *LOC Bulletin* still contains the latest news for cities, legislative and legal updates, training opportunities and more, but is now easier to read and more user-friendly.

Missed an issue? View the archive at [www.orcities.org](http://www.orcities.org).

# Introducing: the New *City Focus* Podcast

The League is excited to announce the launch of *City Focus*, our new bi-monthly podcast. The goal of *City Focus* is to provide timely, relevant information to cities,

legislators, media and the public by highlighting specific topics in quick-paced 10- to 20-minute segments. Discussion will include policy, legal issues and advocacy in a relaxed, conversational style designed to inform, educate and entertain.

Listen to the first four episodes at [loccityfocus.libsyn.com](http://loccityfocus.libsyn.com).

**Episode 1:** *City Focus* Kickoff with Mike Cully

**Episode 2:** 2019 Legislative Priorities with Craig Honeyman

**Episode 3:** Mental Health Investment with Scott Winkels

**Episode 4:** Property Tax Reform with Wendy Johnson

*City Focus* welcomes ideas for future episodes, so if you have story ideas, send an email to [CityFocus@orcities.org](mailto:CityFocus@orcities.org)



## ODOT to Seek Right-of-Way Access

The agency will build curb ramps and upgrade non-compliant sidewalks and signals on the state highway system. [Read more](#)



## Payments Due to DOR for New Payroll Tax

Transit tax from 2017 transportation package took effect July 1. [Read more](#)



## Comments Sought for New Tax Rules

Deadline to submit comments is November 27. A hearing is also scheduled for that morning in Salem. [Read more](#)



## Reminder - Airbnb Wants Lodging Tax Info

Airbnb is asking cities for lodging tax information

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# City Deadline Calendar

## Dates Cities Need to Know

Find a full list of important dates on the LOC website, [www.orcities.org](http://www.orcities.org), under Useful Links

## DECEMBER

### December 4

#### **Quarterly Certification for State Shared Revenue Marijuana Tax**

Cities must complete the Oregon Liquor Control Commission quarterly electronic certification survey in order to receive state marijuana tax distributions for this quarter.

(Or Laws 2015, ch 1, section 44, as amended by Or Laws 2015, ch 699, section 14; Or Laws 2015, ch 767, section 219; and Or Laws 2017, ch 725, section 32)

### December 31

#### **Audit: Annual Audit Review**

City's accountant must audit and review the city's accounts and fiscal affairs at least once each calendar or fiscal year, with some exception for cities with less than \$500,000 in expenditures. The city must file a copy of its audit with the Oregon Secretary of State.

Note: The accountant must furnish the audit to the city within six months after the close of the calendar or fiscal year under audit. In this example, the fiscal year ended on June 30, 2016. Thus, the municipality should have the report no later than December 31, 2016. (ORS 297.425; ORS 297.435; ORS 297.465(2), (3))

### December 31

#### **Water Rights: Cities Holding Rights Must File Water-Use Report**

Cities with water rights must submit a report to the Water Resources Department by December 31 each year detailing monthly water use under the rights for each point of diversion; the amount of water used; the period of use; and the categories of beneficial use to which the water is applied. Reporting shall be for the previous water year (October 1 to September 30).

(ORS 537.099; OAR 690-085-0010) ■

#### **PERS Reports**

Cities must remit a regular report to the PERS Board no later than three business days after the end of the city's pay cycle. (ORS 238.705; OAR 459-070-100)

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## Twenty Minutes in Greenhorn

By Paul Aljets, Research Coordinator

I began to work at the League three years ago, and since my first week I have been fascinated with the differences in Oregon cities. Each one has its own eccentricities and special history, but none has captured my attention like Greenhorn, Oregon's smallest city.

Portland State University puts the population of Greenhorn at two, however the U.S. Census Bureau says it's zero. How does a community have few or no residents? It warps the mind and stretches my own understanding of what a city could be. And yet, the city of Greenhorn has a mayor, a city council, and actively completes LOC surveys. While Portland reported it needed billions of dollars over the next 20 years on LOC's 2016 infrastructure survey, Greenhorn asked for \$50,000. On the phone, the mayor told me, "the well was getting old."

It was after this conversation I decided I had to see Greenhorn for myself.

I took a short vacation with my wife to road trip around the easternmost parts of Oregon that I had either never seen or had not visited since grade school. The Painted Hills are still amazing, and the view in Joseph caused me to extend my time there an extra day. But Greenhorn was the most important stop on the trip.

The city lies seven miles up a gravel road on the route between Prairie City and Sumpter; which are both some of the smaller cities in the state. The gravel road is steep and curvy but surprisingly well maintained, largely due to the fact that much of it is on lands managed by the federal Bureau of Land Management. The roadside is littered with rocks streaked with ribbons of minerals and ores, speaking to the origin of Greenhorn as a mining town.

Through the trees, the first evidence of a community was a new home being constructed. This was my first surprise, as I assumed I would find a ghost town of dry cabins and the hulls of old pioneer buildings. In fact, there were at least a dozen homes and outbuildings.

New gravel roads (one sign read "Phoenix Lane") were also freshly laid. Despite all this evidence of activity, there was no one in sight. I knew Greenhorn is, essentially, a vacation city for part-time residents.

The city did have several noticeable services to visitors, including a public payphone and restroom.

While Greenhorn is certainly an anomaly among Oregon cities, it did give me a broader perspective on the work LOC does and the extent of League representation. It's easy to sit

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in an office in Salem and think of the cities that the staff work for and live in as the cities we represent. It's another thing to visit those cities that could be so easily altered or burdened without League support.

It also struck me that many of the communities we passed through on our road trip (such as Austin and McEwan) were in fact larger than LOC's smallest member city. However, without a charter and incorporation, representation for these communities is limited. It made me think about when a collection of homes becomes a community and when a community becomes a city.

City is obviously a legal distinction, but community is far more conditional. It's rooted in the care one shows for their neighborhood and city. Many cities I passed through did not

look like functioning communities; these were in essence a collection of houses and no more. Many other places were not cities yet appeared more cohesive and community-minded than cities 10 times their size. Based on the growth I saw in Greenhorn, and the care taken to upkeep the city services as well as homes; the smallest city in Oregon is definitely a community, one attracting newcomers (part-time or otherwise) despite its isolation.

After taking several pictures, we drove back down the gravel road. As we left city limits we noticed a paper plate nailed to a tree at the edge of town. It was the kind of sign I would expect to see at a campsite. But, the content of the sign reminded me why I enjoy supporting Oregon's communities:

City Meeting. Oct. 1st. 1 p.m.

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  - ➔ **Employee ID - Your birthday (mmddyyyy)**



Once you have created your account, click on the Company tab for program details.





## Conservation Corner

### Ashland, Bend & Lake Oswego Receive Awards from OWRD

The Oregon Water Resources Department (OWRD) announced the winners of its 2018 Stewardship and Conservation Awards on September 6 at the Water Resources Commission meeting in Joseph.

The Tyler Hansell Award for Efficiency in Agriculture was presented to Woody and Megan Wolfe, early adopters of conservation practices in Wallowa County. The Wolfe family, The Freshwater Trust, Oregon Water Resources Department, and the Columbia Basin Water Transaction Program worked together to fund and implement a large-scale irrigation efficiency upgrade that converted 872 acres of land from flood irrigation to pivot irrigation. Ninety percent of the conserved water was allocated to the state and permanently transferred instream. The remaining 10 percent was allocated to the Wolfe Family to irrigate 60 acres of previously dry land during the early irrigation season.

The award for **Best Conservation Program—Large Municipalities and Water Suppliers**—went to co-recipients: the cities of Ashland and Bend tied for the First Place Gold award. In addition, the city of Lake Oswego received the Second Place Silver award. These awards are for suppliers that serve more than 1,000 customers.

Ashland offers multiple water efficiency programs, and its popular lawn replacement program provides a monetary incentive for removal of lawn-covered areas that are then replaced with drought-tolerant, more climate appropriate plants that require a lower amount of irrigation. Since the program's inception in 2014, the city has saved more than 7.5 million gallons of water annually.

Bend continues to operate its robust WaterWise Program, which includes such key elements as:

- An educational program for customers, K-12 students, and landscape contractors;
- Web pages and publications promoting efficient water use inside and outside the home; and
- A sprinkler inspection program.



Above: The city of Ashland provided community education about their multiple water efficiency programs.

Right: Jessica Bain, former water conservation assistant, conducts an irrigation evaluation and lawn replacement assessment at an HOA in Ashland.



The city also subjected their original WaterWise program to a rigorous verification process by the Alliance for Water Efficiency (AWE), an internationally recognized water conservation and efficiency organization. The AWE compared Bend's programs to the newly created ANSI-AWWA-G480 Standard for water conservation programs. Bend was one of the first in the country to be reviewed and earned a "Silver" rating. The city is using the results of this review and rating to improve its programs and plans to seek the AWE "Platinum rating" in the future.



Left: Staff from the city of Bend accept the OWRD Best Conservation Gold Award. Right: Educational materials on the city of Bend's WaterSense program.

In 2007, Lake Oswego's annual average water consumption was about 170 gallons per capita per day (GPCD), and that number swelled to more than 370 GPCD in the summer. The city's water system was also aging, undersized, and in need of replacement. Peak daily summer demands were reaching and exceeding the existing capacity of the system, and the duration of these events was expanding. At-risk infrastructure, coupled with increases in demand, put the reliability of the city's water treatment plant and its attached distribution system in question. In response, Lake Oswego established three goals regarding the protection and stewardship of their drinking water supply:

- Adopt a water management and conservation program (WMCP);
- Adopt a water curtailment plan; and
- Develop and adopt a pricing structure (tiered water rates) for water that encourages conservation of water.

Since then, the city's implementation of its WMCP, water curtailment plan, and water rates have reduced historic consumption and peak per-capita water demand by almost 20 percent. Implementation of the conservation program also helped delay the timing of future water system expansions and reduce pressure on the current system.

The award for the **Best Conservation Program—Commercial or Industrial** was given to the Central Oregon Irrigation District (COID). The district's mission statement is to "Provide reliable and efficient delivery of water to our patrons in an environmentally and economically sustainable manner with courtesy and integrity." Since 2000, the COID has increased stream flows in the Deschutes Basin by nearly 39 cubic feet per second (cfs). One such example of their dedication to the environment is the Siphon Power Property Canal Piping Project, which resulted in 5 cfs of water being returned to

Lake Oswego's Water Conservation Coordinator Kevin McCaleb is interviewed by KATU news, providing helpful summer conservation tips for using irrigation systems in the Pacific Northwest, partnering with the Regional Water Providers Consortium.



the Deschutes River, benefitting wildlife, fish and the river ecosystem.

"The Stewardship and Conservation Awards celebrate those making a meaningful difference in conserving one of Oregon's most precious natural resources," said OWRD Director Tom Byler. "Highlighting those setting a good example not only recognizes the role that water users, municipal water providers, and agricultural water suppliers play in balancing water demands with sustainability, but it also provides an avenue to share these innovative ideas and successes with the public at large."

The Oregon Water Resources Department administers the state's Water Management and Conservation Plan (WMCP) program. WMCPs provide municipal and agricultural water suppliers an opportunity to develop a strategy for efficiently managing their water supplies to meet existing and future demands.

For more information, visit [www.oregon.gov/OWRD](http://www.oregon.gov/OWRD).



## LOC on the Road

The LOC lobby team held 16 advocacy workshops across the state in October. They discussed with members our 2019 legislative priorities and shared how city officials can effectively communicate with legislators.



Be sure to follow us on social media to know when LOC staff will be in your city!

### Small Cities Meetings

## Upcoming Small Cities Meetings

The Small Cities Network is a League program for cities with a population of 7,500 or less, with quarterly meetings to network and discuss common issues and solutions. All meetings start at 11:00 a.m. RSVP to [loc@orcities.org](mailto:loc@orcities.org).

**On the Web:** [www.orcities.org/smallcities](http://www.orcities.org/smallcities)

#### Northern Coast (Region 1)

TBD – February 1

#### Portland Metro (Region 2)

Wood Village – December 20

#### Northern Willamette Valley (Region 3)

Willamina – November 8

#### Southern Willamette Valley (Region 4)

Creswell – November 9

#### Central Coast (Region 5)

Newport – November 14

#### Southern Coast (Region 6)

Gold Beach – November 15

#### Southern Valley (Region 7)

Myrtle Creek – December 13

#### Columbia Gorge (Region 8)

Dufur – December 20

#### Central Oregon (Region 9)

December 21 – Madras

#### South Central Oregon (Region 10)

TBD – December 14

#### Northeastern Oregon (Region 11)

TBD – January 16

#### Eastern Oregon (Region 12)

TBD – January 17



# 93<sup>RD</sup> ANNUAL CONFERENCE

Following the leadership of their new executive director, LOC staff wanted to create a new, vibrant, memorable, and worthwhile experience for conference attendees, and by all accounts, we took a big step in that direction.

The 93<sup>rd</sup> LOC Annual Conference was fast-paced and packed with great content. The sessions were well-attended, the keynote lauded, and the general sessions were generally appreciated. Overwhelmingly, the feedback was incredibly positive with many saying this experience, “felt like an entirely different conference,” from past years.

We like that kind of feedback.

We also like these attendance numbers:

- 483 city officials;
- 137 cities;
- 214 attendees from cities less than 7,500 population;
- 169 attendees from cities population 7,500 - 25,000; and
- 100 attendees from cities greater than 25,000 population

The LOC Conference provides a one-of-a-kind experience for city officials from all corners of the state, so it's not too early to start thinking about the 94<sup>th</sup> LOC Conference, which is scheduled for September 26-28, 2019 in Bend. Mark your calendars!

Videos of the general sessions and  
award presentations are  
available online at  
**[www.orcities.org/conference](http://www.orcities.org/conference)**.



## LOC Conference Recap

### Thursday

#### Workshops

Conference kicked off with mayors, managers and council workshops. The workshops provide a place for city executives to network with their peers and continue their work of making Oregon cities better.

#### Seminars

New this year were two seminars. One on housing. The other on urban renewal. Both seminars had packed rooms and provided city officials with the opportunity to learn more technical skills related to housing and urban renewal. During the lunch hour, the seminars met together to hear about projects from eight cities around the state.

### Friday

Friday was filled with many great tours and breakout sessions. Below are some highlights from our most attended sessions.

#### Opening Keynote

Jason Roberts, arts activist and co-creator of The Better Block Project, spoke to attendees on “dreams for your community.” Roberts shared how he turned his dreams into action for his community. In 2006, Roberts formed the non-profit organization, Oak Cliff Transit Authority, to revive the Dallas streetcar system, and later spearheaded the city’s effort in garnering a \$23 million TIGER stimulus grant from the FTA to help reintroduce a modern streetcar system to Dallas. In 2010, he organized a series of “Better Block” projects, taking depressed blocks with vacant properties in Southern Dallas and converting them into temporary walkable districts with pop-up businesses, bike lanes, cafe seating and landscaping.

#### What the Heck is a Smart City...?

A panel discussed how different technologies interact with various smart cities. In the growing technological age, the best approach is to be proactive, as technology will have impacts on cities and programs—ultimately driving the discussion that will build a plan that works for your community. When starting to plan for smart technology in your city, the first step is community collaboration to define both what it means to be a smart city and the types of projects/programs that will have community buy-in (to include businesses in the community, if possible). The panel emphasized that a smart city approach will look different for every city.



## Mobilizing your community



Connected communities are strong communities. By advancing our technologies and services, we’re helping to create the opportunities that make Oregon a better place to live and work.

When everything works together, your community moves forward.



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## Understanding the Property Tax System, If Possible

Tualatin Finance Director Don Hudson and Carol Samuels from Piper Jaffray explained how Measures 5 and 50 have hamstrung local governments on their primary revenue source—property taxes. These measures, now more than 20 years old, are imbedded in the Oregon Constitution and cap the total tax rates, inequitably calculate property values, unfairly set permanent rates for taxing districts, and create competition between taxing districts. Oregon's property tax system is complex—the math is indeed crazy. The tale of two houses and two businesses is frustrating: properties in the same community that have the same real market value shouldn't have taxes that vary by thousands of dollars—but they do. Now is the time to start addressing the unfairness and inadequacy—fixing this system will also help schools.

## How to Reach Your Community in the Digital Age

Tigard Mayor John Cook and the League's own Jenna Jones spoke on the basics of social media and how cities can utilize it as a tool to reach their community. While the session was primarily focused on the two big social media hegemony, Facebook and Twitter, attendees were exposed to other platforms that they could use to disseminate city information in out-of-the-box and engaging ways. It is important that local governments start where they are at and engage in social media as technology continues to advance and infiltrate more areas of the community's life.

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## LOC Conference Recap



### Awards Dinner

The 2018 Exceptional Service Awards were handed out. See page 22 for recipients.

### Saturday

#### Annual Business Meeting

During the League's annual business meeting, new directors were elected to the League's Board and cities were recognized for projects in their communities. See page 24 for award recipients.



### Homelessness Symposium

Also new this year was an issue-specific symposium on homelessness. During the homelessness symposium attendees attended quick-fire sessions to dive deeper into the issue. At lunch, a panel of mayors shared what their cities have implemented to help community members who are experiencing homelessness.

Download handouts and presentations:  
[www.orcities.org/conference](http://www.orcities.org/conference).

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## League Names Board of Directors for 2019

The League of Oregon Cities selected its 2019 board of directors during its 93rd Annual Conference in Eugene. The new officers and directors were elected by the League's general membership at their annual business meeting on September 29.

The following are the city officials that were named to the League's governing board for the calendar year 2019. Officials new to the board or an officer position appear in bold text.

- President:** Greg Evans, Councilor, Eugene
- Vice President:** Jake Boone, Councilor, Cottage Grove
- Treasurer:** Keith Mays, Mayor, Sherwood
- Past President:** Timm Slater, Councilor, North Bend
- Directors:** **Paul Aziz, Mayor, Lebanon**  
 Tanea Browning, Councilor, Central Point  
**Steve Callaway, Mayor, Hillsboro**  
 Paul Chalmers, Councilor, Pendleton  
**Scott Derickson, City Manager, Woodburn**  
 Dave Drotzmann, Mayor, Hermiston  
**Drew Farmer, Councilor, Coos Bay**  
 Amanda Fritz, Commissioner, Portland  
**Christine Lundberg, Mayor, Springfield**  
 Michael Sykes, City Manager, Scappoose  
**Steve Uffelman, Mayor, Prineville**  
 Christy Wurster, City Manager, Silverton

Thank you to the outgoing LOC Board members for your service to the League:

- David Allen, Councilor, Newport
- Cathy Clark, Mayor, Keizer
- Denny Doyle, Mayor, Beaverton
- Kenneth Gibson, Mayor, King City
- Steve Kaser, Councilor, Roseburg
- Scott Lazenby, City Manager, Lake Oswego

**Plan now for the 2019 Conference!**

94<sup>th</sup> Annual Conference  
 September 26-28, 2019, Bend

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## HERMAN KEHRLI AWARD

The Herman Kehrl award is given to a city employee who has made exceptional contributions to city government in Oregon, producing lasting benefits for their community. This year, due to the high quality of the nominees, the judges chose co-recipients of the award.

### Glenn Klein

#### Former City Attorney, Eugene

As a member of Eugene's executive team for 10 years, Glenn Klein assisted in developing strategies to accomplish city council goals and city manager objectives, and fostered positive partnerships with other government agencies and community organizations, including the University of Oregon, Lane County, the City of Springfield, Lane Council of Governments, Lane Regional Air Protection Agency, and Eugene School District 4J.

Glenn's contributions to the city and the Eugene community have included:

- Leading negotiations with a telecom company that resulted in a one-time payment of \$18.75 million, plus approximately \$2 million annually in additional revenue;
- Developing legal and policy options to facilitate a possible merger of the fire departments from Eugene and Springfield; and
- Leading negotiations for the acquisition of a 17-acre riverfront property from a municipal utility; then leading negotiations with a developer to transform the property, fulfilling the community's long-held goal of turning a vacant lot into a vibrant, active, and accessible riverfront neighborhood and community destination.



### Jennie Messmer

#### Former Member Services Director, LOC

The late Jennie Messmer's career in public service was focused on Oregon's local governments. She served as assistant city manager and finance director for the city of Klamath Falls; as executive director for both the Local Government Personnel Institute and the Mid-Willamette Valley Council of Governments; and stepped in whenever needed to serve as an interim city manager in a number of communities, including Mt. Angel, Wheeler and Cannon Beach. However, Jennie is probably best remembered in local government circles for her time as the member services director for the League, a position that was perfect for her. In this role, she traveled throughout Oregon to assist cities large and small.

Jennie was widely known as a sensitive and effective trainer, providing countless educational sessions for local officials. She assisted several cities at critical junctures, usually when there was a conflict between members of a city council, or between a council and a city manager. In all cases, she was able to break through and get the city functioning again at a productive level. Jennie also had a passion for helping develop new and future local government professionals. She pioneered a new connection with Portland State University to create opportunities for MPA candidates to network with practicing administrators; establish internship and capstone project opportunities; and support the OCCMA's next generation initiatives.



*Jennie Messmer's daughter Megan accepts the Hatfield award from LOC President Timm Slater (left) and Executive Director Mike Cully.*

## JAMES C. RICHARDS MEMORIAL AWARD

The James C. Richards Memorial Award is given to elected city officials who serve the citizens of Oregon through an exceptional personal investment in intergovernmental affairs. This year, due to the high quality of the nominees, the judges chose co-recipients of the award.

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### Loran Wiese

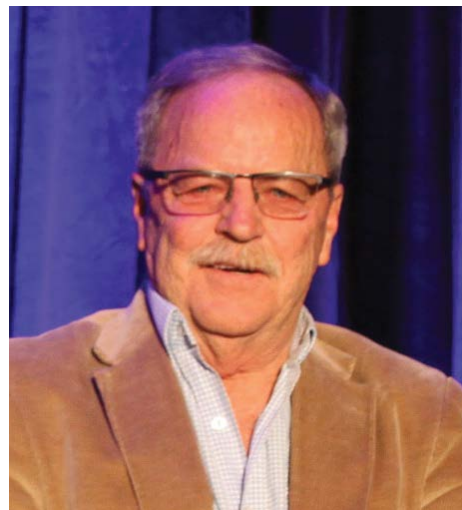
#### City Councilor, Coquille

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Councilor Wiese has lived in Coquille for 40 years and has spent 33 of those years serving either the city of Coquille or Coos County. The city has relied on his experience and perspective when faced with difficult decisions and challenging issues. Over the years, he has also mentored fellow councilors and helped them understand the nuances of public decisions.

Councilor Wiese has been the master of ceremonies for many of the events the city has held over the past 33 years. Through his hobby of auctioneering, he has been instrumental in raising more than \$400,000 for local causes through Rotary, Lions, dessert auctions, children's club, surplus equipment auctions, and numerous other benefit causes.

As Oregon Coordinator for Reel Recovery, Councilor Wiese has hosted a free retreat in Elkton, Ore. for more than 150 men who are cancer survivors. He personally raises funds and coordinates the event every year.




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### John Cook

#### Mayor, Tigard

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Mayor Cook has served the city of Tigard, supported the work of Washington County and the Metro Region, and worked collaboratively with mayors statewide and nationally – all with distinction, excellence, and the highest of ethics. As a leader, he has successfully navigated the many challenging issues facing cities. Whether it's sanctuary and immigration, finances, planning, or partnering with other jurisdictions, Mayor Cook builds consensus and partnerships while making sure all voices are heard and all perspectives considered.

Mayor Cook's many accomplishments include the following:

- Serving as co-chair of two regional committees that helped successfully pass two ballot measures.
- Membership on Metro's Southwest Corridor Steering Committee, giving residents a knowledgeable advocate for public transportation and an understanding of the project's potential to improve traffic congestion in the region.
- Playing a key role as negotiator and spokesperson for Tigard's water infrastructure project with Lake Oswego.
- Hosting a monthly 'Fireside Chat' – sitting down with residents in Tigard's Main Street coffee shop, a "fireplace" app running on his iPad, and talking about anything they wish.





## CITY AWARD WINNERS

### Helen & Alan Berg Good Governance Award

#### Milwaukie “All Aboard” Community Visioning Project

The League presented its 2018 Helen and Alan Berg Good Governance award to the city of Milwaukie. The award recognized the city for its “All Aboard” Community Visioning Project. Created in 1998, the Good Governance award honors city programs that connect citizens within a community.

In July 2016, the city began the process to develop a new community vision in advance of an update to its comprehensive plan. Entitled “Milwaukie All Aboard,” this project resulted in the creation of a new vision statement that defines the “ideal Milwaukie” for the year 2040 and includes an action plan of items to help the city achieve that vision. This vision has been enthusiastically embraced by the Milwaukie community, by city department heads, and the Milwaukie City Council, which adopted it on September 5, 2017. Working with a consulting team, the city developed a diverse, robust public engagement process that sought to include a wide variety of stakeholders within the community, and which could be replicated throughout the state.



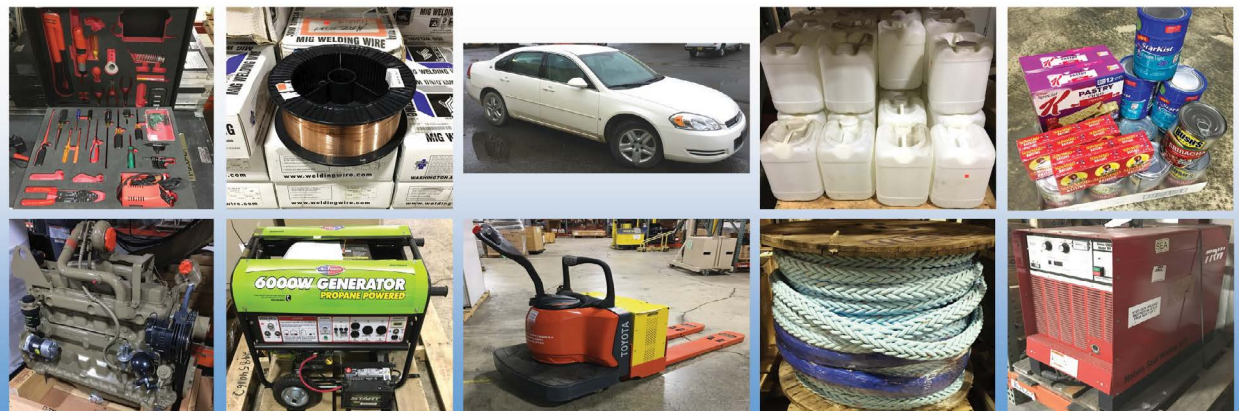
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## CITY AWARD WINNERS

### Award for Excellence

## City of Independence Revitalizing a Rural Community

The League presented its 2018 Award for Excellence to the city of Independence for revitalizing a rural community through attitude, engagement and alignment. The Award for Excellence recognizes progressive and innovative city operations and services.

The transformation of Independence is an example of how thoughtful governance and community engagement can foster revitalization in a rural setting. Independence suffered through the fall of the agriculture and timber industries in the 1980s and 1990s, and residents began to worry about the community's direction. A downtown development plan was created in 1997 with significant public input and a 20-year effort got underway.

By giving the public a voice and allowing them to help chart a path for the community, the revitalization of Independence became a "community" project instead of a "city" project. Over 20 years, Independence has rebuilt its downtown streetscape, constructed an amphitheater, built a new library, developed new soccer fields, constructed a fenced dog park and running trail, created numerous community events, and developed its neighborhood parks, among countless other projects. In each case, the city leveraged creative partnerships and put the public front and center – identifying projects, helping to raise money, advising on design choices, and celebrating the completion of each project.



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December 13 – Klamath Falls

December 14 – Grants Pass

January 10 – Sisters

January 18 – Baker City

January 23 – Keizer





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# SAVE THE DATE

# LOC Spring Conference

April 12, 2019

Ashland Hills Hotel & Suites

The League is excited to host our first-ever one-day conference in southern Oregon. It will be a great opportunity for public officials from around the state to network and learn about issues impacting all cities.

Session topics will include: dealing with wildfires; marijuana; housing and homelessness; and government partnerships.

Look for more information in early 2019 at [www.orcities.org](http://www.orcities.org).





# Addressing Oregon's Housing Needs

**F**rom 2000-2015, Oregon underproduced housing units by nearly 155,000, according to a recent report from Up For Growth, in partnership with ECONorthwest. The shortage in development was not isolated to one area of the state, and now cities, counties and the state are looking for options of how to catch up. Oregon now has a new Statewide Housing Plan, and counties are finding that a lack of housing is impacting economic development efforts. However, cities are also responsible for meeting this crisis directly, as 67 percent of Oregonians reside in a city.

Housing development starts with long-term planning, but it takes more than completing a housing needs analysis and securing an adequate land supply to get housing built. Many cities are working on the next steps in incentivizing housing development, but others do not know how to approach the options. Cities can learn lessons from those that are in the process of addressing these complicated issues, but each city will need to focus on what the needs and desires of its community are to be successful.







Home construction in John Day

# Oregon's Housing Crisis

## Communities Grapple With Lack of Affordability, Homelessness

By Melody Finnemore

**F**rom coastal towns and rural cities in eastern Oregon to the Columbia River Gorge and larger metropolitan areas, Oregon's housing crisis is a multifaceted issue that most everyone agrees is an ever-growing problem that must be solved sooner rather than later, though opinions vary about the best ways to accomplish that.

Yachats may be the "gem of the Oregon Coast," but it and several of its neighboring hamlets to the north and south are struggling to balance the number of second homes and vacation rentals with homes for full-time residents and people who work there. While tourists flocking to the beach spend money in local businesses, the economic boost tends to be seasonal rather than a sustainable, year-round flow. And vacation rentals can actually cause property values to decline as a city's residential character yields to that of a tourist town, according to former Yachats Mayor Ron Brean.

Meanwhile, low-income housing is virtually non-existent in Cannon Beach, according to *LowIncomeHousing.us*, which found the nearest low-income housing seven miles from the city and the second-closest accommodations 19 miles away in Warrenton.

Workforce housing is scarce throughout the state, leading Governor Kate Brown to launch the Workforce Housing

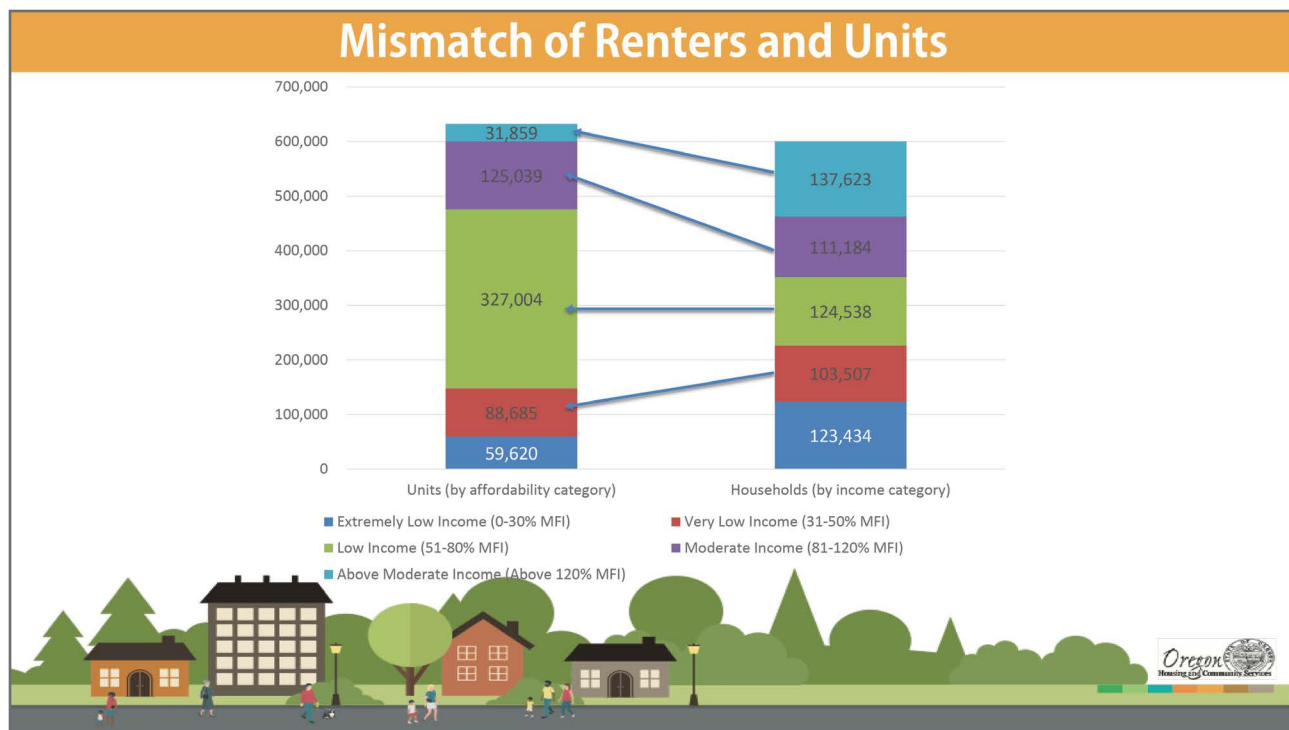
Initiative. Five housing pilot projects will result in more than 115 workforce housing units in Donald, Pacific City, Warm Springs, and Harney and Lincoln counties. Through the initiative, the communities will receive loans, grants and targeted technical assistance to bolster public-private partnerships that lead to more affordable housing and stronger economic opportunities.

State agencies, regional economic development organizations, city leaders, affordable housing advocates and others are working to address the problem of housing security in Oregon.

### Incentive Programs Spur New Construction, Renovations in John Day

Over the past decade, John Day has had very little new home construction, with just three site-build homes in the last 10 years. The city recently spent 18 months working with real estate developers, land developers, mortgage lenders, residents and business owners to identify why it did not have more new home construction.

"We ultimately determined there was a profitability gap for builders and an affordability gap for homeowners because the cost of construction exceeded the market value of the home after it was built," City Manager Nick Green said.



Source: Oregon Housing and Community Services

Three decades of population decline and economic stagnation led the city into a cost-value disconnect that was so severe land developers couldn't sell buildable lots for what it cost to create them, and homebuilders ended up losing money on spec homes because the average home in John Day was selling at \$88 per square foot, but the average cost to build exceeded \$120 per square foot. The city even did a regression analysis to estimate what a new home would be worth in the market because it had so little new home construction.

Ultimately, city leaders determined they would need to create a program to help people build new homes and incentivize existing homeowners to make significant improvements to their properties. They developed a new-home construction incentive that offers a 7 percent rebate on the home's final assessed value and payment of all system development charges. A second incentive program offers a 15 percent rebate on major remodels that result in an increase of \$10,000 or more in the home's assessed value.

"We are already seeing early indicators of success," Green said. "This is the first year of the program and we have six homes under construction and four more planned, plus three major remodels, so we're looking at about a five-times increase in the first year over what we've seen in the past decade."

John Day's programs are in place for the next 20 years and were created as part of an urban renewal area. As a result, the city will recover 100 percent of the incentives through the increase in property tax values within five to seven years of issuing the rebate.

"After that the money becomes available for the next home, so in effect we have created a perpetual investment fund to spur new home construction. We seeded the fund with \$600,000 and expect it will be enough to keep it going through the two-decade eligibility period, or until we reach our goal of 100 new homes," Green said.

### 'The Rent Eats First' Means Tenants Often Don't

Ed Johnson, director of litigation for the Oregon Law Center, works with people facing housing issues in a variety of ways and estimates the state has a shortage of at least 100,000 affordable homes. Rent burden is a predominant housing issue. People who pay more than 30 percent of their income on rent are categorized as rent burdened, and those who pay more than 50 percent are severely rent burdened.

"In this market there are tens of thousands of people who are severely rent burdened," Johnson said. "There is a saying that the rent eats first, so a lot of times the family doesn't eat and they skip meals or they may miss doctor's appointments to pay the rent."

When the rent escalates beyond what people can pay, those who are fortunate will find another place to move but it may be further from their job so they have to pay higher transportation costs.

Others are evicted and may lose everything and, often, their children can't stay in the same school. Research shows that being homeless is associated with lower school achievement and increased risk of dropping out of school.

As failed policies around affordable housing and a hot real estate market have led to more people experiencing homelessness, communities have struggled to provide adequate services. Some do not have warming or cooling centers while others cannot provide enough shelter space, forcing people to live outside. That, in turn, results in increased involvement by law enforcement, Johnson said.

### As Prices Rise, Bend Explores Multilayered Approach

A report by ECONorthwest states that the median price of homes has grown by an average of 14 percent a year in

(continued on page 34)





**“The thing about a housing needs analysis is that it’s great to do a big study, but if you aren’t looking back at it and making sure that you are implementing those solutions then it just grows dusty.”**

Bend since 2012, and the average price of a home there was \$466,926 in 2017. A homebuyer would need to make about \$81,000 a year to afford an average-priced home, but the city’s median income is \$59,400.

City leaders and the Bend Affordable Housing Advisory Committee are exploring a variety of solutions to address the shortage. The city council decided last year to exempt developers from system development charges, even though the city relies on those fees to help pay for its public infrastructure.

The city expanded its urban growth boundary in late 2016 and is obligated to provide infrastructure for housing in those areas newly opened to development. It is striving to reduce barriers to short-term housing, and deed-restricted affordable housing is fully exempt from system development charges. Bend also updated its comprehensive land use plan and included a new policy that provides incentives for and removes barriers to housing of all types in all residential zones. Bend’s construction excise tax has created a gap that affordable housing developers can use to leverage other investment.

Short-term rentals in this vacation destination were also affecting the housing supply for full-time residents. The city in 2015 revamped its policy to prevent entire neighborhoods from being converted to short-term rentals and will track the outcomes of the policy change in the coming years. In addition, the city works with its affordable housing advisory committee to review the inventory of properties it owns and issue requests for proposals for development.

### **Collaboration Yields Positive Results for Large Metro Areas**

Eugene was second only to Seattle as the most constrained housing market in 2017, and the cost to own a home in Lane County has increased 73 percent since 1999. The cost of rent has increased by 48 percent since then, while household incomes have grown by just 28 percent, according to the Neighborhood Economic Development Corp. and Cornerstone Community Housing.

Lane County’s housing shortage is accompanied by a homeless population that exceeds 1,640 people on any given night, according to its 2018 one-night Homeless Point in Time Count. The 1,642 people included in this year’s count is actually a decrease from the 2,553 people counted in 2010, and the numbers fell to slightly more than 1,450 in 2015 and 2016 before rising to 1,528 last year. Eugene and other cities in Lane County are collaborating with public agencies, social services and nonprofit organizations to address their shortage of affordable housing.

In 2015, Eugene’s City Council adopted the Eugene-Springfield Consolidated Plan, which guides the use of CDBG and HOME funds to create 500 permanent affordable housing units and rehabilitate 350 units. In addition, the funds are being used to provide emergency repairs to 150 homes occupied by seniors, people with disabilities and other low-income people to prevent homelessness, and invest in 15 facilities that provide social services, emergency housing or transitional housing.

It also has supported the development of 226 units of affordable rental housing in five new construction projects and one rehabilitation project.

### **Housing Needs Analyses Point to Possible Solutions**

Jennifer Bragar is with Portland law firm Tomasi Salyer Martin but works on land use and housing advocacy issues throughout the state. Among her clients is the combined agency Mid-Columbia Housing Authority/Columbia Cascade Housing Corp./Columbia Gorge Housing Authority.

Bragar noted that Joel Madsen, the agency’s executive director, has worked with Hood River to conduct a housing needs analysis to identify the community’s buildable land inventory. The analysis shows that the private sector isn’t building enough affordable housing and that public land should be taken into consideration. However, in *Crowley v. City of Hood River*, the Oregon Court of Appeals recently remanded an earlier ruling that allowed the city to build affordable housing on park land.

Bragar noted that Tillamook County took a regional approach because its economy is strongly supported by tourism but the people who work there live a distance away. A regional approach to its housing needs analysis is beneficial in terms of obtaining funding and finding meaningful solutions.

President of a nonprofit organization called Housing Land Advocates, Bragar said the nonprofit’s work includes reviewing housing needs analyses to help ensure that zoning changes are made effectively and that building inventories are evaluated for their impact.

“The thing about a housing needs analysis is that it’s great to do a big study, but if you aren’t looking back at it and making sure that you are implementing those solutions then it just grows dusty,” she said. ■

*Portions of this article originally appeared in an article Ms. Finnemore wrote for the July 2018 Oregon State Bar Bulletin.*



# Housing Facts & Figures

Source: Oregon Housing and Community Services

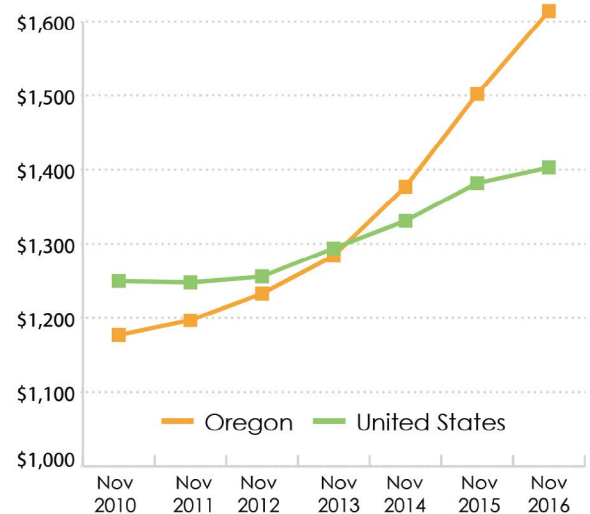
## Vacancy Rates, 2011-2015



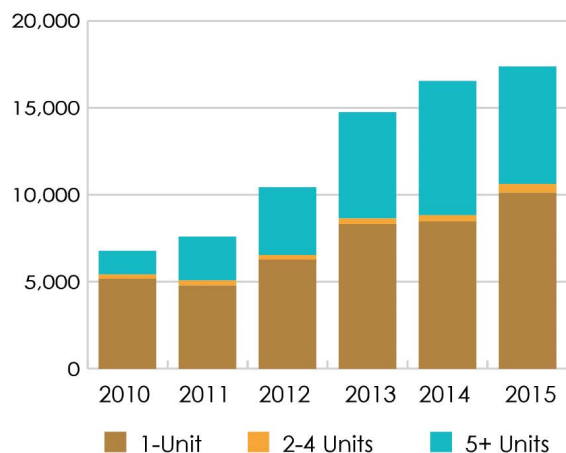
## Median Home Sales by Region, 2015

| Oregon Region     | Sales Price |
|-------------------|-------------|
| Central           | \$276,545   |
| Eastern           | \$143,468   |
| Gorge             | \$238,045   |
| North Coast       | \$221,895   |
| Portland MS       | \$315,632   |
| Southwestern      | \$212,159   |
| Willamette Valley | \$217,611   |

## Median Rents, 2010-2016



## Building Permits Issued in Oregon



## Shortage of Affordable Units, 2010-2014

| Renter Affordability    | < 30% MFI | < 50% MFI | < 80% MFI |
|-------------------------|-----------|-----------|-----------|
| Renter Households       | 128,950   | 235,185   | 360,215   |
| Affordable Units        | 53,091    | 136,735   | 455,404   |
| Surplus / (Deficit)     | (75,859)  | (98,450)  | 95,189    |
| Affordable & Available* | 26,334    | 86,452    | 313,465   |
| Surplus / (Deficit)     | (102,616) | (148,733) | (46,750)  |

\*Number of affordable units either vacant or occupied by person(s) in income group.

| Owner Affordability   | ... for MFI | .. for 80% MFI | .. for 50% MFI |
|-----------------------|-------------|----------------|----------------|
| Max Affordable Value  | \$245,916   | \$196,733      | \$122,958      |
| % of Stock Affordable | 30.6%       | 22.0%          | 10.2%          |





# The View from the Trenches: The Affordability Crisis

By Robert Parker, Rebecca Lewis, and Roderick Hall, University of Oregon, Institute for Policy Research and Engagement

Oregon has an affordable housing crisis. The rapid increase in rental rates experienced in the last few years has been accompanied by an increase in homelessness. Moreover, Oregon continues to be a top destination for migration in the U.S.—a trend that creates additional competition for housing at all price points. In short, the issue of housing affordability became starker in 2018 both in Oregon and across the country. This is not news; professionals working in the areas of housing policy and land use have long known about the issue. Moreover, if easy solutions existed, they would have already been implemented by the state and municipalities.

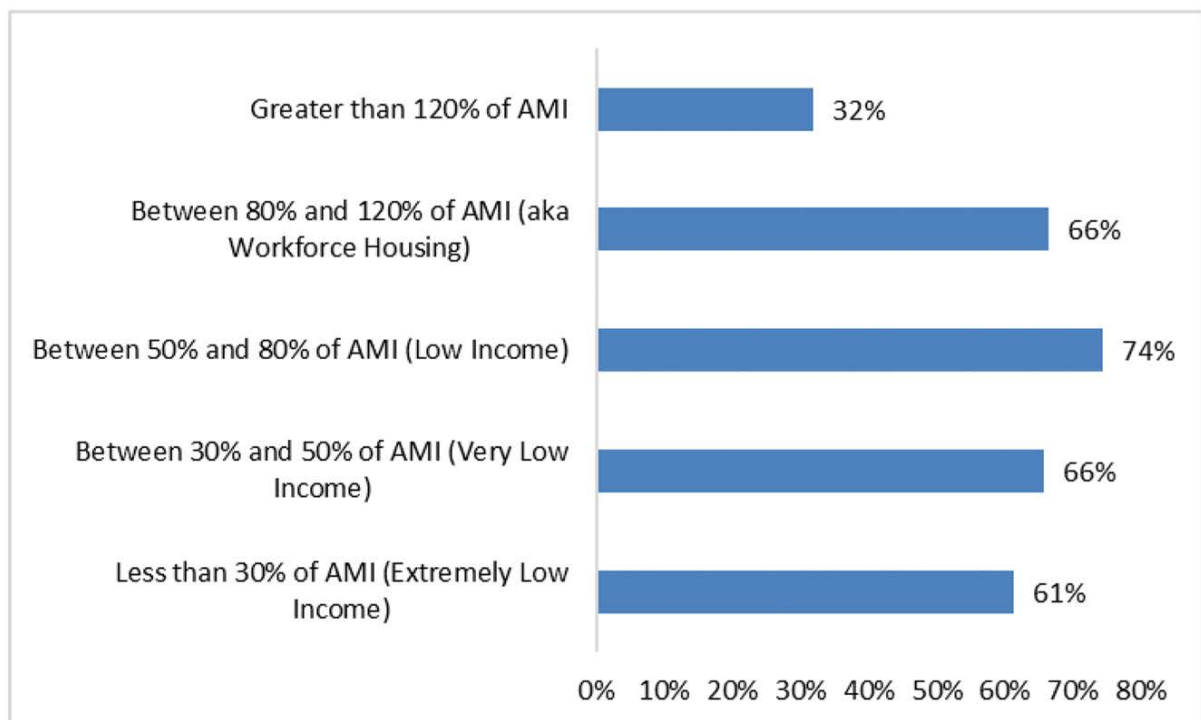
The lack of affordable housing is an issue facing urban and rural areas alike. Nationally, 21 “inexpensive and livable units” are available for every 100 extremely low-income renter households (Urban Institute, 2017). Oregon is no exception, and the issues of housing affordability in rural Oregon are pervasive but less understood. In 2016, the Oregon Legislature passed

HB 4079, which allowed for a pilot program to allow two cities to expand their urban growth boundaries for lands to be used for affordable housing. We provided research to support the rules establishing the pilot program which found that in cities outside of Portland and Salem, 76 percent of renter households were earning 80 percent or less of the area median income (AMI), and 64 percent of owner households earning 80 percent or less of the AMI are cost-burdened (e.g., they pay more than 30 percent of their household income for housing).

### Statewide Survey of Cities

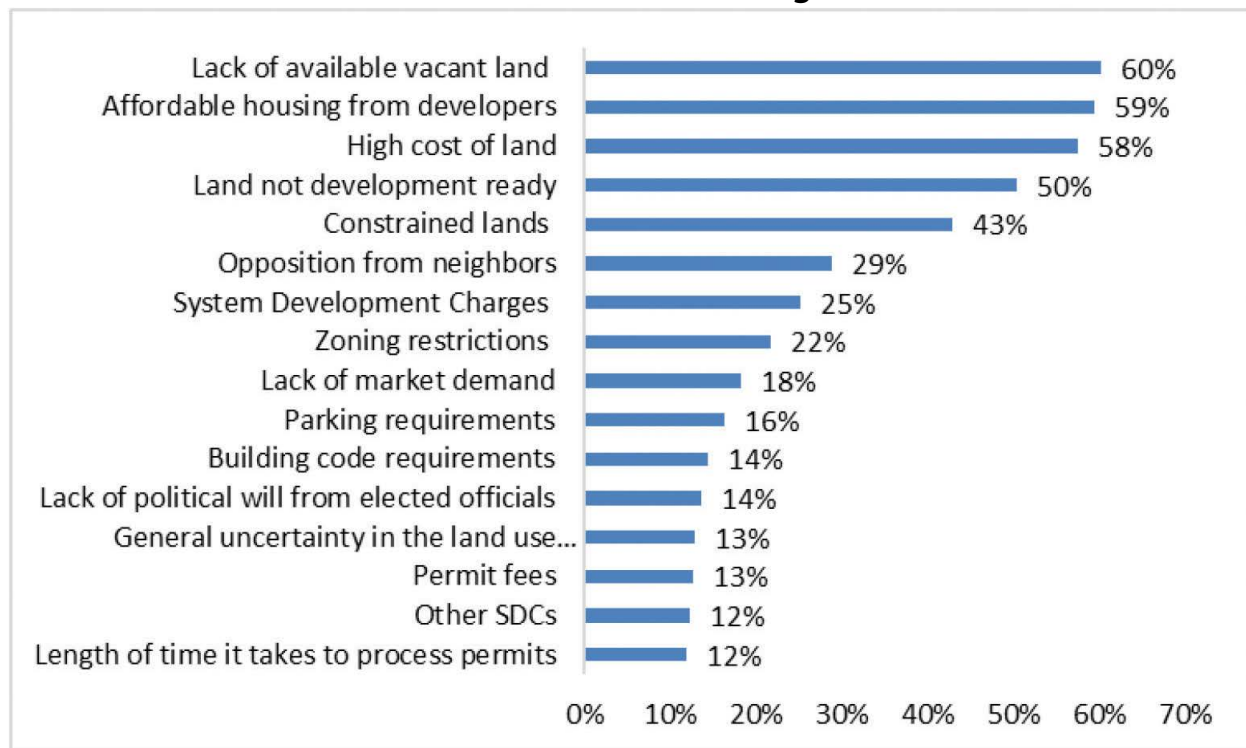
Earlier this year, we published a report summarizing the results of a statewide survey of municipal governments in Oregon about housing affordability, needed types of housing, barriers to providing housing, and housing policy. We received 115 responses from Oregon's 241 cities, a 48 percent response rate. The results were sobering. The good news, if there is any, is that 66 percent reported their citizens and 62 percent reported

### Housing Need By Area Median Income, 2018



Source: Oregon Housing Affordability Survey, UO Institute for Policy Research and Engagement, Q6

## Barriers to Affordable Housing, 2018



Source: Oregon Housing Affordability Survey, UO Institute for Policy Research and Engagement, Q11

their elected officials perceive housing affordability is a problem.

### Perceived Importance of Housing

We started by asking how respondents perceived the importance of housing in relation to other issues in their communities. Forty-four percent of respondents indicated it was “much more important” or “more important” than other issues facing their city. With respect to housing need, 88 percent of respondents indicated a “lack of market-rate, family-sized units” and “lack of affordable, market-rate rental units” in their community. Seventy percent indicated a need for more homeless shelters. Interestingly, a higher percentage of respondents (74 percent) indicated a need for “low-income” (housing affordable to households earning 50 percent to 80 percent of the area median income) than for very low-income (66 percent) or extremely low-income (61 percent).

### Possible Barriers to Affordable Housing

Respondents identified a number of perceived barriers to housing affordability, including lack of available vacant land (60 percent), lack of affordable housing provided by developers (59 percent), high land costs (58 percent), and lack of development ready land (50 percent). Infrastructure is an issue in many communities. Twenty-four percent indicated that infrastructure was an extreme barrier to housing development, 29 percent a moderate barrier, and 29 percent a minor barrier. Funding was the most frequently identified barrier to providing infrastructure (89 percent of respondents).

### How to Combat the Problem?

We were interested in what land use strategies cities are using to combat housing affordability. Only 29 percent of cities

reported they had recently updated the housing element of their comprehensive plan (after 2010). We also asked cities if they had adopted any of the land use tools identified in the Division 39 (Affordable Housing Pilot Program) rule. The four most commonly adopted tools were accessory dwelling units (55 percent), duplexes on corner lots (42 percent), skinny streets (38 percent), and minimum lot sizes smaller than 5,000 square feet (33 percent).

One of the most striking findings of the survey was that only 10 percent of respondents “understood how all of the [policy] tools work.” Moreover, 57 percent understand how few or none of the tools work. Moreover, more than one quarter of respondents indicated they did not understand how any of the rules work. The biggest barriers to adopting more land use tools were understanding of the effectiveness of the measures (46 percent) and how the tools work (38 percent).

Perceptions of the effectiveness of affordable housing efforts is not encouraging. Forty percent of respondents indicated they felt their city’s efforts were “not effective at all,” and 31 percent felt they were only “slightly effective.” Put the other way, only 13 percent of respondents thought their tools were moderately to extremely effective. Smaller cities see their policies as “not as effective at all” while larger cities are more likely to see their policies as “slightly effective.”

Addressing the housing affordability crisis needs to be a team effort. These results show that there is much work left to be done. While it is easy to focus on the negative, the results highlight a need for better understanding of what housing affordability strategies work and how they work. That information needs to get in the hands of city leaders and their partners for development of coordinated, evidence-based strategies. ■





# What's Code Got to Do With It?

By Erin Doyle, LOC Intergovernmental Relations Associate

**T**here are many approaches that cities are told to use as they strive to increase housing development. It all starts with getting the data—housing needs analysis and buildable land supply—but the next steps are not always clear. If a city can show a land shortage, it would then expand its urban growth boundary (UGB). If a city finds it has a need but cannot find developers to build, it could consider incentives like property tax exemptions, forgoing fees, or direct payments. But often, there is a requirement to look inside the existing UGB before expanding, and few cities can find extra funds to access for incentives.

So, another option is to look at the development code, determine what is preventing development, and decide whether it can be changed. Updating a development code is still not a cheap or simple process, but within that code, changes can be made to encourage development within a city's UGB that can entice developers to come to the table. Many cities that have started to dig into their housing shortages have realized that their housing development codes are outdated and are either preventing new types of development or discouraging developers from coming to town. These cities have shared the following lessons learned about how to approach this work.

### Build Your Team

The first step many cities have taken is to identify the stakeholders and create their team. In doing so, these cities have discovered the need for all points of view around the table to be considered. Updating code needs to go through a public process, but it also needs to accomplish community goals and increase the number of units built. This means including a broad range of perspectives that will assist in the process. These cities recommend starting with the developers, the people that can identify the barriers that the city code is creating. Developers can explain if some aspect of the code is increasing their cost—for example: Is the trim the city requires not easily purchased? Are setbacks and lot sizes making it hard for a development to turn a profit? What types of housing are prevented by your code requirements?

In creating their team, cities also need to include the naysayers—those individuals within the community that are likely to say no to change. It's important to hear their perspective and help provide them with the opportunity to have an impact on decision-making. However, not all naysayers will agree with the changes at the end of the process, but that doesn't mean they can be excluded. Taking the inclusive approach will allow the city to come to a final decision knowing that the team worked collaboratively toward a resolution.



Is the trim the city requires not easily purchased?

Other partners to bring to the team are employers, residents across age ranges, affordable housing developers and bankers. All of these participants have invested interests in the outcome of housing development and the look and feel of a community. City staff—including planners, economic development specialists and attorneys—should also be included. For many cities, a consultant can provide several insights, including: expertise about which codes can create barriers to housing development; understanding the interplay between land use and development; and their past experiences updating other city codes.

### Focus on Your Needs

Once the team is established, the next step is to set goals. Using the information from the housing needs analysis, it is important to determine the types of housing that will be needed to house all residents within a community—renters, owners, families, seniors, all income levels—and focus on the aspects of the code that pertain to what isn't being built. For some cities, that will be all housing types, and the first step will be to prioritize the issues.

Then, the team should start with identifying the barriers. By maintaining a focus, prioritizing developments, and knowing the barriers, stakeholders can find where to start in bringing the code up-to-date. As the team works through the code, it is important to continue to look back at the goals that were established to ensure that updates are meeting the needs of the community.

# Missing Middle Housing



## Things to Remember

There are a few other tips and requirements to keep in mind:

- There must be a clear and objective path for developers to follow to get a housing plan approved. Clear and objective does not mean that the code describes a single style of home, but it does require that subjective criteria be eliminated. If a developer wants to break away from these basic requirements, they can seek approval through a discretionary review.
  - Use overlay zones to add standards to maintain important historical, architectural or other special areas of the community. These standards must also be clear and objective, so avoid requirements that require “capability with the character” of the area.
  - Look at allowing duplexes, triplexes, quadplexes, town homes, and accessory dwelling units where they would be appropriate. The Oregon Department of Land
- Conservation and Development Transportation Growth Management program has a booklet about developing codes for a variety of housing types ([www.oregon.gov/lcd/TGM](http://www.oregon.gov/lcd/TGM)).
  - Review recent updates similarly situated cities have made to their plans to see if they match the needs of your community. Almost every city is somewhere on the path of increasing housing development, and all cities can learn from each other as they move through the process.
  - Include the public from the beginning. Explaining the housing shortage at the outset can bring allies to the conversation and provide an understanding of why the city is examining the development code. As the process moves forward, the city can provide examples of what new developments could look like under proposed changes. This builds trust that a new code does not mean that a city’s character will reflect community expectations and can reduce the challenges as a city adopts its new code. ■

## Housing: Demand vs. Need

**Housing need** is based on the principle that a community’s plan for housing should meet the needs of households at all income levels.

### Need

- Type
- Tenure
- Financial
- Condition
- Crowding
- Special Populations

**Housing market demand** is what households demonstrate they are willing to purchase in the marketplace.

### Demand

- Evidenced by recent development trends (e.g., type, price, and mix)

Source: ECONorthwest





# Tools for Affordable Housing Production

By Lorelei Juntunen, Emily Picha, and Madeline Baron, ECONorthwest

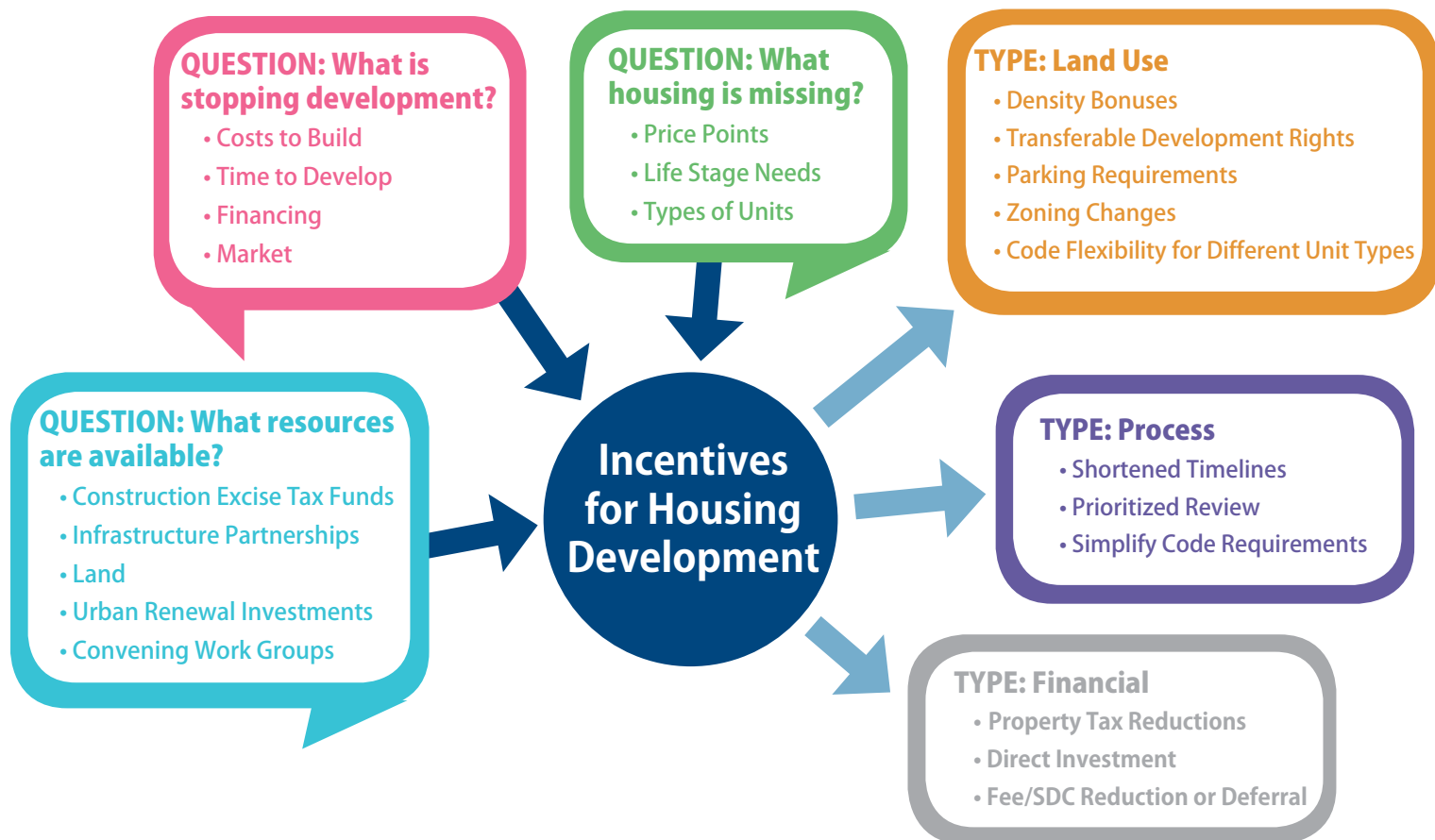
Throughout Oregon, current housing production is not keeping up with demand, which has led to rising prices and limited supply. The result, in short, is the current statewide housing crisis. This situation has been further exacerbated by substantial declines in federal investment in affordable housing over the last few decades. In response, Oregon's state and local government leadership is stepping up. At the state level, Oregon Housing and Community Services is developing a statewide housing plan that will provide a policy framework for affordable housing goals and clarify the department's role as a primary funding source and a leader. Recognizing the need to support Oregon's cities as they build their capacity for this role, the Legislature this year provided the Oregon Department of Land Conservation and Development (DLCD) \$1.7 million in grants for local communities to analyze their housing needs and implement equitable housing strategies. At the local level, many communities are exploring their options as well, looking to a common set of incentives to encourage affordable housing production.

In all housing markets, programs that reduce ongoing operating costs can increase operating income and improve development feasibility for affordable projects. The multi-unit limited tax

exemption (MULTE) program is a good example; communities can abate property taxes for affordable housing projects (up to 120 percent AMI) for up to 10 years, which reduces ongoing building operating costs. Each community can shape its program by controlling the geography of where the exemption is available, application process and fees, program requirements, criteria (return on investment, sustainability, inclusion of community space, percentage affordable or workforce housing, etc.), and program cap.

In many cases, tax abatements alone may be helpful but insufficient. Other tools that can be paired with abatements to reduce up-front development costs include:

- **Land Assembly and Write-Downs** – encourage affordable housing development by reducing development costs. Communities can use this tool to ensure affordable housing is developed in high-opportunity areas near schools, job centers, and transit.
- **Financial Incentives** – such as urban renewal or other grants and loans help reduce development costs and increase project feasibility. Because they are not repaid, grants are more effective than loans for increasing feasibility, but the jurisdiction cannot recycle these funds



for more development. Loans can have favorable terms to increase feasibility such as a low interest rate.

- **Reduced/Waived/Financed Fees and SDCs** – increase project feasibility. These fees provide important infrastructure funding sources but can be costly components of new development.
- **Public-Private Partnerships for Infrastructure** – can reduce a developer’s upfront cost of site preparation or installing new infrastructure like sidewalks, parks and utilities.
- **Reduced Parking Requirements or Other Regulatory Changes** – allows developers to build space-efficient housing and provide the community with more housing choices, including smaller units or greater density.

Housing development incentives work differently depending on the local housing market, desired development outcomes, and the interests of housing developers. What works in a Portland metro community may not work in smaller communities in other parts of the state. In higher cost markets with higher-density development, other tools may also be appropriate. A few examples include:

- **Vertical housing development zones (VHDZs)**, which offer 10-year partial tax exemptions to incent mixed-use, multifamily housing in specific zones, with additional exemptions for affordable housing.
- **Inclusionary zoning (IZ)** which requires or encourages a portion of new housing to be affordable in exchange for development incentives in buildings with more than 20 units.
- **Density bonuses**, which allow greater development entitlements in exchange for affordable units. Even if traditional multifamily density bonuses are not realistic in communities

with less development activity, some communities still find that developers are interested in using density bonuses to develop “missing middle” housing types in lower-density single-family neighborhoods. This can include flexible entitlements that allow for additional units per acre or increased building height.

In all communities, finding ways to add more housing supply of all types—market rate and affordable—is the only solution to our housing crisis. Achieving this goal requires a complex and multi-faceted response that works with the local development market. In nearly all cases, incentives alone are insufficient to generate the amount and type of new affordable development that communities need. Additional revenue at the state and local levels to support affordable housing production must also be available. The return on this investment will be transformative for Oregon’s families and for the systems that serve them: housing stability for all means fewer school transfers, better health outcomes, increased financial capacity for daily needs, and thriving communities. ■

*Headquartered in Portland, ECONorthwest is Pacific Northwest’s largest economic consulting firm. ECONorthwest is working with Oregon Housing and Community Services to craft housing policy at the state level through OHCS’s Statewide Housing Plan. At the local level, ECONorthwest is working in communities across Oregon on a range of housing-related projects, including housing needs analyses, affordable housing policy initiatives, housing action plans, and redevelopment studies.*





# AARP Tours State to Listen to Housing Concerns, Priorities

**T**his past spring, representatives from AARP Oregon traveled to about a dozen cities across the state as part of its “Age-Friendly Oregon: Building Communities for All Ages” listening tour.

“The whole purpose was to hear from Oregonians age 50 and older about what they value in their community and what they would like to see happen so it continues to thrive,” said Bandana Shrestha, the organization’s director of community engagement. “The primary issue in terms of what people said their priorities are is housing. Housing came up time and again no matter where we were.”

Tour participants discussed three main concerns: affordability, quantity, and accessibility for people with disabilities. In addition to a lack of affordable housing, most communities don’t have enough housing inventory in general. And much of the housing that is available is not designed for people who are older and have physical challenges.

“The market does not have enough accessible homes, whether you are talking about the Portland metro area or more rural communities,” Shrestha said. “Especially in rural areas, the housing stock is older and older homes tend to be less accessible.”

She noted that while aging and disability don’t necessarily go hand in hand, people tend to need more support as they get older.

## More Diverse Housing Options Needed to Accommodate Seniors

Aging in place, or the ability for seniors to remain in their homes regardless of their physical ability, is a priority in AARP’s advocacy work. According to a national report the organization published earlier this year, between 50 and 60 percent of adults ages 18-49 surveyed said they want to remain in their communities and homes as they age, and nearly 80 percent of adults age 50 and older indicated the same desire.

“People overwhelmingly say they want to live in their home and their own community,” Shrestha said, adding that while people may want to move around and explore different places when they are younger, they seek to settle into a sense of belonging, social capital and security as they age.

While many organizations and agencies are studying the state’s housing crisis to determine possible solutions, AARP Oregon approaches it from a consumer perspective amid a population that is aging rapidly.

“Our counties are looking drastically different. There are going to be so many counties that have populations that are at least 21 percent people 65 and older in the coming years,” Shrestha said.

This change brings up questions such as how communities will evolve to accommodate an aging population, how homes can be better designed for people to age in place, and how to create a broader stock of housing options. For example, rather than traditional single-family homes, the housing inventory should include more “missing middle housing” such as duplexes, fourplexes, villages and other multifamily models that foster walkable, age-friendly communities with access to shopping, social activities, public transit and other amenities that don’t require an automobile.

## Lifelong Housing Certification Program Making Strides in Southern Oregon

In addition, Oregon needs more housing of different sizes. Some people would like to downsize as they get older and would prefer an accessory dwelling unit (ADU) while others, particularly people in diverse communities, prefer homes with more bedrooms to accommodate a multigenerational household, Shrestha said.

According to AARP’s national survey, more than 60 percent of adults own their own homes, and one in three report that major modifications are needed to accommodate aging needs. While the presence of ADUs is low, seven in 10 would consider building one for a loved one who needs care. One-half of adults already share or would be willing to share a home as they age, with a major consideration being if they needed help with daily activities, the survey found.

Shrestha noted that accessibility is often left out of the discussion when it comes to private residential planning, design and construction.

“Accessible homes are really hard to find and even if they are available there is not a common nomenclature where people with disabilities are able to find those homes,” she said.

## Cycle of Housing

AARP Oregon is encouraging cities and other jurisdictions to consider the aging population's needs as they develop residential infill policies, zoning changes, incentives for developers and other policies that impact the private housing market.

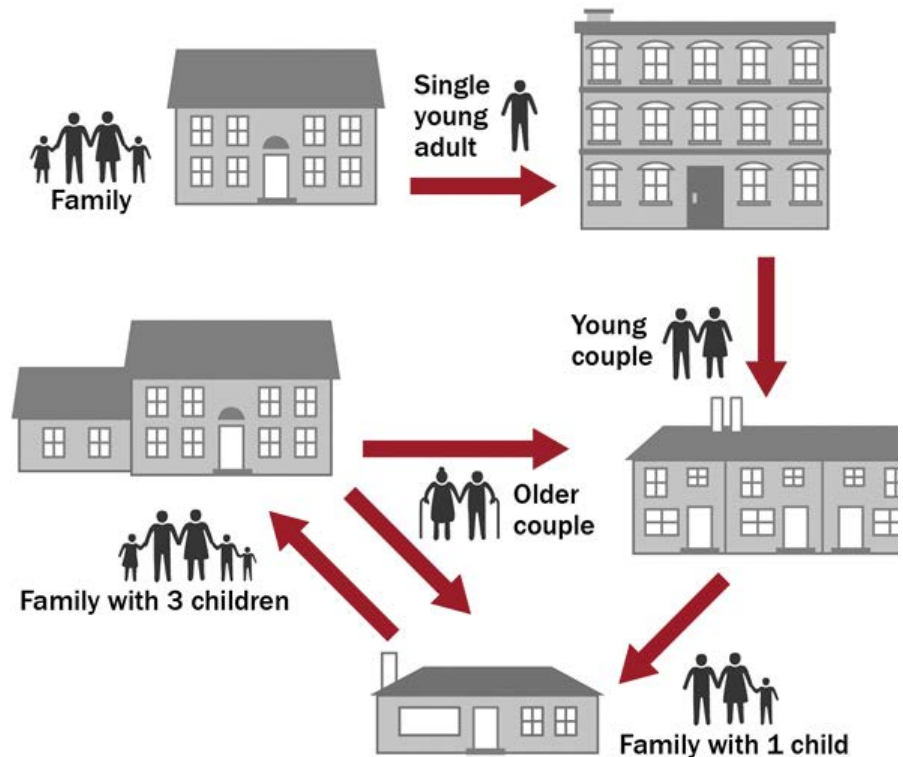
She highlighted the Rogue Valley Council of Governments and Housing Authority of Jackson County's success in encouraging the Lifelong Housing Certification program, in which homes are constructed or remodeled with several age-friendly criteria as guidelines. Between 100-150 homes in Medford and Central Point had earned the certification by mid-October. (For more information about the certification program, please visit <http://lifelonghousing.org>.)

Shrestha said AARP Oregon is compiling the findings of its statewide listening tour and will publish a full report about it early next year.

### On the Web:

[www.aarp.org](http://www.aarp.org)

[www.aarp.org/livable](http://www.aarp.org/livable) ■



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

## Housing is Key to Well-Being as We Age

| Critical Roles                              | Challenges  |
|---|---|
| Financial Security                          | <ul style="list-style-type: none"> <li>• High Housing Cost Burdens</li> <li>• Greater Mortgage Debt</li> </ul>  |
| Physical Security                           | <ul style="list-style-type: none"> <li>• Shortage of Accessible Units</li> <li>• Trade-off with Spending on Housing, Food and Health Care</li> </ul>            |
| Social Connections                          | <ul style="list-style-type: none"> <li>• Deficiencies in Housing Options, Transportation and Pedestrian Infrastructure, Increasing Risk of Isolation</li> </ul> |
| Linkages to Long-Term Supports and Services | <ul style="list-style-type: none"> <li>• Disconnects Between Housing Programs and Health Care System</li> </ul>   |

**8 in 10** people 45+ expect to stay in the same house after retirement





Salem workshop attendees listen to Marion County Commissioner Carlson about local housing goals.

# Government Partners in Housing

**T**his year, the League joined the Association of Oregon Counties (AOC), the Oregon Housing and Community Services Department (OHCS), and the Oregon Department of Land Conservation and Development (DLCD) in hosting eight regional housing workshops. Workshops were held in John Day, Hermiston, Madras, Coos Bay, Medford, Cottage Grove, Salem, and Tillamook. These workshops focused on two goals:

- Share the work local governments are doing to address housing shortages; and
- Establish what help local governments need from the state to see more success.

The presentations and conversations were the first steps in helping these partners find ways to work together.

As LOC, AOC, OHCS and DLCD start planning the next steps of their partnership, we reflected on what each agency took away from these workshops. (Answers may have been edited for formatting and space.)

### What was your top take-away from the workshops?

**AOC:** That there is a major capacity deficit in rural cities and counties that prevents them from removing barriers and seizing opportunities for all forms of housing in their jurisdictions. This capacity problem prevents them from doing the kind of work they want to do such as: conducting buildable lands inventories; changing comprehensive plans and zoning ordinances; developing local incentives; providing needed infrastructure; and convening private, civic and community groups needed to deliver housing.

**LOC:** As cities and counties work toward local solutions, there are statewide questions: how to best invest limited resources towards increased housing; how to redevelop the lost construction workforce in more rural areas; and how to determine where to start. Without enough housing, employers cannot locate, and communities will keep struggling.

**OHCS:** The desire for information sharing about what is happening across the state. Workshop participants are eager to learn what strategies and approaches are working, or what has been tried and isn't successful. This information exchange should be easy to accomplish with the right technology and a point person to assist with outcome tracking and maintaining current information.

### What singular local program do you think others should hear about across the state?

**AOC:** Some communities are offering significant local incentives to individuals and builders to construct needed housing. These incentives vary depending on the jurisdiction, but others should know that it can be done and is being done successfully. Some are using economic development funds, some are partnering with employers while others are using urban renewal and strategic investment program dollars to pay for incentives.

**DLCD:** Five years ago, Donald was a city without enough housing to satisfy local economic development needs, without the public facilities needed to serve any new housing, and without local capacity to plan for housing needs. With the assistance of DLCD planning staff, grant money to plan for new housing, active participation from a large local employer,



1. Gilliam County Judge Shaffer and John Day City Councilor Holland welcome attendees in John Day.
2. City of Madras presents on its recent housing work.
3. Attendees in Medford learn about Talent's housing planning.
4. Clatsop County Commissioner Thompson explains why housing is a priority to the coast.

and additional state funds for needed public facilities, the city has expanded its urban growth boundary and is on the path to providing more than 400 units of needed housing.

**LOC:** Talent leveraged information from a regional land use planning process to access a grant for an analysis of plans for a single site. Knowing what they needed to accomplish, the city adjusted both their expectations and development model to create a plan for a parcel that originally appeared to have a limited capacity. Talent is working on a relationship with a developer for this innovative project and expanding the lessons learned to future development.

**OHCS:** We have rarely been able to collect concrete data about the “gap” between cost to develop and return on investment. The Residual Land Value Analysis conducted by the city of Madras provides leaders and property owners a formula to better understand the amount a developer is able to pay for land based on the assumed value of the development, the assumed project costs, and the developer’s desired profit. This type of analysis provides transparency on all sides of the equation and demystifies the generic response that “it doesn’t pencil out.”

**In moving forward, partnership between the state, counties and cities is clearly needed. What does this partnership look like to you?**

**AOC:** A new kind of partnership is needed for the housing challenge. Counties and cities provide the last mile to housing construction. The role they play requires adequate

local government staff to be successful. Local government housing staff deployed on a regional basis through LOC and AOC would provide a missing link in the partnership today. Together, the state and local government could provide the seamless infrastructure for success.

**DLCD:** To create an ideal partnership to plan for meeting housing needs, the state must provide resources to cities and counties to quantify those needs. Then, after an analysis of existing capacity to meet those needs in terms of buildable lands and housing-friendly codes, we must determine what changes cities and counties need to make to eliminate barriers to provision of sufficient supplies and types of housing in urban areas.

**LOC:** Increasing the capacity of local governments will take help, both financial and technical, from the state. Cities and counties must direct local policies, but a better understanding of options, returns on investment, impacts, and consequences of planning and incentives can be provided through state investment in analysis and regional expertise.

**OHCS:** We are releasing the Statewide Housing Plan in November, which will clarify OHCS’ role, agency priorities and implementation strategy. Moving forward, it will be helpful to have clarity about the roles of other agency partners and local governments as we all work together to improve and increase housing supply in Oregon. ■





### ASK LOC

# What Should My City Know About SB 1051 and Accessory Dwelling Units?

Oregon has a housing shortage, which particularly impacts the number of units available for low- and middle-income earners. Currently prices are rising at rates that are outpacing wage growth. State Land Use Goal 10 requires cities to plan for housing for all residents, at all price ranges. This means that addressing the housing shortage requires land use solutions. The Legislature determined that a piece of addressing Goal 10 requirements is to allow for supply to be enhanced by inclusion of so called “accessory dwelling units” (ADUs). An ADU is a residential structure, either attached or detached, that is used in connection with or that is accessory to a single-family dwelling. Therefore, in 2017 the Legislature mandated that cities and counties of certain sizes allow for ADU development in single-family zones in SB 1051 (2017). This Ask LOC provides some basic information about that bill and highlights some things that local governments should consider regarding their zoning code.

## SB 1051

Senate Bill 1051 (2017) imposed new requirements on local governments with respect to ADUs. Among other things, SB 1051 amended ORS 197.312 to require cities with a population greater than 2,500 and counties with a population greater than 15,000 to allow the development of at least one ADU for each detached single-family dwelling in areas within an urban growth boundary zoned for detached single-family dwellings (see Or Laws ch 745, § 6). Beginning on July 1, 2018, subject cities and counties must accept applications for ADUs in such areas. SB 1051 did allow cities and counties to impose reasonable local regulations relating to the siting and design of ADUs. Whether a local government's regulation of ADU siting and design is “reasonable” will depend on the facts of each case.



## Things to Consider

- The Oregon Department of Land Conservation and Development (DLCD) suggests applying the same siting standards to ADUs as to other accessory buildings, such as sheds or detached garages.
- Oregon law requires housing design standards to be clear and objective (ORS 197.307(4)). Clear and objective standards avoid vague and subjective words like “character” and “compatible.” There may be an exception for ADUs in historic districts, where the ADU design must follow historic design requirements.
- SB 1051 requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling,” so cities can allow more than one ADU per detached single-family dwelling. The DLCD suggests allowing one detached ADU and one interior ADU associated with the primary single-family dwelling (e.g., a basement apartment).
- Because some counties are required to allow ADUs inside unincorporated urban growth boundaries, cities should be working with the county to insure their policies will not inhibit future development in these areas.

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# Pay Equity Enforcement Begins January 1

## Are Cities Ready?

**J**an. 1, 2019 is the implementation date of the complex and potentially costly Oregon Pay Equity Act of 2017, which addresses unequal pay for similar work. There are several key factors city leaders should consider before enforcement begins.

Here's what cities should already be doing:

- Providing equal pay for equal work unless the salary or wages are based on one or more “bona fide” categories as defined in the act;
- Remembering that the act covers most of the protected classes recognized under Oregon law (it's not just about pay or benefit disparities among men and women);
- Not asking for salary history on an application or asking applicants for their salary history during the recruiting, screening and interviewing stages of the pre-hire process; and
- Refraining from considering salary history, when deciding whether to hire someone, or when attempting to figure out an opening salary offer for an applicant.

Beginning the first of the year, a city employee can file a complaint for alleged discriminatory pay practices under the Pay Equity Act either with the state's Bureau of Labor and Industries (BOLI) or in Oregon Circuit Court. Under the act, the employee could be awarded two years' back pay at the employee's regular rate of pay, liquidated damages, compensatory and punitive damages, as well as attorneys' fees.

### What Else Should Cities Do Before Jan. 1?

As noted above, employees can sue their employers starting Jan. 1, 2019, and BOLI is prepared to enforce all aspects of the Oregon Pay Equity Act. So, cities should immediately:

- Consult with CIS Pre-Loss (for members) or outside counsel about pay inequity concerns. Proper vetting of known or potential issues may help prevent Pay Equity Act claims, or at least position the city more strongly if a claim is made (especially if a pay-equity analysis is involved).
- Document the reasons for pay differentials during a hiring process or when a performance evaluation results in a pay increase (if these changes are not based on existing pay scales, established policy, etc.).
- Review the compensation for newly-created or newly-vacated positions and compare them to other positions of comparable character.
- Remove inquiries about an applicant's current and/or past salary on an employment application.
- Train human resources staff, managers and others involved in the hiring process about how to lawfully inquire about a candidate's expected compensation. It is acceptable under the law to ask applicants (or employees being considered for promotion) what their salary or wage expectations are.
- Consult with legal counsel when employees ask about alleged pay disparities, or if they have questions about how the Pay Equity Act applies to them. For CIS members, city staff can reach out to the Pre-Loss or Hire-to-Retire teams.

*(continued on page 48)*



Another important date is Jan. 1, 2024, which is when city employees can begin suing employers for violations of the salary history prohibition.

### Will a City's "Equal-pay Analysis" Provide Protection?

The answer is "yes," but with a little bit of an explanation.

First, what is an equal-pay analysis? It's an "evaluation process to assess and correct wage disparities among employees who perform work of comparable character." If successfully implemented, employers may be able to argue to a court or BOLI that an aggrieved employee under the Pay Equity Act is not entitled to compensatory or punitive damages. But there are some stipulations. The analysis must be:

- Completed within three years before the date an employee filed a lawsuit or BOLI complaint;
- Completed in "good faith";
- Reasonable "in detail and scope," considering the size of the city;
- Related to the protected class of the plaintiff/employee; and
- Successful, in that it eliminated the wage differentials for the employee and "has made reasonable and substantial progress toward eliminating wage differentials" for the employee's protected class.

Unfortunately, neither the Oregon Legislature nor BOLI have provided Oregon employers with any guidance as to how a "pay equity analysis" should be conducted, or how to address the various protected classes when an employee has more than one of them (e.g., an African-American female), among other issues. More importantly, the defense doesn't absolve the employer of all liability in a Pay Equity Act action; the city would be forced to make up the difference for the employee's lost wages as well as their attorney fees and costs.

### **An Equal Pay Analysis is Complex. Can it be Postponed?**

This is a complicated question. All cities should want to do an equal pay analysis because they don't want to face costly claims under the Pay Equity Act. But without knowing what a "pay equity analysis" is supposed to involve, a city could find itself in the position of paying for a costly analysis, only to later learn in a court proceeding that the analysis itself doesn't comply with the law's requirements. On the other hand, doing nothing could result in an expensive claim. Is it better, then, to pay for and hope that a pay equity analysis will provide some relief? Or is it preferable to do an internal analysis to determine whether any potential pay inequities exist, possibly curtailing the need

## Oregon Pay Equity Act Tips

### ***Current Employee Applies for Another Position Within the City, What Now?***

If a city employee seeks another city position, staff may consider the current employee's compensation during the transfer, move or hire. However, the law prohibits employers from "seek[ing]" the salary history, either by asking the city employee directly or by contacting their past employers. Employees must be paid equally "for work of comparable character."

### ***Can There Be Non-Discriminatory Reasons for Pay Inequities?***

It's important to be cautious here, but, yes, the Oregon Pay Equity Act does allow for a city to continue to pay an employee a different compensation based on a "bona fide factor" related to the employee's position. Bona fide factors include:

- Seniority and merit systems;
- Systems that measure earnings by quantity or quality of production;
- Education, training and experience;
- Workplace location;
- Travel, if travel is "necessary and regular" for the employee; and
- Any combination of factors described above.

### ***Seeking Salary History – A Slippery Slope to Avoid***

The act prohibits city staff from "screening" applicants based on their current or past compensation. This means that city employers can no longer ask—on an application or in an interview—how much money the applicant has previously earned.

However, if the city extends a conditional employment offer that includes a salary offer, the employer may then request "written authorization" from the prospective employee to "confirm prior compensation." Because employers are prohibited from "screening" applicants based on their "current or past compensation," the information gleaned can't be used to rescind the offer of employment, however.

The act also prohibits employers from determining how much to pay a candidate for a position based on the candidate's past salary history.

(continued on page 48)

for an analysis in the first place? This is a question that each city should make with the assistance of its legal counsel.

Any city that chooses to implement a pay equity analysis should also consider whether it should announce such an undertaking, and whether such an analysis can be shielded from Oregon's public records laws by hiring an attorney to oversee it. These are questions and issues that should also be decided with the assistance of counsel.

### ***Are There Consequences for Non-Compliance with the New Act?***

Yes—and large ones! A city employee who believes they are being subjected to unequal pay practices can bring a lawsuit for unpaid wages under Oregon's wage and hour statutes, or as an unlawful employment action under Oregon's discrimination laws (either as a civil rights violation or as a violation of the Pay Equity Act). Under the wage and hour statutes, the employee would receive up to two years' worth of back pay, liquidated damages (which mirrors the value of the backpay award), attorney fees and costs. Under the discrimination laws, a successful employee is entitled to two years' back pay, liquidated damages, compensatory damages (think: "emotional distress" damages), punitive damages (upon a showing of evidence by the employee), attorney fees and costs.

### ***Anything Else to Know About the New Law?***

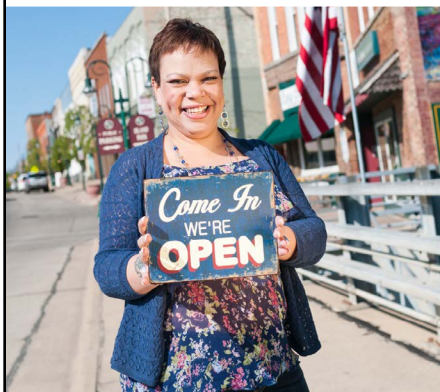
In a word: retaliation. The law prohibits retaliating against an employee whether they ask questions about the law or their salary history, file a wage discrimination complaint, or testify (or are about to testify) in any investigation or proceeding relating to the new law.

As the act gets more attention in the media, city employees will become more aware of it, so cities should develop communication strategies to address employee inquiries.

Also, cities should watch for final regulations from BOLI that provide some guidance regarding some of these provisions. BOLI recently issued proposed regulations regarding the Pay Equity Act. The public comment period closed on Oct. 12. It's possible final regulations will be issued by the end of the year or early in 2019.

Because Oregon's Pay Equity Act is very complex, questions should be directed to outside counsel, or, for CIS members, the Pre-Loss or Hire-to-Retire teams.

Last December, CIS' Senior Pre-Loss Attorney Tamara E. Jones and HR Generalist/Analyst Pamela Bowles wrote a comprehensive *Local Focus* article about the act, highlighting how cities could prepare for the Jan. 1, 2019 enforcement date. ■



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# Complying With Continuing Disclosure: The New Rule 15c2-12 Amendments and How They Affect Cities

By Sarah Dickey

Cities issuing bonds in the public market on or after Feb. 27, 2019 beware! New securities regulations will add to the list of information cities and other governments must provide to investors during the life of their bonds.

The Securities Exchange Act of 1934, Rule 15c2-12 requires that cities that issue bonds in the public market agree to provide certain information to investors on an ongoing basis. Because bonds continue to be traded after they are initially issued, this type of continuing disclosure by cities allows potential bond purchasers to have access to recent information about the cities all in one central place.

The rule requires, among other things, that cities provide prompt notice of certain “material events” listed in the rule.

The U.S. Securities and Exchange Commission (the “SEC”) recently adopted amendments to the rule, which add the following two events to this list of “material events” that cities must disclose:

- Incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

## What Must be Disclosed?

Cities that issue bonds on or after Feb. 27, 2019 will be required to disclose:

- Material financial obligations (including bank loans and capital leases) executed on or after the bonds are issued; and

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- Any events under the terms of financial obligations (such as defaults or acceleration) if those events reflect financial difficulties. These events must be disclosed regardless of when the financial obligation was initially incurred (that is, the financial obligation that triggers these events may have existed before Feb. 27, 2019).

In simpler terms, such cities must publicly disclose information about certain financial obligations.

### What is a Financial Obligation?

A “financial obligation” means a “(i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii).” “Debt obligation” refers to any time a city borrows money (including capital leases and bank loans).

### Which Financial Obligations are “Material?”

Information is material if there is a substantial likelihood that a reasonable investor would consider the facts at issue to be important to an investment decision. There is no uniform set of factors that cities should consider in this analysis. It will depend on the facts and circumstances of each financial obligation. However, relevant factors may include the amount of the borrowing, the city’s financial status, the security pledged for repayment and the rights associated with such pledge, and whether the borrowing includes terms that affect holders of bonds (e.g. events of default, remedies, gross up provisions, covenants).

### Which Events Reflect Financial Difficulties?

Whether an event reflects financial difficulties will, like materiality, vary depending on the circumstances. Examples of financial difficulties may include defaults or penalties as a result of nonpayment, or revising the terms of a borrowing because a city is having trouble complying with them.

### When Must the Event be Disclosed?

These events must be disclosed within 10 business days of their incurrence. A financial obligation is incurred when it is enforceable against the city.

### What Should be Included in the Material Event Disclosure?

There is no set form for disclosure. Generally, however, disclosure should include a description of the material terms of the financial obligation or event. Examples of such material terms include the date of the financial obligation, amount of the financial obligation and payment schedule, interest rate and any default rates, and any covenants that may affect bond holders. Cities may either provide a description of the material terms or provide documents prepared in connection with the financial obligation that include this information.

Cities should be careful not to disclose any information the city or the lender considers confidential or proprietary.

### When Do these Amendments Take Effect?

The compliance date is **Feb. 27, 2019**. Cities that issue bonds on or after that date must comply with these amendments.

### What Can I Do to Ensure Compliance if My City will be Subject to the Amended Rule?

- **Communicate.** Talk to your city’s finance director or whom-ever is in charge of city debt about these new amendments.
- **Document.** Consider revising continuing disclosure policies if your city has them.
- **Identify.** Identify existing financial obligations, their terms, and any events reflecting financial difficulties.
- **Consult.** Consult with your city’s bond counsel for guidance.
- **Stay tuned.** There is ambiguity in these amendments which may be clarified by practice or further SEC guidance over time. ■



*Sarah Dickey is a bond attorney with the law firm of Hawkins Delafield & Wood LLP. Contact her at [sdickey@hawkins.com](mailto:sdickey@hawkins.com).*



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## ECHO VFW Hall Sports Fresh Look

Echo's old Veterans of Foreign Wars Hall has received much-needed improvements, including a new floor, paint, kitchenette and bathroom as well as a new sidewalk, exterior painting and awning.

The building serves as the city council chambers and a library annex. On its website, the city said the renovation was made possible by grants from the Echo Community Benefit Plan, Kinsman Foundation and Wildhorse Foundation.

The hall, which is at least 108 years old, was closed during the spring while the renovations were carried out and reopened to the community for the city council's June meeting.

"This is just another step in our efforts to rejuvenate and give new life to historical buildings instead of tearing them down and rebuilding something lesser in their place," City Administrator Diane Berry said, as reported by the *East Oregonian*.

She noted that before the renovation, the floor was 1970s red-and-purple indoor/outdoor carpet. The kitchen was closed off and had old plywood cupboards that were falling apart. The kitchen sink drained into the ground outside, and floor joists in the basement had cutout sections to install a new HVAC system. In addition, new bracing was installed as part of the renovation.

The city has owned the building since January 2016, when the Echo VFW chapter consolidated with the Pendleton chapter and the group donated the building to the city. In



addition to council meetings, it serves as event space for community groups to use for free and the city's library stores the books it sells through Amazon there. The library annex is also used for children's story time, crafts and activities.

The historic town, platted in 1880 by J.H. Koontz, is located in northeast Oregon eight miles south of Hermiston.

Sources/photos – *East Oregonian*, City of Echo

## EUGENE "Disaster Movie in the Park"

In cooperation with the Eugene-Springfield Community Emergency Response Team (CERT), the Eugene Water and Electric Board (WEB), the city of Springfield, the Rainbow Water District, and the Springfield Utility Board (SUB), the city of Eugene recently hosted a "Disaster Movie in the Park." Multiple table and booth displays were used to inform attendees about the many issues surrounding natural hazards in the Eugene-Springfield area. After dark, the city of Eugene presented the movie "San Andreas" for approximately 150 viewers. It was a great experience for staff and the public. This effort was in conjunction with the city's upcoming revisions and federal approval for the Eugene-Springfield Natural Hazards Mitigation Plan, which is due in 2020.

On August 22 and 23, in conjunction with the National Counterterrorism Center (NCTC), the U.S. Department of Homeland Security (DHS), and the Federal Bureau of Investigation (FBI) the city of conducted a "Joint Coun-



terrorism Awareness" workshop series. The workshop focuses on the threat to the U.S. homeland from well-armed, well-trained, and highly motivated individuals assaulting "soft targets." More than 200 people, including representatives from cities, counties, and state and federal agencies, participated in this important training. With Eugene hosting the world track and field championships in 2021, this training will help the city's emergency management team and first responders better prepare.

Submitted by – City of Eugene

# CENTRAL POINT

## Downtown Revitalization

An Oct. 12 ribbon-cutting ceremony marked the completion of Central Point's Pine Street Streetscape Beautification Project, which includes new traffic lights, wider sidewalks, street trees, ornamental lighting and safer pedestrian crossings.

The project positions Pine Street as a central corridor and hub of pedestrian-oriented commercial activity for the city. It creates gateways at either end of the corridor that demarcate the central business district and provide a welcoming entry for residents and visitors.

Pine Street is part of a larger downtown revitalization plan that has been in the works since the 1990s. The revitalization plan includes façade improvements to the historic Cowley Building to complement the Pine Street enhancements. Plans call for the addition of a nearby pedestrian plaza as well, according to information provided by Community Development Director Tom Humphrey.

During the ceremony, City Manager Chris Clayton noted that the Pine Street project was debated in the Central Point community for more than 10 years, and the debate involved downtown business owners, residents, city council officials and city staff.

"And as a result of these different voices, I believe we have produced a very positive outcome for the community," Clayton



said. "The success of this project is directly owed to the vision of the city council and their willingness to commit precious public resources to the redevelopment of our downtown business district."

Clayton added that the council took some calculated risks but largely made prudent choices that ultimately accomplished its future vision.

"In the end, this project is about opportunity. The opportunity to promote the longstanding businesses located in the Central Point downtown business district. And, a future opportunity for the city to attract and retain new, smart businesses that meet the needs and wants of our citizens," he said.

*Source/photos – City of Central Point*



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## COOS BAY

### Fire District Receives Grants for Protective Gear

The Coos Bay Fire Department has received grants from the Coos Bay/North Bend Rotary, the Coos Foundation and the Bay Area Hospital Community Foundation to purchase ballistic vests and helmets for firefighters to wear when working as a rescue task force.

Steve Schneiderman, representing the Coos Bay/North Bend Rotary and the Coos Foundation, presented Coos Bay Fire Chief Mark Anderson and Battalion Chief Jeff Adkins with \$4,554.95 in funding during a recent city council meeting. These funds, combined with a \$5,000 grant from the Bay Area Hospital Community Foundation, allow the city to purchase the equipment, according to the city's website.

"I never thought I'd have to be asking for ballistic vests for firefighters," Anderson said, as reported by the *World* newspaper. "Our role is very different from the police department, but with the increase of active shooters and hazardous environments it's becoming an industry standard that firefighters and first responders are being utilized to rescue victims."

Firefighters will now be both equipped and trained to help



citizens injured during active shootings. In addition to the bulletproof vests, they will carry medical gear such as tourniquets. The fire department worked with Coos Bay police to develop policies and procedures for the new active shooter response plan, which calls for four-person teams from both Coos Bay and North Bend to be deployed to a scene and designates eight first responders to care for wounded people, according to the *World*.

## CORVALLIS

### New Additions to Park

Community members in Corvallis recently celebrated the opening of a new playground at Dr. Martin Luther King, Jr. Park with a ribbon cutting ceremony. Mayor Biff Traber, city councilors and representatives from the city's Parks & Recreation department attended the event.

The playground was built in memory of Ronald Naasko, who was an advocate for youth and disabled veterans. The project was made possible through community donations and system development charges, the city states on its website.

"Fun playgrounds are important, and this is a beautiful addition to our park system," Traber said during the ribbon cutting ceremony, as reported in the *Corvallis Gazette-Times*. "But MLK is an important park because of the value of Martin Luther King's work on equality and diversity. The broad level of his messages is really important to the community."

The newspaper reported that the attendance of Shelley Moon of the Corvallis-Albany chapter of the NAACP and Jasper Smith of the city's King Legacy Advisory Board underscored the theme of honoring Dr. King during the event.



Park improvements also include an experimental water pump and rock-climbing wall. In addition, the city improved ADA access and added a new outdoor patio to Walnut Barn at the park. The Walnut Barn is a converted barn sitting atop a small hill with a view of the park's meadows. It is available for public use and features barbecues, picnic tables, electricity, automatic indoor/outdoor lights that come on at dusk, and nearby horseshoe and volleyball courts, according to the city's website.

Sources – City of Corvallis, *Gazette-Times* ■

# City Events

**Note:** With the transition of *Local Focus* to a quarterly magazine, City Events will be published online and promoted on a regular basis in the weekly *LOC Bulletin* e-newsletter. Please continue to share your city's events by sending them to Julie Oke at [jmoke@orcities.org](mailto:jmoke@orcities.org).

## November

- |          |  |      |  |
|----------|--|------|--|
| 16-18    | <b>Ontario</b> – Festival of Trees (541-820-3605)  | 1-2  | <b>Mt. Angel</b> – Hazelnut Fest – A German Christmas Market ( <a href="http://www.mtangelchamber.com">www.mtangelchamber.com</a> )                      |
| 17       | <b>Prairie City</b> – Christmas on the Prairie ( <a href="http://www.gcOregonlive.com">www.gcOregonlive.com</a> )          | 1-31 | <b>Grants Pass</b> – Christmas in Grants Pass ( <a href="http://www.travelgrantspass.com">www.travelgrantspass.com</a> )                                 |
| 17       | <b>West Linn</b> – Holiday Bazaar ( <a href="http://www.westlinnoregon.gov">www.westlinnoregon.gov</a> )                   | 7    | <b>Dallas</b> – Winterfest ( <a href="http://www.exploredallasoregon.org">www.exploredallasoregon.org</a> )  |
| 23-25    | <b>Seaside</b> – Yuletide in Seaside ( <a href="http://www.seasidechamber.com">www.seasidechamber.com</a> )                | 7    | <b>Troutdale</b> – Tree Lighting/First Friday Art Walk ( <a href="http://www.westcolumbiagorgechamber.com">www.westcolumbiagorgechamber.com</a> )        |
| 23-12/31 | <b>Silverton</b> – Christmas in the Garden ( <a href="http://www.oregongarden.org">www.oregongarden.org</a> )              | 7-8  | <b>La Pine</b> – Light Parade & Christmas Bazaar ( <a href="http://www.lapine.org">www.lapine.org</a> )  |
| 29       | <b>Sisters</b> – Fresh Hop Festival ( <a href="http://www.sistersfreshhopfest.com">www.sistersfreshhopfest.com</a> )       | 8    | <b>Nyssa</b> – Night Lite Parade ( <a href="http://www.nyssachamberofcommerce.com">www.nyssachamberofcommerce.com</a> )                                  |
| 29-12/1  | <b>Baker City</b> – Festival of Trees ( <a href="http://www.saintalphonsus.org">www.saintalphonsus.org</a> )               | 8    | <b>John Day</b> – Timber Truckers Light Parade ( <a href="http://www.gcOregonlive.com">www.gcOregonlive.com</a> )  |
| 30       | <b>Estacada</b> – City Hall Christmas Tree Lighting ( <a href="http://www.cityofestacada.org">www.cityofestacada.org</a> ) | 8    | <b>Sumpter</b> – Christmas Parade of Lights ( <a href="http://www.visitbaker.com">www.visitbaker.com</a> )   |
| 30-12/1  | <b>Florence</b> – Holly Jolly Follies ( <a href="http://www.crowkids.com">www.crowkids.com</a> )                           | 8-9  | <b>Sumpter</b> – Sumpter Valley Railroad Christmas Train with Santa ( <a href="http://www.sumptervalleyrailroad.org">www.sumptervalleyrailroad.org</a> ) |

## December

- |   |   |       |  |
|---|---|-------|--|
| 1 | <b>Baker City</b> – Twilight Christmas Parade ( <a href="http://www.visitbaker.com">www.visitbaker.com</a> )      | 9     | <b>Albany</b> – Annual Christmas Parlour Tour ( <a href="http://www.albanyvisitors.com">www.albanyvisitors.com</a> )                 |
| 1 | <b>Coos Bay</b> – Empire Christmas Tree Lighting & Santa Visit (503-409-8059)                                     | 15    | <b>Sutherlin</b> – Timber Town Toyland Parade ( <a href="http://www.visitsutherlin.com">www.visitsutherlin.com</a> )                 |
| 1 | <b>Forest Grove</b> – Holiday in the Grove ( <a href="http://www.fgcityclub.com">www.fgcityclub.com</a> )         | 15-16 | <b>Portland</b> – Holiday Spirits Fest ( <a href="http://www.portlandsaturdaymarket.com">www.portlandsaturdaymarket.com</a> )        |
| 1 | <b>Forest Grove</b> – Holiday Light Parade ( <a href="http://www.forestgrove-or.gov">www.forestgrove-or.gov</a> ) | 15-24 | <b>Portland</b> – Festival of the Last Minute ( <a href="http://www.portlandsaturdaymarket.com">www.portlandsaturdaymarket.com</a> ) |
| 1 | <b>Ontario</b> – Winter Wonderland Parade ( <a href="http://www.ontariochamber.com">www.ontariochamber.com</a> )  |       |  |

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