CITY OF OREGON CITY
CITY COMMISSION REGULAR MEETING - REVISED
AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, August 18, 2021 at 7:00 PM

6:00 PM - EXECUTIVE SESSION OF THE CITY COMMISSION: *The Executive Session will begin at 6:00 PM, but may be continued to immediately after the 7:00 PM City Commission Regular Meeting.*

i. PURSUANT TO ORS 192.660(2)(a): To consider the employment of a public officer, employee, staff member or individual agent.

ii. PURSUANT TO ORS 192.660(2)(i): To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

Ways to participate in this public meeting:

- *Attend in person, location listed above, and masks are required.*
- *Register to provide electronic testimony (email recorderteam@orcity.org or call 503-496-1505 by 3 p.m. on the day of the meeting to register).*
- *Email recorderteam@orcity.org (deadline to submit written testimony via email is 3 p.m. on the day of the meeting).*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045.*

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

7. CONSENT AGENDA

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

7a. Personal Services Agreement with Kittelson & Associates for the Street Design Standards Project (PS 21-022)

7b. Personal Services Agreement with Keller Associates for the Loder Road Extension Alternatives Analysis (PS 21-025)

7c. Minutes of the July 13, 2021 Work Session

7d. Minutes of the July 13, 2021 Joint Work Session with Planning Commission

7e. Minutes of the July 21, 2021 Regular Meeting

8. PUBLIC HEARINGS

8a. GLUA-21-00019/CU-21-00002: The Father's Heart Street Ministry Conditional Use Permit for Warming Shelter

9. GENERAL BUSINESS

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.

CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 08/18/2021

From: Public Works Director John M. Lewis, PE

SUBJECT:

Personal Services Agreement with Kittelson & Associates for the Street Design Standards Project (PS 21-022)

STAFF RECOMMENDATION:

Award the contract and authorize the City Manager to execute the Contract Agreement with Kittelson & Associates in the amount of $149,447 for preparation of a Street Standards Design Manual for the Street Design Standards Project (PS 21-022).

EXECUTIVE SUMMARY:

The City is preparing to create Street Design Standards which will be consistent with local, regional, and State guidelines as well as City Code, City Policies, and City Transportation Planning documents. The Design Standards will supplement the documents already existing within the City. The Standards will cover such things as pavement design, street lighting design, roadway geometrics, and many others.

BACKGROUND:

The City uses technical design standards to ensure consistency within the public infrastructure of the City and to follow current practices and standards within the industry. The City currently has Design Standards for Public Water, Public Sanitary Sewer, and Stormwater and Grading Design. However, the City does not have any technical standards for the roadway system except for some policies and transportation planning documents.

This project was budgeted in FY 21-22 to create Street Design Standards which will be consistent with local, regional, and State guidelines, as well as City Code, City Policies, and City Transportation Planning documents. The Design Standards will supplement the documents already existing within the City. The Standards will cover such things as pavement design, street lighting design, roadway geometrics, and many others as seen in Exhibit A.

The attached scope of work (Exhibit A) outlines the detail by which the project will move forward through the process of preparing a final Street Design Standards manual including existing document review, preparation of a table of contents, and design standards and guideline for each subject within the table of contents.

The project will begin September 1 with an initial outline prepared by October 1 and a final draft document by February 25, 2022. The intent is to adopt the design standards by summer 2022.

Staff will be reviewing the standards with the Transportation Advisory Committee, the City's traffic engineer, the consultant community through the development stakeholder's group, and various City departments in an effort to ensure the Standards will meet the needs of the City.

Kittelson & Associates is a consultant on the City's shortlist to prepare documents for transportation planning projects.

OPTIONS:

1. Authorize the City Manager to execute the Agreement.
2. Authorize the City Manager to execute the Agreement with specific modifications.
3. Deny the Agreement. If the Commission chooses to deny the Agreement, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount:	$149,447
FY(s):	FY 21-22
Funding Source(s):	Street Operations & Street SDC

Point of Contact: Josh Wheele
Term of Contract: December 31, 2022

CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT

STREET DESIGN STANDARDS (PS 21-022)

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **KITTELSON & ASSOCIATES** ("Consultant").

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **December 31, 2022**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **one hundred forty-nine thousand, four hundred forty seven dollars and no cents ($149,447.00)**.

3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
PO Box 3040
625 Center Street
Oregon City, OR 97045
Attention: John M. Lewis

To Consultant:

KITTELSON & ASSOCIATES
851 SW 6TH AVENUE, SUITE 600
PORTLAND, OREGON 97204
Attention: Hermanus Steyn

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 20____.

CITY OF OREGON CITY

By: _____
John M. Lewis, P.E.
Title: Public Works Director

DATED: _____, 20___.

By: _____
Anthony J. Konkol III
Title: City Manager

DATED: _____, 20___.

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

KITTELSON & ASSOCIATES

By: _____

Name: _____

Title: _____

DATED: _____, 20___.

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

\\DEPOT\Departments\PublicWorks\CIP_PS_RFQ_RFP\PS_Open\PS 21-022 Street Design Standards\CONTRACT\Form - PSA_Consultant.docx

KITTELSON & ASSOCIATES
851 SW 6th AVENUE, SUITE 600
PORTLAND, OR 97204
P 503.228.5230 F 503.273.8169

Date:	August 6, 2021	Project #: 260880.002
To:	Josh Wheeler, P.E. City of Oregon City	
From:	Hermanus Steyn, Pr.Eng., P.E. and Julia Knudsen, P.E.	
Project:	Oregon City Street Design Standards / PS 21-022	
Subject:	Scope of Work	

SCOPE OF WORK

In collaboration with the City of Oregon City, Kittelson & Associates, Inc. (Kittelson) will develop Oregon City Street Design Standards (Design Standards) to provide technical guidance and standards for street elements within the right-of-way. The Design Standards are intended to complement the City's existing Design Standards, City Code, and Standard Drawings, as well as provide consistency within the region and specifically Clackamas County. NV5 will support Kittelson as a subconsultant to provide specific expertise in landscape design and pavement design.

The Scope of Work outlines the following tasks associated with developing the Oregon City Street Design Standards and includes the following tasks:

- Task 1: Project Administration
- Task 2: Review Relevant Documentation
- Task 3: Develop Table of Contents
- Task 4: Develop Draft Design Standards
- Task 5: Develop Final Design Standards
- Task 6: Approval and Publishing

The fee estimate and preliminary project schedule associated with Tasks 1 through 6 have also been included.

The following information presents additional details for each task.

Task 1 Project Administration

Objectives:

- *Coordinate with the City Project Manager regarding content submittals, meeting schedules, and task completion.*
- *Prepare and maintain the project schedule.*
- *Prepare monthly invoices and progress reports.*

Task 1 will include the following activities:

1.1 Prepare a detailed project schedule that outlines meeting dates and task activities and provide to the City within one week of notice to proceed. Prepare up to one revised project schedule, as needed, throughout the project to update project milestones or meeting schedules, upon agreement with the City.

1.2 Prepare for and attend up to three (3) one-hour project management check-in meetings with the City. The meetings are expected to be conducted via video conference.

1.3 Prepare and submit up to 10 monthly invoices and progress reports to the City.

Task 1 Deliverables:

- Project Schedule and Updated Project Schedule (if needed)
- Email meeting summaries for three project management check-in meetings
- Monthly invoices and progress reports (10 months)

Task 2 Review Relevant Documentation

Objectives:

- *Review relevant city, county, and state standards and documentation that may influence the development of the Design Standards.*
- *Review City Code to verify consistency with the Design Standards.*

Task 2 will include the following activities:

2.1 Review the following City documents as it relates to street design standards provided by the City:

- Water System Design Standards
- Sanitary Sewer Design Standards
- Stormwater and Grading Design Standards
- Standard Construction Notes
- Standard Construction Details
- Pavement Cut Standards
- Transportation System Plan (TSP)
- Linn-Leland-Meyers Plan
- Beavercreek Access Plan
- Molalla Streetscape Plan

- Molalla Bikeway Plan
- Holcomb Pedestrian Plan
- Park Place Urbanization Plan
- Transportation Demand Management Plan
- South End Concept Plan
- Thimble Creek (Beavercreek) Concept Plan
- Park Place Concept Plan
- McLoughlin Canemah Trail Plan
- Downtown Community Plan
- Alternative Mobility Targets
- McLoughlin Boulevard Enhancement Plan
- Other policies and plans for the City Street (Transportation) Division
- Recent Adopted City Codes
- Online City Codes

2.2 Review the following County and State documentation:

- Clackamas County Roadway Standards
- Oregon Department of Transportation (ODOT) Blueprint for Urban Design
- ODOT Highway Design Manual

Task 2 Deliverables:

- Integrate relevant documentation and information into the Design Standards as part of Tasks 3, 4, and 5.

Task 3 Develop Table of Contents

Objectives:

- *Meet with City staff to establish expectations and discuss design considerations for the Design Standards.*
- *Prepare a Table of Contents for the Design Standards to provide a framework and foundation for the development of the Draft Design Standards.*

Task 3 will include the following activities:

3.1 Prepare for and facilitate one (1) two-hour in-person meeting with the City staff to establish expectations, discuss priorities, confirm topics, and present preliminary information regarding the Design Standards. An agenda for the meeting with will provided to the City at least one-week in advance of the meeting. A meeting summary will be provided to the City within at least three days of the meeting.

3.2 Prepare a detailed Draft Table of Contents for the Design Standards that will include the following topic areas:

- Geometric Design
- Roadway Design
- Traffic Engineering
- Pavement Design
- Drainage
- Public Utilities
- Street Lighting
- Traffic Signals
- Pedestrian Design
- Bicycle Design
- Shared-Use Paths
- Transit
- Freight
- Landscape Treatment
- Franchise Utilities
- Alternative Transportation
- Policies
- Maintenance
- Traffic Demand Management
- Other Plans and Studies

The organization and details within each topic area will be refined during Task 3 based on discussions with the City staff, review of relevant documentation, and expertise from the Consultant team. The Draft Table of Contents will be submitted to the City for a 30-day review period. The City will provide consolidated review comments at least one week prior to the review meeting in Subtask 3.4.

3.3 Prepare a sample layout (up to three pages) for the Design Standards to illustrate the headings, font, text size, page layout, and sample graphics. The sample layout will be submitted with the Draft Table of Contents noted in Task 3.2.

3.4 Prepare for and facilitate one (1) two-hour in-person meeting with the City staff to discuss review comments to the Draft Table of Contents and confirm topic areas and organization of the Design Standards. The meeting will also include a discussion and confirmation on the layout for the Design Standards, based on the information provided in Task 3.3. An agenda for the meeting with will provided to the City at least one-week in advance of the meeting. A meeting summary will be provided to the City within at least three days of the meeting.

3.5 Develop a Final Table of Contents based on the City input and submit to the City within two weeks of the review meeting in Subtask 3.4. Additional review comments are not expected at this stage. The Final Table of Contents will be used as a framework and foundation for the Design Standards that will be developed in Tasks 4 and 5.

Task 3 Deliverables:

- Meeting agendas for two meetings with City staff
- Meeting summaries for two meetings with City staff
- Draft Table of Contents for the Design Standards
- Sample layout for the Design Standards
- Final Table of Contents for the Design Standards

Task 4 Develop Draft Design Standards

Objectives:

- *Develop Draft Design Standards to provide technical guidance and standards for street elements within the right-of-way.*

Task 4 will include the following activities:

4.1 Develop Draft Design Standards based on the Final Table of Contents from Task 3. The Draft Design Standards will consider the relevant documentation reviewed as part of Task 2 and is expected to align with information from the Clackamas County Roadway Standards to verify consistency with the surrounding roadway network. The Draft Design Standards are expected to complement the existing City standards, code, and standard drawings. This scope of work excludes the preparation of standard drawings. Graphics and photos will be integrated into the Draft Design Standards to support technical guidance. The sample layout discussed in Task 3 will be used to develop the Draft Design Standards. A Word file and PDF file of the Draft Design Standards will be submitted to the City for a 30-day review period. The City will provide consolidated review comments at least one week prior to the review meeting in Subtask 4.2. Receiving consolidated comments in one Word file using track changes will allow for efficient integration of input.

4.2 Prepare for and facilitate one (1) two-hour in-person meeting with the City staff to discuss review comments to the Draft Design Standards. An agenda for the meeting with will provided to the City at least one-week in advance of the meeting. A meeting summary will be provided to the City within at least three days of the meeting.

Task 4 Deliverables:

- Draft Design Standards
- Meeting agenda for one meeting with City staff
- Meeting summary for one meeting with City staff

Task 5 Develop Final Design Standards

Objectives:

- *Develop Final Design Standards based on the City input to the Draft Design Standards prepared in Task 4.*

Task 5 will include the following activities:

5.1 Develop Final Design Standards based on City input received as part of Task 4. A Word file and PDF file of the Final Design Standards will be submitted to the City for final approval.

5.2 Prepare for and facilitate one (1) one-hour conference call with the City staff to identify any final edits (if needed) to the Final Design Standards and discuss the final approval process expected as part of Task 6.

Task 5 Deliverables:

- Final Design Standards
- Email summary for one conference call with City staff

Task 6 Support Approval Process

Objectives:

- *Support the City with the approval and publishing process for the Design Standards.*

Task 6 will include the following activities:

6.1 Complete final edits, if needed, to the Final Design Standards based on the City's final review in Task 5. These final edits may reflect editorial clarification but exclude content development.

6.2 Submit the final deliverable files for the Final Design Standards including a Word file, PDF file, and graphic files.

6.3 Prepare for and facilitate one (1) two-hour in-person meeting with the City staff to support approval of the Design Standards.

Task 6 Deliverables:

- Final Design Standards files – Word file, PDF file, graphic files
- Attendance at one meeting to support approval process

PROJECT SCHEDULE

The following project schedule and preliminary meeting dates were provided in the Consultant project proposal. The project schedule is expected to be refined and updated as part of Task 1.

Check-in Call with City Staff
In-Person Meeting with City Staff
Consultant Team Activities
City Staff Review

Start Date: September 1, 2021

Proposed In-person Meeting Dates:

- September 8, 2021
- October 27, 2021
- March 23, 2022

Proposed Check-in Virtual Calls

- December 15, 2021
- February 23, 2022
- May 18, 2022

30% Design Date: October 1, 2021

90% Design Date: February 25, 2022

Completion Date: June 27, 2022

FEE ESTIMATE

The following fee estimate is based on the scope of work described in Tasks 1 through 6.

Task	Notes / Staff	Hermanus Steyn	Julia Knudsen	Wade Scarbrough	Fred Wismer	Caleb Cox	Brad Cullimore	Erma Halili	Mike Smyth	Landscape Architect	Krey Younger	WORK TASK/ TASK HOURS	WORK TASK/ TASK COST
		Kittelson & Associates, Inc.							NV5				
001	**Project Administration**												
1.1	Project Schedule	1	2									3	$662
1.2	Check-in Conference Calls (3) with City	3	6									9	$1,986
1.3	Monthly Progress Reports (10)	5	15									20	$4,294
	Reimbursable Expense												$0
	Task #001 - Subtotal	9	23	0	0	0	0	0	0	0	0	32	$6,941
002	**Review Relevant Documentation**												
2.1	Review City Documentation	8	12			16			1	4	2	43	$7,641
2.2	Review County and State Documentation	4	8			10						22	$3,939
	Reimbursable Expense												$0
	Task #002 - Subtotal	12	20	0	0	26	0	0	1	4	2	65	$11,580
003	**Develop Table of Contents**												
3.1	Expectations Meeting with City	4	6									10	$2,254
3.2	Draft Table of Contents	12	20	6	6	10		3	1	4	2	64	$12,349
3.3	Sample Layout	2	4					2				8	$1,507
3.4	Review Meeting with City	4	6									10	$2,254
3.5	Final Table of Contents	4	8	2	2	6		2			1	25	$4,683
	Reimbursable Expense												$105
	Task #003 - Subtotal	26	44	8	8	16	0	7	1	4	3	117	$23,150
004	**Develop Draft Design Standards**												
4.1	Draft Design Standards	75	115	32	41	48	24	16	6	18	12	387	$74,300
4.2	Review Meeting with City	4	6									10	$2,254
	Reimbursable Expense												$77
	Task #004 - Subtotal	79	121	32	41	48	24	16	6	18	12	397	$76,631
005	**Develop Final Design Standards**												
5.1	Final Design Standards	22	32	8	12	10	8	10		6	3	111	$20,924
5.2	Final Deliverables Meeting with City	2	4									6	$1,324
	Reimbursable Expense												$0
	Task #005 - Subtotal	24	36	8	12	10	8	10	0	6	3	117	$22,248
006	**Support Approval Process**												
6.1	Final edits to the Design Standards	6	12				4	2				24	$4,617
6.2	Submit final deliverable files	2	6				2					10	$1,949
6.3	Approval Meeting with City	4	6									10	$2,254
	Reimbursable Expense												$77
	Task #006 - Subtotal	12	24	0	0	0	6	2	0	0	0	44	$8,897
	TOTAL HOURS	162	268	48	61	100	38	35	8	32	20		
	LABOR RATE	$267.95	$196.95	$229.67	$196.95	$129.12	$115.66	$91.78	$140.00	$120.00	$224.00	**TOTAL HOURS**	**TOTAL LABOR**
	LABOR COST	$43,408	$52,783	$11,024	$12,014	$12,912	$4,395	$3,212	$1,120	$3,840	$4,480	**772**	**$149,188**

Rates shown above are for budgeting purposes only. Additional staff may be billed at the time services are performed.

TOTAL REIMBURSABLES
$259

TOTAL PROJECT BUDGET
$149,447

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.

2. Payment.

(a) Invoices submitted in connection with this Agreement shall be properly documented and shall identify the pertinent agreement and/or purchase order numbers.

(b) City agrees to pay Consultant within thirty (30) days after receipt of Consultant's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth in this Agreement, nor shall City pay Consultant any fees or costs that City reasonably disputes.

3. Independent Consultant Status.

(a) Consultant is an independent consultant and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Consultant represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Consultant maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Consultant provides services for two or more persons within a 12-month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Consultant shall furnish the tools or equipment necessary for the contracted labor or services. Consultant agrees and certifies that:

(d) Consultant is not eligible for any federal social security or unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Agreement.

(e) Consultant agrees and certifies that it is licensed to do business in the State of Oregon and that, if Consultant is a corporation, it is in good standing within the State of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Consultant, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of the City provided in this Agreement and relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. No Third-Party Beneficiaries. City and

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to the Consultant under this Agreement and, unless Consultant is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If the Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Consultant by reason of this Agreement.

(c) The payment of a claim in this manner shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

(d) Consultant and subconsultants, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. Subconsultants and Assignment. Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the City. The City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to the Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Consultant that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Consultant under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Consultant shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Consultant shall comply with all federal, state, and local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Consultant shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including the reimbursement of reasonable attorney fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the State of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than $2,000,000 combined, single-limit, per-occurrence/$4,000,000 annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any tortious act or neglect ~~or breach of~~ under this Agreement by Consultant.

(d) Errors and Omissions Insurance Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage ~~arising out of~~ to the extent caused by Consultant's negligent acts, omissions, activities or services in an amount not less than $500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. ~~Such insurance shall include contractual liability.~~

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

14. Legal Expenses. In the event legal action is brought by City or Consultant against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

16. Number and Gender. In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others or other whenever the context so requires.

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control over the terms of the standard conditions. To the extent there is a conflict between the terms of the standard conditions and any other document, including the scope of services, the terms of the standard conditions shall control those other terms.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage prepaid, or personally delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Consultant. Copies as requested shall be provided free of cost to City.

23. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.

24. Arbitration.

All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

and shall in such notice appoint a disinterested person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 08/18/2021

From: Public Works Director John M. Lewis, PE

SUBJECT:

Personal Services Agreement with Keller Associates for the Loder Road Extension Alternatives Analysis (PS 21-025)

STAFF RECOMMENDATION:

Award the contract and authorize the City Manager to execute the Contract Agreement with Keller Associates in the amount of $51,000 for preparation of an alternatives analysis for the Loder Road Extension Alternatives Analysis (PS 21-025).

EXECUTIVE SUMMARY:

This project provides an alternatives analysis for the alignment of the extension of Loder Road from Beavercreek Road to Meyers Road in relation to Transportation System Project D64. This project utilizes a grant from Business Oregon in the amount of $43,350 with the remaining grant match of $7,650 to be paid from Transportation System Development Charges (SDCs).

BACKGROUND:

Project D64 in the City's Transportation System Plan (TSP) plans for an extension of Loder Road from Beavercreek Road to existing High School Lane at Meyers Road. The property within the extension area has numerous constraints and challenges including zoning, parcel geometry, overhead electrical transmission towers and lines, and natural resources. This analysis will provide three alternatives for an alignment of the roadway extension and will recommend a final alignment that will be used for future design and construction.

This alternatives analysis is being funded by a Special Public Works Fund grant issued by the State of Oregon through Business Oregon in the amount of $43,350. The remaining $7,650 is a grant match funded from Transportation SDCs.

The attached scope of work (Exhibit A) outlines the detail by which the project will move forward through the process of preparing an alternatives analysis for the extension of Loder Road.

The consultant anticipates completing a final report by end of 2021. Any revisions or adjustments and adoption of the plan will be completed in 2022.

Keller Associates is a consultant on the City's shortlist to documents for transportation planning projects.

OPTIONS:

1. Authorize the City Manager to execute the Agreement.
2. Authorize the City Manager to execute the Agreement with specific modifications.
3. Deny the Agreement. If the Commission chooses to deny the Agreement, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount:	$51,000
FY(s):	FY 21-22
Funding Source(s):	Transportation SDC

Point of Contact: Josh Wheeler
Term of Contract: June 30, 2022

CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT

LODER ROAD EXTENSION ALTERNATIVES ANALYSIS (PS 21-025)

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **KELLER ASSOCIATES** ("Consultant").

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **June 30, 2022**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **fifty-one thousand dollars and no cents ($51,000.00)**.

3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
PO Box 3040
625 Center Street
Oregon City, OR 97045
Attention: John M. Lewis

To Consultant:

Keller Associates
245 Commercial St SE #210
Salem, Oregon 97301
Attention: Shannon Williams

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 20____.

CITY OF OREGON CITY

By: _____
John M. Lewis, P.E.
Title: Public Works Director

DATED: _____, 20___.

By: _____
Anthony J. Konkol III
Title: City Manager

DATED: _____, 20___.

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

KELLER ASSOCIATES

By: _____

Name: _____

Title: _____

DATED: _____, 20___.

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

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CITY OF OREGON CITY
LODER ROAD EXTENSION ALTERNATIVES ANALYSIS
SCOPE OF WORK

PROJECT DESCRIPTION

The City of Oregon City ("Owner") received a grant from Business Oregon to evaluate the realignment of Loder Road at Beavercreek Road to enhance safety and provide access to the industrial lands within the Beavercreek Employment Area. The Beavercreek Concept Plan area is an Enterprise Zone which provides an opportunity to market a large group of employment lands.

The Loder Road Extension Alternatives Analysis ("project") will support the Owner's future growth in the area and address current safety issues. Loder Road is a Y-intersection with Beavercreek Road, and it does not have a connection to High School Lane. Other challenges include Bonneville Power Administration (BPA) power lines / and easements, surrounding planned development, associated driveway accesses and property frontages, and special overlay areas such as the Natural Resource Overlay District (NROD) and Geologic Hazards.

The Loder Road realignment is part of the adopted Beavercreek Road Concept Plan and has been added to the Transportation System Plans (TSP) as a qualifying project. The project study area is shown in Figure 1.

Figure 1. Approximate Study Area

The Owner has contracted with **Keller Associates** ("Consultant") to provide an alternatives analysis of the future alignment and extension of Loder Road through Beavercreek Road to High School Avenue. The goal of the analysis is a concept level design which balances safety, existing and proposed utilities, environmental and land use, impact to developability of adjacent properties, and cost. Consultant's services are limited to those services outlined in the following Scope of Work (SOW).

SCOPE OF WORK

TASK 1: DATA COLLECTION AND ASSEMBLY

Consultant Responsibilities:

1.1. Kick-off Meeting. Participate in a project kickoff meeting. Prepare agenda and meeting notes. The purpose of this meeting will be to establish Owner design criteria, review the overall project schedule including major milestones and meetings, review project constraints and objectives, discuss available data and published materials that will be made available by the Owner, and review process for deliverables including process for Owner review and approval.

1.2. Site Visit. Consultant will visit the site one (1) time to review existing site conditions, collect photographs and aerial imagery.

1.3. Topographic Survey and Base Maps. Using the services of a Subconsultant (refer to Figure 1 for approximate limits of the topographic survey):

a. Contact Utilities: will notify utilities of survey, call OneCall, and request utility location maps.

b. Research Right-of-Way: Subconsultant will conduct research of existing right-of-way and easements at the County and request known information from Owner.

c. Field Survey Work:

1) Survey Control: Subconsultant will establish survey control and benchmarks for the project in areas outside of anticipated construction areas.

2) Topographic Survey: Subconsultant will survey topographic features of the roadway within the project limits as shown in Figure 1. Rights of entry will be requested from the property owners.

3) Utility Survey: Subconsultant will survey surface markings from utility owner or OneCall. Measure inverts to sewer manholes and catch basins.

4) Right-of-Way Survey: Subconsultant will locate and survey public land corners as well as found private property pins within or along the roadway.

d. Initial Base Map: Upon completion of the Field Survey Work, a basemap will be created from the information obtained during the Field Survey Work. The right-of-way of the existing roadway will be included. A terrain model will be created.

e. Basemap-in-Hand Review: Subconsultant will conduct an independent field review of the initial basemap to check that the model and mapping represent field conditions.

f. Survey Quality Control: Subconsultant will review survey work and basemapping for quality in accordance with quality control procedures.

g. Revised Base Map: Consultant will revise the initial basemap based on the quality control and basemap-in-hand reviews.

1.4. Mapping. Assemble existing City GIS layers, environmental information including the National Wetlands Inventory, land use and special overlays, street mapping, and functional classification mapping.

1.5. Roadway Improvements and Land Use. Review planned roadway improvements and demographic forecasts within the study area.

Owner Responsibilities:

- Arrange for and provide right-of-entry to private properties.
- Provide meeting space for project meetings. Provide advertising as needed.
- Provide one set of consolidated comments on deliverables within two weeks of receipt.

- Provide the following data:
    - GIS layers of City streets and other transportation-related features including existing and proposed utilities, zoning and land use, property ownership information in native format.
    - Planned development in the area.
    - Data from City's Transportation System Plan Update and Beavercreek Road Concept Plan.
    - Previous Loder Road Concept plans, including CAD files.
    - Copies of Land Development Code and Public Works Design Standards.
    - Available tax lot and property value information for properties within the study area.

Assumptions:

- Kick-off meeting will be in person and include three (3) Consultant staff and Owner's Project Management Team which includes Owner's Project Manager (Josh Wheeler), City Engineer (Dayna Webb), Economic Development (Ann Griffin), and Planning (Christina Robertson-Gardiner).
- Loder Road is classified as a Collector Road. The Consultant assumes that realignment will not result in significant through traffic to arterials and it will only serve adjacent properties. Therefore, traffic modelling and analysis is not required. This service can be provided as additional service if desired by the Owner.
- Unless otherwise noted, meetings/workshops may be held in person or via online meeting tools. This assumption applies to this task as well as subsequent tasks.
- Meetings are assumed to be no longer than three (3) hours in length and include preparation and meeting notes.
- The study area is shown in Figure 1.
- The alternatives analysis is for the Loder Road and Beavercreek Road intersection only.
- The Owner is the reviewing agency; no review from ODOT, Clackamas County, or adjacent landowners is anticipated.
- Neither school site circulation nor access management studies will be completed under this SOW. If such studies are requested by the Owner, they can be completed on a time and materials basis later.
- Survey base map will be supplemented with readily available LiDAR and Owner provided CAD and GIS files.

Deliverables:

- The above data will be used in subsequent analysis tasks and formatted as appropriate for use in the Loder Road Extension Alternatives Analysis Report submitted in Task 2. This data will be provided to the Owner in digital form for subsequent use.

TASK 2: LODER ROAD EXTENSION ALTERNATIVES ANALYSIS

Consultant Responsibilities:

2.1. Project Administration. Provide general project administration services including contract administration, project accounting, progress reports, scheduling, and internal project administration.

2.2. Street Network. Study existing mapping, ownership information, and planning documents. Analyze potential alignments of the Loder Road and Beavercreek intersection. Analyze turning movements assuming a WB-67 truck template.

2.3. 2D Conceptual Mapping. Prepare concept-level geometric designs (e.g., approximately 5% level of completion) of up to three (3) alternatives. Concept-level geometric designs will be conceptual renderings. Estimate the quantities of materials (pavement, base, subbase, granular borrow, etc.) from the CAD model.

2.4. BPA Coordination. Review available BPA mapping and easement information. Assess BPA horizontal offset and vertical clearance requirements. Coordinate and attend one (1) virtual meeting with BPA permitting / engineering to review preliminary alternatives and confirm permitting pathways.

2.5. Environmental and Land Use Overlays. Use available GIS and LiDAR data to assess potential wetland and waterway impacts for proposed roadway alignments. Assess special land use overlay effects on proposed concepts using available LiDAR data.

2.6. Economic Development Alternative Matrix. Review alternatives and develop matrix comparing alternatives. Preliminarily, matrix will compare construction cost; right-of-way needs; marketability; existing and proposed utilities; environmental impacts; land use overlay challenges; BPA permitting; and safety.

2.7. Cost Estimates. Prepare concept-level opinions of probable construction cost for proposed street alignments. Opinions of probable construction cost will be consistent with AAEC Class 5 (+/- 50% accuracy). Estimates will include costs for design; construction; right-of-way; construction administration, engineering, and inspection (CE&I); and contingency.

2.8. Project Management Team Meeting #1. Meet with Owner staff to review conceptual roadway alternatives.

2.9. Draft Report. Prepare draft Loder Road Extension Alternatives Analysis report, based on analysis, preliminary mapping, and coordination with Owner. Submit draft Report to Owner for review and comment.

2.10. Project Management Team Meeting #2. The purpose of this meeting will be to review the draft Loder Road Extension Alternatives Analysis Report documents, discuss reviewer comments, and confirm the preferred alternative recommended by the Consultant.

2.11. SDC Determination. Evaluate what portion of the preferred alternative would be a developer expense and what portion would be Owner expense.

2.12. City Commission Presentation. The Consultant will assist the Owner in presenting project updates to the City Commission on one occasion. Consultant will prepare presentation materials and/or handouts.
The presentations will have the following purpose:

1) Presentation #1 – Review the findings of the Draft Loder Road Extension Alternatives Analysis Report and present the recommended preferred alternative.

2.13. Final Report. Revise draft report based on Project Management Team comments. Submit final report.

2.14. Quality Control Review. An internal independent quality control review will be conducted of project deliverables.

Owner Responsibilities:

- Provide meeting space for project meetings. Provide advertising as needed.
- Provide one set of consolidated comments on deliverables within two weeks of receipt.

Assumptions:

- Project administration budget assumes a project schedule of up to three (3) months.
- Meetings are assumed to be no longer than three (3) hours in length and include preparation and meeting notes.
- Up to four (4) hours is assumed for support of the Owner in City Commission and public presentation.
- Estimates or opinions of probable costs created by the Consultant reflect Consultant's opinion of probable costs at the time created and are subject to change. Consultant has no control over variances in the cost of labor, materials, equipment, services provided by others, contractor's methods of determining prices, competitive bidding or market conditions, practices, or bidding strategies. Consultant cannot and does not warrant or guarantee that bids or actual construction costs will not vary from the costs presented. In addition to construction bid items and mobilization, opinions will include Owner administration, design, right-of-way, construction engineering and inspection, and contingency items.
- No geotechnical investigations or reports will be completed. The pavement design will rely upon the

Owner's standard roadway section.

- Roadway typical sections will follow Owner standards for roadway classification. No new sections will be developed.
- 3D renderings are not included but can be provided as an amendment to this SOW.
- BPA coordination is limited to a maximum of six (6) hours in total of Consultant time.

Deliverables:

- Meeting agendas and minutes.
- Commission meeting presentation slides.
- Invoices and monthly progress reports.
- Draft and Final Loder Road Extension Alternatives Analysis Report, including opinions of probable construction cost.

SCHEDULE

Consultant anticipates the following project schedule. The number of days associated with each of the tasks are approximate and assume timely delivery of requested information. Actual schedule may vary.

- Task 1: within 6 weeks of Notice to Proceed.
- Draft 2D Conceptual Mapping, matrix, and preliminary cost estimates: within 4 weeks of completion of Task 1.
- Draft Loder Road Extension Alternatives Analysis Report: within 2 weeks of PMT Meeting #1.
- Final Loder Road Extension Alternatives Analysis Report within 2 weeks of receipt of comments on the draft report and PMT Meeting #2.

COMPENSATION

As compensation for services to be performed by Consultant, the Owner will pay Consultant as described in the following table. The total authorized budget amount shall not be exceeded without written authorization from the Owner. Lump sum amounts shall include all costs for direct labor, indirect labor, overhead, reimbursable expenses, equipment, travel, per diem, and fixed fees.

Task	Basis	Amount
Task 1 – Data Collection, Assembly and Analysis	LS	$17,900
Task 2 – Loder Road Extension Alternatives Analysis	LS	$33,100
TOTAL COST		**$51,000**

LS = Lump Sum T&M = Time and Materials

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.

2. Payment.

(a) Invoices submitted in connection with this Agreement shall be properly documented and shall identify the pertinent agreement and/or purchase order numbers.

(b) City agrees to pay Consultant within thirty (30) days after receipt of Consultant's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth in this Agreement, nor shall City pay Consultant any fees or costs that City reasonably disputes.

3. Independent Consultant Status.

(a) Consultant is an independent consultant and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Consultant represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Consultant maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Consultant provides services for two or more persons within a 12-month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Consultant shall furnish the tools or equipment necessary for the contracted labor or services. Consultant agrees and certifies that:

(d) Consultant is not eligible for any federal social security or unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Agreement.

(e) Consultant agrees and certifies that it is licensed to do business in the State of Oregon and that, if Consultant is a corporation, it is in good standing within the State of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Consultant, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of the City provided in this Agreement and relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. No Third-Party Beneficiaries. City and

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to the Consultant under this Agreement and, unless Consultant is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If the Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Consultant by reason of this Agreement.

(c) The payment of a claim in this manner shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

(d) Consultant and subconsultants, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. Subconsultants and Assignment. Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the City. The City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to the Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Consultant that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Consultant under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Consultant shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Consultant shall comply with all federal, state, and local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Consultant shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including attorney fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the State of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than $2,000,000 combined, single-limit, per-occurrence/$4,000,000 annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than $500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

14. Legal Expenses. In the event legal action is

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

brought by City or Consultant against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

16. Number and Gender. In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others or other whenever the context so requires.

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control over the terms of the standard conditions. To the extent there is a conflict between the terms of the standard conditions and any other document, including the scope of services, the terms of the standard conditions shall control those other terms.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage prepaid, or personally delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Consultant. Copies as requested shall be provided free of cost to City.

23. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.

24. Arbitration.

All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party and shall in such notice appoint a disinterested

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

03/11/2021

Dan Holladay, Mayor
City of Oregon City
625 Center Street
Oregon City, OR 97045

RE: Award for Special Public Works Fund, City of Oregon City Loder Rd Alignment Study, Project Number A21004, 03/08/2021

Dear Mayor Holladay:

Congratulations on your successful application for the above-referenced project. Enclosed please find a summary showing the funding amount and special terms and conditions of the award. The financing contract will contain the full terms and conditions of your award and will be sent to you for proper signatures. Please note that the legal obligations for funding and for reimbursement of project expenses are subject to execution of the contract.

The project must comply with all applicable state laws, regulations and procurement requirements. As a reminder, you must provide copies of all solicitations at least 10 days before advertising, and all draft contracts at least 10 days before signing.

We encourage you to offer appropriate media opportunities to help build public awareness of your project's purposes and benefits. Please notify us of any event celebrating your project. As always, we are available to answer questions that may arise during the implementation of your project. If you need assistance, please contact me at 503-856-2306 or by email at Matthew.Mattia@oregon.gov.

Sincerely,

Matthew Mattia, Regional Project Manager
Business Oregon

c: Dayna Webb, City Engineer
Colin Sears, Regional Development Officer
Representative Mark Meek, House Representative
Senator Bill Kennemer, Senate Representative

SPECIAL PUBLIC WORKS FUND PLANNING PROJECT
FINANCING CONTRACT

Project Name: Loder Road Alignment Study

Project Number: A21004

This financing contract ("Contract"), dated as of the date the Contract is fully executed, is made by the State of Oregon, acting by and through its Oregon Infrastructure Finance Authority of the Business Development Department ("OBDD"), and the City of Oregon City, Oregon ("Recipient") for financing of the project referred to above and described in Exhibit C ("Project"). This Contract becomes effective only when fully signed and approved as required by applicable law. Capitalized terms not defined in section 1 and elsewhere in the body of the Contract have the meanings assigned to them by Exhibit A.

This Contract includes the following exhibits, listed in descending order of precedence for purposes of resolving any conflict between two or more of the parts:

Exhibit A	General Definitions
Exhibit B	NOT APPLICABLE
Exhibit C	Project Description
Exhibit D	Project Budget

SECTION 1 - KEY TERMS

The following capitalized terms have the meanings assigned below.

"Estimated Project Cost" means $51,000.

"Grant Amount" means $43,350.

"Project Closeout Deadline" means 90 days after the earlier of the Project Completion Date or the Project Completion Deadline.

"Project Completion Deadline" means 24 months after the date of this Contract.

SECTION 2 - FINANCIAL ASSISTANCE

Commitment. The OBDD shall provide Recipient, and Recipient shall accept from OBDD, financing for the Project consisting of a grant in an aggregate amount not to exceed the Grant Amount (the "Grant").

SECTION 3 - DISBURSEMENTS

A. Reimbursement Basis. The Financing Proceeds will be disbursed to Recipient on an expense reimbursement or costs-incurred basis. The Recipient must submit each disbursement request for the Financing Proceeds on an OBDD-provided or OBDD-approved disbursement request form ("Disbursement Request").

B. Financing Availability. The OBDD's obligation to make and Recipient's right to request disbursements under this Contract terminates on the Project Closeout Deadline.

SECTION 4 - CONDITIONS PRECEDENT

A. Conditions Precedent to OBDD's Obligations. The OBDD's obligations are subject to the receipt of the following items, in form and substance satisfactory to OBDD and its Counsel:

(1) This Contract duly signed by an authorized officer of Recipient.

(2) Such other certificates, documents, opinions and information as OBDD may reasonably require.

B. Conditions to Disbursements. As to any disbursement, OBDD has no obligation to disburse funds unless all following conditions are met:

(1) There is no Event of Default.

(2) The representations and warranties made in this Contract are true and correct on the date of disbursement as if made on such date.

(3) The OBDD, in the reasonable exercise of its administrative discretion, has sufficient moneys in the Fund for use in the Project and has sufficient funding, appropriations, limitations, allotments and other expenditure authority to make the disbursement.

(4) The OBDD (a) has received a completed Disbursement Request, (b) has received any written evidence of materials and labor furnished to or work performed upon the Project, itemized receipts or invoices for payment, and releases, satisfactions or other signed statements or forms as OBDD may require, (c) is satisfied that all items listed in the Disbursement Request are reasonable and that the costs for labor and materials were incurred and are properly included in the Costs of the Project, and (d) has determined that the disbursement is only for costs defined as eligible costs under the Act and any implementing administrative rules and policies.

(5) The Recipient has delivered documentation satisfactory to OBDD that, in addition to the Financing Proceeds, Recipient has available or has obtained binding commitments for all funds necessary to complete the Project.

(6) Any conditions to disbursement elsewhere in this Contract are met.

SECTION 5 - USE OF FINANCIAL ASSISTANCE

A. Use of Proceeds. The Recipient shall use the Financing Proceeds only for the activities described in Exhibit C and according to the budget in Exhibit D. The Recipient may not transfer Financing Proceeds among line items in the budget without the prior written consent of OBDD.

B. Costs of the Project. The Recipient shall apply the Financing Proceeds to the Costs of the Project in accordance with the Act, and Oregon law as applicable. Financing Proceeds cannot be used for costs in excess of one hundred percent (100%) of the total Costs of the Project and cannot be used for pre-Award Costs of the Project, unless permitted by Exhibit C.

C. Costs Paid for by Others. The Recipient may not use any of the Financing Proceeds to cover costs to be paid for by other financing for the Project from another State of Oregon agency or any third party.

SECTION 6 - REPRESENTATIONS AND WARRANTIES OF RECIPIENT

The Recipient represents and warrants to OBDD:

A. Estimated Project Cost, Funds for Repayment. A reasonable estimate of the Costs of the Project is shown in section 1, and the Project is fully funded.

B. Organization and Authority.

(1) The Recipient is a Municipality under the Act, and validly organized and existing under the laws of the State of Oregon.

(2) The Recipient has all necessary right, power and authority under its organizational documents and under Oregon law to (a) execute and deliver this Contract, (b) incur and perform its obligations under this Contract, and (c) receive financing for the Project.

(3) This Contract has been duly executed by Recipient, and when executed by OBDD, is legal, valid and binding, and enforceable in accordance with their terms.

C. Full Disclosure. The Recipient has disclosed in writing to OBDD all facts that materially adversely affect the Project, or the ability of Recipient to perform all obligations required by this Contract. The Recipient has made no false statements of fact, nor has it omitted information necessary to prevent any statements from being misleading. The information contained in this Contract is true and accurate in all respects.

D. Pending Litigation. The Recipient has disclosed in writing to OBDD all proceedings pending (or to the knowledge of Recipient, threatened) against or affecting Recipient, in any court or before any governmental authority or arbitration board or tribunal, that, if adversely determined, would materially adversely affect the Project or the ability of Recipient to perform all obligations required by this Contract.

E. No Events of Default.

(1) No Events of Default exist or occur upon authorization, execution or delivery of this Contract.

(2) The Recipient has not violated, and has not received notice of any claimed violation of, any agreement or instrument to which it is a party or by which the Project or its property may be bound, that would materially adversely affect the Project or the ability of Recipient to perform all obligations required by this Contract.

F. Compliance with Existing Agreements and Applicable Law. The authorization and execution of, and the performance of all obligations required by, this Contract will not: (i) cause a breach of any agreement to which Recipient is a party or by which the Project or any of its property or assets may be bound; (ii) violate any provision of the charter or other document pursuant to which Recipient was organized or established; or (iii) violate any laws, regulations, ordinances, resolutions, or court orders related to Recipient, the Project or its properties or operations.

SECTION 7 - COVENANTS OF RECIPIENT

The Recipient covenants as follows:

A. Notice of Adverse Change. The Recipient shall promptly notify OBDD of any adverse change in the activities, prospects or condition (financial or otherwise) of Recipient or the Project related to the ability of Recipient to perform all obligations required by this Contract.

B. Compliance with Laws. The Recipient shall comply with all applicable laws, rules, regulations and orders of any court or governmental authority that relate to this Contract, or the Project. In particular, but without limitation, Recipient shall comply with the following, as applicable:

(1) State procurement regulations found in the Oregon Public Contracting Code, ORS chapters 279A, 279B and 279C.

(2) OAR 123-042-0165 (5) requirements for signs and notifications.

These laws, rules, regulations and orders are incorporated by reference in this Contract to the extent required by law.

C. Project Completion Obligations. The Recipient shall:

(1) When procuring professional consulting services, provide OBDD with copies of all solicitations at least 10 days before advertising, and all contracts at least 10 days before signing.

(2) Complete the Project using its own fiscal resources or money from other sources to pay for any Costs of the Project in excess of the total amount of financial assistance provided pursuant to this Contract.

(3) Complete the Project no later than the Project Completion Deadline, unless otherwise permitted by the OBDD in writing.

(4) No later than the Project Closeout Deadline, Recipient must deliver to OBDD an electronic copy of the final study.

D. Industrial Lands. The land involved in this Project must remain zoned industrial and not be converted to another use for at least 5 years after the completion of the Project. If this condition is not met, the Grant must be immediately repaid, unless otherwise allowed by OBDD and agreed in writing by OBDD and Recipient.

E. Inspections; Information. The Recipient shall permit OBDD and any party designated by OBDD: (i) to inspect, at any reasonable time, the property, if any, constituting the Project; and (ii) at any reasonable time, to inspect and make copies of any accounts, books and records, including, without limitation, its records regarding receipts, disbursements, contracts, investments and any other related matters, and financial statements or other documents related to its financial standing. The Recipient shall supply any related reports and information as OBDD may reasonably require.

F. Records Maintenance. Recipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Contract, the Project or the Financing Proceeds for a minimum of six years, or such longer period as may be required by other provisions of this Contract or applicable law, following the Project Closeout Deadline. If there are unresolved issues at the end of such period, Recipient shall retain the books, documents, papers and records until the issues are resolved.

G. Economic Benefit Data. The OBDD may require Recipient to submit specific data on the economic development benefits of the Project and other information to evaluate the success and economic impact of the Project, from the date of this Contract until six years after the Project Completion Date. The Recipient shall, at its own expense, prepare and submit the data within the time specified by OBDD.

H. Disadvantaged Business Enterprises. ORS 200.090 requires all public agencies to "aggressively pursue a policy of providing opportunities for disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans owned and emerging small businesses..." The OBDD encourages Recipient in any contracting activity to follow good faith efforts as described in ORS 200.045, available at https://www.oregonlegislature.gov/bills_laws/ors/ors200.html. Additional resources are provided by the Governor's Policy Advisor for Economic and Business Equity. Also, the Certification Office for Business Inclusion and Diversity at the Oregon Business Development Department maintains a list of certified firms and can answer questions. Search for certified MWESB firms on the web at: https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp.

I. Professional Responsibility. All service providers retained for their professional expertise must be certified, licensed, or registered, as appropriate, in the State of Oregon for their specialty.

J. Notice of Events of Default. The Recipient shall give OBDD prompt written notice of any Event of Default, or any circumstance that with notice or the lapse of time, or both, may become an Event of Default, as soon as Recipient becomes aware of its existence or reasonably believes an Event of Default is likely.

K. Indemnity. To the extent authorized by law, Recipient shall defend (subject to ORS chapter 180), indemnify, save and hold harmless OBDD and its officers, employees and agents from and against any and all claims, suits, actions, proceedings, losses, damages, liability and court awards including costs, expenses, and attorneys' fees incurred related to any actual or alleged act or omission by Recipient, or its employees, agents or contractors; however, the provisions of this section are not to be construed as a waiver of any defense or limitation on damages provided for under Chapter 30 of the Oregon Revised Statutes or under the laws of the United States or other laws of the State of Oregon.

L. NOT APPLICABLE

M. Exclusion of Interest from Federal Gross Income and Compliance with Code.

(1) The Recipient shall not take any action or omit to take any action that would result in the loss of the exclusion of the interest on any Lottery Bonds from gross income for purposes of federal income taxation, as governed by Section 103(a) of the Code. OBDD may decline to disburse the Financing Proceeds if it finds that the federal tax exemption of the Lottery Bonds cannot be assured.

(2) The Recipient shall not take any action (including but not limited to the execution of a management agreement for the operation of the Project) or omit to take any action that would cause any Lottery Bonds to be "private activity bonds" within the meaning of Section 141(a) of the Code. Accordingly, unless Recipient receives the prior written approval of OBDD, Recipient shall not permit in excess of ten percent (10%) of either (a) the Financing Proceeds or (b) the Project financed or refinanced with the Financing Proceeds to be directly or indirectly used in any manner that would constitute "private business use" within the meaning of Section 141(b)(6) of the Code, including not permitting more than one half of any permitted private business use to be "disproportionate related business use" or private business use unrelated to the government use of the Financing Proceeds. Unless Recipient receives the prior written approval of OBDD, Recipient shall not directly or indirectly use any of the Financing Proceeds to make or finance loans to persons other than governmental units, as that term is used in Section 141(c) of the Code.

(3) The Recipient shall not directly or indirectly use or permit the use of any of the Financing Proceeds or any other funds, or take any action or omit to take any action, which would cause any Lottery Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(4) The Recipient shall not cause any Lottery Bonds to be treated as "federally guaranteed" for purposes of Section 149(b) of the Code, as may be modified in any applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed by the Department of the Treasury or the Internal Revenue Service with respect to "federally guaranteed" obligations described in Section 149(b) of the Code. For purposes of this paragraph, any Lottery Bonds will be treated as "federally guaranteed" if: (a) all or any portion of the principal or interest is or will be guaranteed directly or indirectly by the United States of America or any agency or instrumentality thereof, or (b) five percent (5%) or more of the proceeds of the Lottery Bonds will be (i) used in making loans if the payment of principal or

interest is guaranteed in whole or in part by the United States of America or any agency or instrumentality thereof, or (ii) invested directly or indirectly in federally insured deposits or accounts, and (c) none of the exceptions described in Section 149(b)(3) of the Code apply.

(5) The Recipient shall assist OBDD to ensure that all required amounts are rebated to the United States of America pursuant to Section 148(f) of the Code. The Recipient shall pay to OBDD such amounts as may be directed by OBDD to satisfy the requirements of Section 148(f) applicable to the portion of the proceeds of any tax-exempt bonds, including any Financing Proceeds or other amounts held in a reserve fund. The Recipient further shall reimburse OBDD for the portion of any expenses it incurs related to the Project that is necessary to satisfy the requirements of Section 148(f) of the Code.

(6) Upon OBDD's request, Recipient shall furnish written information regarding its investments and use of Financing Proceeds, and of any facilities financed or refinanced therewith, including providing OBDD with any information and documentation that OBDD reasonably determines is necessary to comply with the arbitrage and private use restrictions that apply to the Lottery Bonds.

(7) Notwithstanding anything to the contrary, so long as is necessary to maintain the exclusion from gross income for purposes of federal income taxation of interest on any Lottery Bonds, the covenants contained in this subsection will survive the Project, including the application of any unexpended Financing Proceeds. The Recipient acknowledges that the Project may be funded with proceeds of the Lottery Bonds and that failure to comply with the requirements of this subsection could adversely affect any exclusion of the interest on the Lottery Bonds from gross income for federal income tax purposes.

(8) Neither Recipient nor any related party to Recipient, within the meaning of 26 C.F.R. §1.150-1(b), shall purchase any Lottery Bonds, from which proceeds were used to finance the Project, in an amount related to the amount of the Grant.

SECTION 8 - DEFAULTS

Any of the following constitutes an "Event of Default":

A. Any false or misleading representation is made by or on behalf of Recipient in this Contract or in any document provided by Recipient related to the Project or in regard to compliance with the requirements of Section 103 and Sections 141 through 150 of the Code.

B. (1) A petition, proceeding or case is filed by or against Recipient under any federal or state bankruptcy or insolvency law, and in the case of a petition filed against Recipient, Recipient acquiesces to such petition or such petition is not dismissed within 20 calendar days after such filing, or such dismissal is not final or is subject to appeal;

(2) The Recipient files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, liquidation, dissolution, winding-up or composition or adjustment of debts;

(3) The Recipient becomes insolvent or bankrupt or admits its inability to pay its debts as they become due, or makes an assignment for the benefit of its creditors;

(4) The Recipient applies for or consents to the appointment of, or taking of possession by, a custodian (including, without limitation, a receiver, liquidator or trustee) of Recipient or any substantial portion of its property; or

(5) The Recipient takes any action for the purpose of effecting any of the above.

C. The Recipient fails to perform any obligation required under this Contract, other than those referred to in subsections A through B of this section 8, and that failure continues for a period of 30 calendar days after written notice specifying such failure is given to Recipient by OBDD. The OBDD may agree in writing to an extension of time if it determines Recipient instituted and has diligently pursued corrective action.

SECTION 9 - REMEDIES

A. Remedies. Upon any Event of Default, OBDD may pursue any or all remedies in this Contract and any other remedies available at law or in equity to enforce the performance of any obligation of Recipient. Remedies may include, but are not limited to:

(1) Terminating OBDD's commitment and obligation to make the Grant or disbursements under the Contract.

(2) Barring Recipient from applying for future awards.

(3) Withholding amounts otherwise due to Recipient for application to the payment of amounts due under this Contract, including as provided in ORS 285B.449**.**

(4) Requiring repayment of the Grant and all interest earned by Recipient on those Grant funds.

B. Application of Moneys. Any moneys collected by OBDD pursuant to section 9.A will be applied first, to pay any attorneys' fees and other fees and expenses incurred by OBDD; then, as applicable, to repay any Grant proceeds owed; and last, to pay any other amounts due and payable under this Contract.

C. No Remedy Exclusive; Waiver; Notice. No remedy available to OBDD is intended to be exclusive, and every remedy will be in addition to every other remedy. No delay or omission to exercise any right or remedy will impair or is to be construed as a waiver of such right or remedy. No single or partial exercise of any right power or privilege under this Contract will preclude any other or further exercise thereof or the exercise of any other such right, power or privilege. The OBDD is not required to provide any notice in order to exercise any right or remedy, other than notice required in section 8 of this Contract.

D. Default by OBDD. In the event OBDD defaults on any obligation in this Contract, Recipient's remedy will be limited to injunction, special action, action for specific performance, or other available equitable remedy for performance of OBDD's obligations.

SECTION 10 - MISCELLANEOUS

A. Time is of the Essence. The Recipient agrees that time is of the essence under this Contract.

B. Relationship of Parties; Successors and Assigns; No Third Party Beneficiaries.

(1) The parties agree that their relationship is that of independent contracting parties and that Recipient is not an officer, employee, or agent of the State of Oregon as those terms are used in ORS 30.265.

(2) Nothing in this Contract gives, or is to be construed to give, directly or indirectly, to any third persons any rights and benefits greater than those enjoyed by the general public.

(3) This Contract will be binding upon and inure to the benefit of OBDD, Recipient, and their respective successors and permitted assigns.

(4) The Recipient may not assign or transfer any of its rights or obligations or any interest in this Contract without the prior written consent of OBDD. The OBDD may grant, withhold or impose conditions on such consent in its sole discretion. In the event of an assignment, Recipient shall pay, or cause to be paid to OBDD, any fees or costs incurred because of such assignment, including but not limited to attorneys' fees of OBDD's Counsel and Bond Counsel. Any approved assignment is not to be construed as creating any obligation of OBDD beyond those in this Contract, nor does assignment relieve Recipient of any of its duties or obligations under this Contract.

(5) The Recipient hereby approves and consents to any assignment, sale or transfer of this Contract that OBDD deems to be necessary.

C. Disclaimer of Warranties; Limitation of Liability. The Recipient agrees that:

(1) The OBDD makes no warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for particular purpose or fitness for any use of the Project or any portion of the Project, or any other warranty or representation.

(2) In no event are OBDD or its agents liable or responsible for any direct, indirect, incidental, special, consequential or punitive damages in connection with or arising out of this Contract or the existence, furnishing, functioning or use of the Project.

D. Notices and Communication. Except as otherwise expressly provided in this Contract, any communication between the parties or notices required or permitted must be given in writing by personal delivery, email, or by mailing the same, postage prepaid, to Recipient or OBDD at the addresses set forth below, or to such other persons or addresses that either party may subsequently indicate pursuant to this Section.

Any communication or notice by personal delivery will be deemed effective when actually delivered to the addressee. Any communication or notice so addressed and mailed will be deemed to be received and effective five (5) days after mailing. Any communication or notice given by email becomes effective 1) upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system or 2) the recipient's confirmation of receipt, whichever is earlier. Notwithstanding this provision, the following notices may not be given by email: notice of default or notice of termination.

If to OBDD: Assistant Director, Economic Development
Oregon Business Development Department
775 Summer Street NE Suite 200
Salem OR 97301-1280

If to Recipient: Dayna Webb, City Engineer
City of Oregon City
625 Center Street
Oregon City, OR 97045

E. No Construction against Drafter. This Contract is to be construed as if the parties drafted it jointly.

F. Severability. If any term or condition of this Contract is declared by a court of competent jurisdiction as illegal, invalid or unenforceable, that holding will not invalidate or otherwise affect any other provision.

G. Amendments, Waivers. This Contract may not be amended without the prior written consent of OBDD (and when required, the Department of Justice) and Recipient. This Contract may not be amended in a manner that is not in compliance with the Act. No waiver or consent is effective unless

in writing and executed by the party against whom such waiver or consent is sought to be enforced. Such waiver or consent will be effective only in the specific instance and for the specific purpose given.

H. Attorneys' Fees and Other Expenses. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, the prevailing party in any dispute arising from this Contract is entitled to recover its reasonable attorneys' fees and costs at trial and on appeal. Reasonable attorneys' fees cannot exceed the rate charged to OBDD by its attorneys.

I. Choice of Law; Designation of Forum; Federal Forum. The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Contract, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

Any party bringing a legal action or proceeding against any other party arising out of or relating to this Contract shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County (unless Oregon law requires that it be brought and conducted in another county). Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

Notwithstanding the prior paragraph, if a claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This paragraph applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. This paragraph is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

J. Integration. This Contract (including all exhibits, schedules or attachments) constitute the entire agreement between the parties on the subject matter. There are no unspecified understandings, agreements or representations, oral or written, regarding this Contract.

K. Execution in Counterparts. This Contract may be signed in several counterparts, each of which is an original and all of which constitute one and the same instrument.

SIGNATURE PAGE TO FOLLOW

The Recipient, by its signature below, acknowledges that it has read this Contract, understands it, and agrees to be bound by its terms and conditions.

STATE OF OREGON
acting by and through its
Oregon Infrastructure Finance Authority
of the Business Development Department

By: Chris Cummings Digitally signed by Chris Cummings Date: 2021.06.04 17:27:04 -07'00'
Chris Cummings, Assistant Director
Economic Development

Date: _____

CITY OF OREGON CITY

By: _____
Tony Konkol, City Manager

Date: 6-1-2021

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

Not Required per OAR 137-045-0030

EXHIBIT A - GENERAL DEFINITIONS

As used in this Contract, the following terms have the meanings below.

"Act" means ORS 285B.410 through 285B.482, as amended.

"Award" means the award of financial assistance to Recipient by OBDD dated 8 March 2021.

"C.F.R." means the Code of Federal Regulations.

"Code" means the Internal Revenue Code of 1986, as amended, including any implementing regulations and any administrative or judicial interpretations.

"Costs of the Project" means Recipient's actual costs (including any financing costs properly allocable to the Project) that are (a) reasonable, necessary and directly related to the Project, (b) permitted by generally accepted accounting principles to be Costs of the Project, and (c) are eligible or permitted uses of the Financing Proceeds under applicable state or federal statute and rule.

"Counsel" means an attorney at law or firm of attorneys at law duly admitted to practice law before the highest court of any state, who may be of counsel to, or an employee of, OBDD or Recipient.

"Financing Proceeds" means the proceeds of the Grant.

"Lottery Bonds" means any bonds issued by the State of Oregon that are special obligations of the State of Oregon payable from unobligated net lottery proceeds, the interest on which is exempt from federal income taxation, together with any refunding bonds, used to finance or refinance the Project through the initial funding or refinancing of all or a portion of the Grant.

"Municipality" means any entity described in ORS 285B.410(9).

"ORS" means the Oregon Revised Statutes.

"Project Completion Date" means the date on which Recipient completes the Project.

EXHIBIT B - NOT APPLICABLE

EXHIBIT C - PROJECT DESCRIPTION

Recipient will hire an engineering consultant to prepare a planning study to evaluate the re-alignment of Loder Rd at Beavercreek Rd, which will enhance safety and provide access to the industrial lands within the Beavercreek Employment Area. The planning study will evaluate project conditions/constraints and provide an alternative analysis with preferred solution.

Exhibit D - PROJECT BUDGET

	OBDD Funds	Other / Matching Funds
Activity	Approved Budget	Approved Budget
Planning	$43,350	$7,650
Total	$43,350	$7,650

CITY OF OREGON CITY
CITY COMMISSION WORK SESSION
DRAFT MINUTES

Virtual Meeting
Tuesday, July 13, 2021 at 6:45 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor Rachel Lyles Smith called the meeting to order at 7:00 PM.

PRESENT: 5 - Mayor Rachel Lyles Smith, Commissioner Adam Marl, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

STAFFERS: 12 - City Manager Tony Konkol, Finance Director Matt Zook, Community Development Director Laura Terway, City Recorder Kattie Riggs, Planner Kelly Reid, Public Works Director John Lewis, Economic Development Manager James Graham, Library Director Greg Williams, Parks & Recreation Director Kendall Reid, Police Chief Jim Band, City Attorney Bill Kabeiseman, Assistant Parks and Recreation Director Denise Conrad, Human Resources Director Patrick Foiles, Project Engineer Bob Balgos

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

City Manager Konkol reviewed the upcoming agenda items. Commissioner O'Donnell asked about an upcoming item regarding the Willamette Falls Trust. Mr. Konkol elaborated regarding this item.

DISCUSSION ITEMS

2. Geologic Hazards Code 17.44 Revisions

Public Works amendments have been discussed at multiple work sessions over the past 9 months. Those amendments have been adopted by the City Commission in January 2021 and April 2021. The remaining proposed code amendment related to proposed revisions to Oregon City Municipal Code 17.44 – Geologic Hazards. This item was most recently discussed in a Work Session with the City Commission on May 24, 2021. The unresolved issue to be discussed in this Work Session include the appropriate criteria for the disturbance and density of land with a specific slope. Current City Code requires any property with slope at 25% or greater, not meeting any exemptions, to be regulated through a Type II land use process which requires that a geotechnical engineer provide analysis and recommendations to meet the requirements of Oregon City Municipal Code 17.44.

Josh Wheeler, Assistant City Engineer, provided an overview of the expectation for the presentation asking the Commission for direction as the end of the presentation. Staff understands the outstanding issue with the Geologic Hazard Code definition is related to slope. Mr. Wheeler reviewed various percentage of slopes throughout the City. He also reviewed what the City's current regulation is regarding slope percentages and the process for each of the categories. Mr. Wheeler reviewed the correlation between slope and landslide deposits across the City. He provided data regarding the impact to acreage impacted by slope percentage and compared that data to the acres impacted by landslide deposits. Mr. Wheeler addressed the public comment received and provided data to address the specific area. He reviewed the Park Plan Concept Plan area and tree regulations in geologic hazard areas.

Commissioner McGriff asked the City Attorney how to expedite this Code change. Bill Kabeiseman provided the Commission with their options.

Mr. Kabeiseman provided additional legal explanations of enacting immediately including through declaring an emergency.

Professor Scott Burns with the PSU Geology Department, felt the City's approach to the Ordinance was very good and emphasized a property may have a low-slope angle, but if situated on a prior landslide, the property should be examined.

Commissioner O'Donnell asked if soil liquefaction was a consideration. Professor Burns commented that liquefaction is typical around rivers and is typically an issue in landslide areas.

Commissioner McGriff expressed support for lowering the slope percentage subject to the Ordinance and felt there are areas of the City that should not be built on and are there other things that should be considered for the Ordinance that will provide additional protection? Professor Burns felt the inclusion of the 25% slope and landslide review components were more than sufficient to provide protection.

Commissioner McGriff asked clarifying questions on what qualifies for review and Mr. Wheeler and Professor Burns provided further examples and explanations.

There was discussion regarding the reduction of available building density with adoption of a 20% slope and comparisons between building types.

Commissioner McGriff recommended that this Geologic Hazard Code changes be adopted immediately and be effective immediately.

Staff will be bringing this item back to the Commission potentially at the August 4, 2021 meeting.

3. Water Ballot Measure Update and Discussion

Water rates and water system development charges (SDCs) support the City's Capital Improvement Plan (CIP). The City amended the 2012 Water Distribution System Master Plan to include the updated 2019 CIP in January 2021. With the adoption of the Amendment to the 2012 Water Master Plan, the City must update water rates and water system development charges (SDCs) to support that plan. Water rates pay for system improvements needed for the existing system, while SDCs are one-time charges and pay for system improvements needed to support development/growth. A Water Rate and SDC Study was completed by FCS Group in 2019 with results presented to the City Commission in October 2019 and again in July 2020. The subject report identifies the need to exceed the 3% limit set by the City Charter for a rate increase; therefore, voter approval is needed. Water SDC modifications are not limited by City Charter and are paid for by developers, as development occurs. At the September 2020 Work Session, the City Commission supported proceeding with a financing plan to support the capital improvements and directed staff to proceed with water SDC increases followed by a water ballot measure to seek support for the needed water rate increases. A public hearing was held on March 3, 2021, on modifications to the water SDC methodology and adoption of new water SDC fees. The City Commission subsequently adopted updated water SDC rates, via Resolution No. 21-14, which went into effect July 1, 2021. At the January 12, 2021, work session, the City Commission confirmed interest in pursuing voter support for needed water rate increases. At that time, the City Commission Page 2 of 6 decided to defer pursuit of voter approval to November 2021, recognizing the difficult year the community has had. In preparation for the November 2021 ballot measure, the City entered into an agreement with Barney & Worth, Inc (BW) in May 2021 for professional services to assist with community engagement. BW has completed their opinion research which will inform the ballot measure language and community engagement strategy.

Patty Nelson, Senior Project Engineer, provided background on the Capital Improvements and what was needed and why there is a Charter amendment needed.

Clark Worth, from Barney and Worth, Inc., discussed the opinion research and what has been learned up to this point. The key take-aways were that awareness was low and that water was not at the top of their mind as an issue. There was little information about the need for the rate increase or debt option. There needs to be voter education and leadership. They conducted focus group discussions, stakeholder interviews, telephone survey, and reached out to likely voters. The results were consistent across all the methods used. The public's perception is there are no issues with the existing water systems and there was little interest in increasing water rates to repair old systems. Increases in water rates were better expressed and understood when displayed in dollar amounts instead of percentage increases. The survey results clearly showed the need for robust public education regarding this topic. Mr. Worth provided slides showing that when the public is provided more information and history on the topic, the more support there is for a rate increase. Because of available federal loan programs, there is more public acceptance of public debt to pay for repairs and improvements.

Ms. Nelson commented that the City Charter does not allow for incurring a public debt scenario.

Mr. Worth reviewed the outreach methods for community engagements.

Ms. Nelson discussed the options of two ballot measures; one for public approval of rate increase and the other a debt measure.

Commissioner O'Donnell asked Ms. Nelson regarding the proposed rate increase amount and there was discussion with Mr. Konkol on the specifics of how the ballot measures would be worded to address this.

Commissioner McGriff also asked clarifications of how the proposed rate increase will be presented.

Mayor Lyles Smith asked regarding why the two ballot measures and the water rates. Ms. Nelson explained the rationale.

Commissioner O'Donnell felt it would be better to express the rate increase in dollar amount rather than percentages.

4. Resolution No. 21-38, Cross Street Banners and Street Light Pole Banners Policy Update

The City adopted Resolution No. 15-09, which established a policy for cross street banners and banners on street light poles. The policy addressed limitations of the type, quantity, size, material, placement, etc. of signage allowed on public and private property in Chapter 15.28 of the Oregon City Municipal Code. Four area zones were created within the city for placement of banners, and applicants could not have banners placed in more than one zone at a time. Generally, this policy update includes changes intended to add clarity, to simplify the application and ongoing maintenance process, and to better align with how the City's banner program is being managed today. In the updated policy, the single zone limitation has been changed to allow a streetlight banner applicant the option to place banners throughout the City. Citywide events like the Farmers Market may elect to place banners in the downtown, along Washington, and along Molalla Avenue versus a Main Street event which may choose to limit banner placement to a smaller focus area. The available locations for banner placement are documented on maps that are available on the City's website. Public Works staff will maintain and update the maps as locations are added and as the locations are obligated for specific banners. The policy updates also increase the maximum amount of time a banner can reside at a specific location. The previous policy allowed banners to be deployed for a period of 30 days, with the option to extend an additional 30 days, with a maximum of two consecutive times in a 12-month period if no other applications are received for the same location. The proposed updated policy allows banners to be deployed for a period of four months and gives the option to extend for an additional 2 four-month consecutive times in a 12-month period if no other applications are received for the same location. The policy updates also address the elimination of several cross-street banner locations that are no longer viable or allowable for use. The policy updates also include language to address the new location on Molalla Avenue near Char Diaz Dr. and any future locations approved for development by the City Commission.

John Lewis, Public Works Director, provided what the current Oregon City Municipal Code 15.28 has regarding banners and signs. There was a banner policy adopted in 2015 through Resolution No. 15-08. There are currently four different banner zones around the City and there are currently four banners up. There was language clean-up and fixing inconsistencies and grammar. A potential increase to the liability insurance. There was a new location added, time limits, and more flexibility.

Commissioner McGriff asked about the liability insurance increase. Mr. Lewis did not have immediate information but that will be provided at the next regular commission meeting.

Mayor Lyles Smith asked clarification on the insurance amount pertaining to a banner and the support system belongs to the City. Mr. Lewis indicated an issue resulting in a hazard is usually the banner itself and not the city-owned system/poles.

Commissioner Smith asked if the Farmers Market or the Downtown Association was involved in the review of the insurance amount and Mr. Lewis indicated they were not. Commissioner Smith would like to see consistency in banners and placement. Also, flexibility so available locations are used. Commissioner Smith brought up the issue of inconsistent street lighting and would like this to be a future topic. Mr. Lewis briefly discussed some of the current lighting issues.

Commissioner Marl asked about the issues with the Molalla Avenue project banner that the Gaffney Lane Neighborhood Association has expressed. Mr. Lewis provided background on the issue and a resolution has not been reached.

Mayor Lyles Smith commented that she would like to see designated locations for City-owned banners for tourism purposes. She would like to see more information on the reason for the liability insurance increase. Mr. Konkol indicated that the increase is to match the maximum amount the City can be held liable. There was further discussion regarding issues with cross-street banners.

There was discussion of whether the insurance requirement should be less for streetlight banners.

CITY MANAGER'S REPORT

There was no City Manager's report.

COMMISSION COMMITTEE REPORTS

A. **Beavercreek Employment Area Blue Ribbon Committee** - *Commissioner Frank O'Donnell*

B. **Citizen Involvement Committee Liaison** - *Commissioner Adam Marl*

C. **Clackamas County Coordinating Committee (C4)** - Appointed: *Mayor Rachel Lyles Smith* Alternate: *Commissioner Adam Marl*

D. **Clackamas County I-205 Tolling Diversion Committee** - Appointed: *Commissioner Adam Marl* Alternate: *Commissioner Frank O'Donnell*

E. **Clackamas Heritage Partners** - *Commissioner Rocky Smith, Jr.*

F. **Clackamas Water Environment Services Policy Committee** - Appointed: *Commissioner Rocky Smith, Jr.*

G. **Downtown Oregon City Association Board** - *Commissioner Denyse McGriff*

H. **Metro Policy Advisory Committee (MPAC)** - Appointed: *Mayor Rachel Lyles Smith* Alternate: *Commissioner Denyse McGriff*

I. **OC 2040 Project Advisory Team** - Appointed: *Commissioners Adam Marl and Denyse McGriff*

J. **Oregon Governor's Willamette Falls Locks Commission** - *Vacant until State Appoints Mayor Rachel Lyles Smith*

Federal funding has been approved. There is a need to seek additional funding to address the maintenance issues.

K. **Oregon City Tourism Stakeholder's Group** - Appointed: *Commissioners Frank O'Donnell and Rocky Smith, Jr.*

L. **Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Project Advisory Committee** - Appointed: *Commissioner Denyse McGriff*

M. **South Fork Water Board (SFWB)** - *Mayor Rachel Lyles Smith, and Commissioners Frank O'Donnell and Rocky Smith, Jr.*

N. **Willamette Falls and Landings Heritage Area** - Appointed: *Commissioner Denyse McGriff* Alternate: *Commissioner Frank O'Donnell*

O. **Willamette Falls Legacy Project Liaisons** - *Mayor Rachel Lyles Smith and Commissioners Frank O'Donnell*

Mayor Lyles Smith provided an update that Clackamas County received funding from the State for the new County Courthouse and also a mobile health van. There may be grant opportunities for enhanced broadband service.

ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:30 PM.

Respectfully submitted,

_____

Kattie Riggs, City Recorder

CITY OF OREGON CITY
CITY COMMISSION JOINT WORK SESSION WITH THE PLANNING COMMISSION
DRAFT MINUTES

Virtual Meeting
Tuesday, July 13, 2021 at 6:00 PM

CONVENE JOINT WORK SESSION

Mayor Rachel Lyles Smith called the meeting to order at 6:01 PM.

ROLL CALL

PRESENT: 5 - Mayor Rachel Lyles Smith, Commissioner Adam Marl, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

PLANNING: 4 - Patti Gage, Greg Stoll, Mike Mitchell, and Dirk Schlagenhaufer

STAFFERS: 5 - City Manager Tony Konkol, City Recorder Kattie Riggs, Community Development Director Laura Terway, Library Director Greg Williams, and Public Works Director John Lewis

DISCUSSION ITEMS

1. Comprehensive Plan Update: Review Final OC2040 Vision Statement

Laura Terway, Community Development Director provided an introduction. Since the City Commission and Planning Commission reviewed the draft Vision Statement at the June 8, 2021 Joint Work Session, the City launched the OC2040 Vision Forum, which was live from June 1, 2021 through June 21, 2021 and had 92 participants and included a Spanish language option. The draft statement had a high level of support with 80%-90% of respondents indicating they "loved" or "liked most of" each of the four statements. Request for community participation on the Vision Statement was sent to a variety of groups and advertised on social media. Staff further presented the Vision Statement to the Citizen Involvement Committee (CIC) on June 7, 2021.

Serah Breakstone, Senior Planner with Otak, introduced herself and explained her involvement in the Comprehensive Plan going forward.

Anais Mathez, from 3J Consulting, began the presentation with a project overview and the schedule updated including the wrap-up of the visioning process and explained the work of the Supplemental Housing Needs Analysis and Economic Study. She reviewed some of the feedback that was received regarding the Vision Statement. The Revised OC2040 Vision Statements are broken out into four core categories including: Healthy and Welcoming Community, Diverse Economy, Connected Infrastructure, and Protected Environment.

There was discussion about the Diverse Economy section regarding the houseless neighbors and adding more industrial, professional, workforce housing information, the Willamette Falls Project and the Urban Renewal District. A concentrated effort to keep these high level, broad, and aspirational. There was discussion on trying to keep a balance. The use of commas needs to be consistent throughout the various sentences. There was discussion on the perception that the document is more reflective of the present rather than 2040 and what the timeline really means.

The next steps are to update the goals and policies of the Comprehensive Plan based on the Community Vision. Ms. Mathez reviewed what Statewide Planning Goals would be covered under each chapter of the Comprehensive Plan, along with the proposed topics from the community and how they fit into the chapters. There will be some Comprehensive Plan Chapter Development Summits from September - October 2021. There will be a summit for each chapter. There will be another update to the City Commission/Planning Commission in November - December 2021 and hope to have a draft of the Comprehensive Plan by the end of 2021 and adoption proceedings by the Spring of 2022.

There was discussion regarding more of a balance of in-person and virtual meeting components to be more all-inclusive.

There was consensus to come back in August 2021 for a final adoption of the Vision Statement via resolution.

ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 6:50 PM.

Respectfully submitted,

_____

Kattie Riggs, City Recorder

CITY OF OREGON CITY
CITY COMMISSION REGULAR MEETING - REVISED
DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, July 21, 2021 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Rachel Lyles Smith called the meeting to order at 7:13 PM.

PRESENT: 4 - Mayor Rachel Lyles Smith, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

ABSENT: 1 - Commissioner Adam Marl

STAFFERS: 15 - City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Asst. City Recorder Jakob Wiley, Community Development Director Laura Terway, Public Works Director John Lewis, Economic Development Manager James Graham, Library Director Greg Williams, Finance Director Matt Zook, Parks & Recreation Director Kendall Reid, Police Chief Jim Band, Human Resources Director Patrick Foiles, Project Engineer Patty Nelson, Senior Planner Christina Robertson-Gardiner, and Tourism Coordinator Matthew Weintraub

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Oath of Office for New Oregon City Police Officers:

Ariah Cookingham

William Guthridge

Walter Harper

Matthew Huspek

K-9 Named Ronnie

Jim Band, Police Chief, introduced each of the officers. Mayor Lyles Smith administered the oaths of office.

3b. Mayoral Appointment of Hunter Pico to the Citizen Involvement Committee as the Second Representative from Hillendale Neighborhood Association

Mayor Lyles Smith announced her appointment of Hunter Pico to the Citizen Involvement Committee.

4. CITIZEN COMMENTS

There were no citizen comments.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the consent agenda. The motion carried by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

7a. Resolution No. 21-31, Adjusting the Threshold Amount for Reimbursement District Eligibility

7b. National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Contract (PS 21-024) with Brown and Caldwell, Inc. for 2021-22.

7c. Minutes of the June 16, 2021 Regular Meeting

8. PUBLIC HEARINGS

8a. First and Second Reading of Ordinance No. 21-1012, Amending the Oregon City Municipal Code Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #3 Geo Hazard Overlay District Code) and Declaring an Emergency

Christina Robertson-Gardner, Senior Planner, presented the staff report and discussed the rationale for the emergency adoption and the letter provided as public comment. Laura Terway, Community Development Director, summarized the public comment and noted that no applications has been received today and two applications were pending.

Commissioner O'Donnell asked about any pending applications and whether notice must be provided to applicants about changes to the Development Code. There was discussion of the purpose of the emergency and if changes to the slope value could be made to the Ordinance and still be passed in a single meeting. Bill Kabeiseman, City Attorney, described that the City Charter would require unanimous approval to be passed in a single meeting.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the first reading of Ordinance No. 21-1012, amending the Oregon City Municipal Code, Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #3 Geo Hazard Overlay District Code) and Declaring an Emergency. The motion carried by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the second reading and final adoption of Ordinance No. 21-1012, amending the Oregon City Municipal Code, Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #3 Geo

Hazard Overlay District Code) and Declaring an Emergency. The motion carried by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

Commissioner McGriff asked if the Ordinance was in effect immediately. Mr. Kabeiseman confirmed that the Ordinance took effect immediately.

8b. Resolution No. 21-42, Calling for an Election to Authorize Borrowings for Water System Improvements to the Electors of Oregon City

Mayor Lyles Smith opened the public hearing.

Patty Nelson, Special Project Senior Engineer, presented the staff report. Ms. Nelson provided samples of the rusting pipes and flaking liner from Henrici Reservoir to the City Commission for inspection. The flake of liner was found floating at the top of the reservoir. Ms. Nelson discussed the borrowing authority to increase the rates up to 6% total, which would be 3% over the limit imposed by the City Charter. Commissioner O'Donnell suggested to add dollar amounts to the communication with residents, since the percentages can be confusing.

Ms. Nelson discussed the ballot measure language and the need to ensure that voters know that the two water ballot measures are connected. Ms. Nelson discussed the explanatory statement. Ms. Nelson discussed the public engagement effort and how the proposed rate was determined. The proposed 6% increase appeared to be the most supported increase. Commissioner O'Donnell asked what part of the utility bill would increase. Ms. Nelson noted that only the water distribution portion would increase, not the water treatment portion.

Mayor Lyles Smith asked for any public comment. There was none.

Commissioner O'Donnell commented that the language should be clear regarding the year-over-year increase over several years, adding up to a much higher value than 6% total, and close to a 43% increase by the end of 6 years.

There was discussion of the complexity of the title language and the use of plural for "borrowings" and the confusion it could create. Mayor Lyles Smith suggested changing the name to "Authorize the City to Borrow Funds for Water System Improvements." John Lewis, Public Works Director, thought the language was suggested by the bond attorney to indicate multiple smaller loans rather than a single one. The Commissioners also discussed adding the word "total" to the amount authorized to borrow.

The Commissioners discussed the explanatory statement. Matt Zook, Finance Director, provided some information about the phrase "full faith and credit" and how including it may provide a lower interest rate.

Kattie Riggs, City Recorder, discussed that there will be additional changes to ensure that the language does not advocate for or against the measure, and the City Commission would revisit the language at the August 4, 2021 regular meeting.

Mayor Lyles Smith closed the public hearing.

8c. Resolution No. 21-43, Calling for an Election to Authorize Water Rate Increases of up to 3% Annually Above the Charter Limit for 6 Years to the Electors of Oregon City

Mayor Lyles Smith opened the public hearing.

Ms. Nelson provided the three options for consideration regarding the water rate increases. Commissioner O'Donnell noted that the current language does not encompass the total 6% increase, since voters might not know the City Charter limit of 3% annually. There was discussion of switching to "may the City" at the beginning of the question and "an additional" instead of "up to."

Ms. Nelson discussed the summary statement and the estimated increases in bills.

The Commissioners discussed the explanatory statement.

Mayor Lyles Smith asked for public comment. Amy Willhite, resident of Oregon City, provided public comment that the total increase in the rates should be clear in the ballot language.

Mayor Lyles Smith closed the public hearing.

There was consensus that both Resolution Nos. 21-42 and 21-43 would come back to the Commission at the August 4, 2021 meeting.

9. GENERAL BUSINESS

9a. First Reading of Ordinance No. 21-1011, Amending the Oregon City Municipal Code Chapter 15.28 and Establishing a Public Art Mural Program (Legislative File LEG-21-00002)

Laura Terway, Community Development Director, discussed the proposed amendments to the sign code related to murals. The changes discussed at the March 9, 2021 Work Session were incorporated into this version of the Ordinance.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the first reading of Ordinance No. 21-1011, amending the Oregon City Municipal Code, Chapter 15.28 and Establishing a Public Art Mural Program. The motion carried by the following vote:

Yea: 4- Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

10. COMMUNICATIONS

City Manager

Tony Konkol, City Manager, discussed the re-imposition of parking meter fees in the downtown area following the suspension due to COVID-19 business restrictions. Commissioner McGriff asked if warning will be given initially or if there will be a waiting period before imposing fines. Mr. Konkol noted that there had been an extensive outreach effort and signs posted downtown for the time leading up to the reimposition of fines.

Commissioners

There were no City Commissioner communications.

Mayor

There was no Mayor's report.

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 8:53 PM.

Respectfully submitted,

_____

Kattie Riggs, City Recorder

CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 08/18/2021

From: Community Development Director Laura Terway

SUBJECT:

GLUA-21-00019/CU-21-00002: The Father's Heart Street Ministry Conditional Use Permit for Warming Shelter

STAFF RECOMMENDATION:

Staff is requesting that the City Commission make a decision whether or not to reopen the record and how to proceed with the review process. The Planning Commission recommended approval of Planning files GLUA-21-00019/CU-21-00002.

EXECUTIVE SUMMARY:

The applicant has requested approval of a conditional Use Permit which would allow The Father's Heart Street Ministry to operate as an overnight warming shelter between the hours of 7 AM and 7 PM on nights when the temperature falls below 33° Fahrenheit including wind chill factor as measured by the National Oceanic and Atmospheric Administration. The existing day use shelter is not part of this conditional use permit request. On August 9, 2021, the Planning Commission recommended 4-1 approval with conditions of Planning File GLUA-21-00019/CU-21-00002. Under the Type IV procedure, the Planning Commission makes a recommendation only and thereafter the matter is automatically forwarded to the City Commission for review and final decision.

Under OCMC 17.50.030(D), the hearing before the City Commission is typically "on the record." However, there was conflicting testimony presented to the Planning Commission regarding the number of nights per year the nighttime warming shelter has been open historically, and it may be appropriate to re-open the record for additional evidence to resolve this discrepancy. On August 10, 2021, the applicant contacted Planning staff indicating that the nighttime shelter operation figures identified in the staff report and verbally at the August 9, 2021 Planning Commission hearing were incorrect.

BACKGROUND:

At the August 9 Planning Commission hearing, after deliberating on the matter, the Planning Commission voted 4-to-1 to recommend approval with conditions of Planning

File GLUA-21-00019/CU-21-00002. The Planning Commission's recommendation included an amended condition of approval requiring additional check-in meetings with the neighbors that corresponds with the seasonal nature of the use.

Under OCMC 17.50.030(D), the hearing before the City Commission is typically "on the record." However, there was conflicting testimony presented to the Planning Commission regarding the number of nights per year the nighttime warming shelter has been open historically, and it may be appropriate to re-open the record for additional evidence to resolve this discrepancy.

The narrative provided with the conditional use application stated that the nighttime warming shelter operated for a total of 43 nights during the 2019/2020 winter season. Planning staff included this information in the July 12 Staff Report and presentation at the initial Planning Commission hearing on July 12. During the public testimony portion of this meeting, the applicant clarified that, in fact, 43 nights was the total number of nights that the nighttime warming shelter had operated over the past four years. Based on the applicant's July 12 representations, in the August 9 revised report and oral representations, staff indicated that the nighttime warming shelter operated an average of 11 nights per year over the past four years (43/4=10.75). On August 10, 2021, the applicant contacted Planning staff indicating that the nighttime shelter operation figures identified in the staff report and verbally at the August 9, 2021 Planning Commission hearing were incorrect. The applicant would like the opportunity to present the accurate annual operating numbers to the City Commission as part of its review, however, any further changes in the previous operating assumptions would likely result in the introduction of new evidence.

Should the City Commission decide to reopen the record to consider the applicant's historic operating information, other participants must receive notice and opportunity to comment on these additional representations. As a result, if the City Commission decides to re-open the public record, it should continue the proceedings until September 15 or remand the matter back to the Planning Commission, giving all parties fair notice and opportunity to respond.

OPTIONS:

1. The City Commission could decide to re-open the record and continue the matter until the September 15th City Commission meeting for further proceedings. The Commission could take oral testimony on August 18 should it wish to do so as well. Once the record is reopened, city staff will add the applicant's new written information into the record and distribute it to the City Commission in the ordinary course. Any other party may also submit additional information into the record and will be given an opportunity to testify on September 15th.
2. The City Commission could re-open the record and remand the issue back to the Planning Commission to consider this new evidence. Once the record is reopened, city staff will add the applicant's new written information into the record. Any other party may also submit additional information into the record

and will be given an opportunity to testify at the Planning Commission meeting. The Planning Commission agenda for the August 23, 2021 meeting would be re-published on August 19, 2021 to include GLUA-21-00019/CU-21-00002. The matter would then come back before the City Commission if the Planning Commission recommends approval or if the Planning Commission denies the application and someone appeals that denial.

3. The City Commission could continue with its review of the Planning Commission recommendation based solely on the evidence already in the record. Under this approach, the City Commission would reject the new information offered by the applicant and proceed with review of the materials in the record.

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045 Ph
(503) 722-3789 | Fax (503) 722-3880

M E M O R A N D U M

To: The Honorable Mayor and City Commission
From: Carrie Richter, City Attorney
Laura Terway, AICP, Community Development Director
Diliana Vassileva, AICP, Assistant Planner
Re: GLUA-21-00019/CU-21-00002
Date: August 18, 2021

EXECUTIVE SUMMARY

The applicant has requested approval of a Conditional Use Permit which would allow The Father's Heart Street Ministry shelter to operate as an overnight warming shelter between the hours of 7 AM and 7 PM on nights when the temperature falls below 33° Fahrenheit including wind chill factor as measured by the National Oceanic and Atmospheric Administration. The existing day use shelter is not part of this conditional use permit request.

Pursuant with Oregon City Municipal Code (OCMC) 17.56.040.H.1, a conditional use permit for a shelter is reviewed pursuant to the Type IV process. On August 9, 2021, by a vote of 4-to-1, the Planning Commission recommended approval with conditions of Planning File GLUA-21-00019/CU-21-00002. Under the Type IV procedure, the Planning Commission makes a recommendation only and thereafter the matter is automatically forwarded to the City Commission for review and final decision. OCMC 17.50.030.D.

The merits of the application are discussed in the staff report at Exhibit 1. This Supplemental Staff Report is provided to summarize the Planning Commission decision as well as to address a limited issue regarding a request to re-open the record from the applicant.

BACKGROUND

The subject site is located at the corner of 12th Street and Washington Street. It is approximately half an acre in size and is zoned Mixed-Use Corridor (MUC-1). The property is developed with The Father's Heart Street Ministry, a day shelter serving no- and low-income populations since 2012. The day shelter use typically requires a conditional use permit within this zone, however, it is a legal non-conforming use in accordance with a similar use determination issued by the City 2016.

Though the day use shelter is legally non-conforming and grandfathered in, the overnight warming shelter is not part of that approval. For the past four winters, the Father's Heart has received permission from the City Commission to operate as a nighttime warming shelter via emergency resolution. These resolutions have authorized the nighttime warming shelter on nights that the temperature generally falls below 33 degrees Fahrenheit (including wind chill). The proposed conditional use permit would allow the applicant to operate as an overnight warming shelter between the hours of 7 PM and 7 AM on nights when the temperature falls below 33° Fahrenheit including wind chill factor as measured by the National Oceanic and Atmospheric Administration without having to request an emergency resolution from the City Commission each year.

PLANNING COMMISSION RECOMMENDATION

On July 12, 2021, the Planning Commission held its first public hearing to consider this request. Due to a defect in the notice, the matter was continued, with the record left open, until August 9, 2021. At both hearings, all parties were given the opportunity to present oral testimony and/or submit written testimony until the close of the public portion of the August 9 hearing. After deliberating on the matter, the Planning Commission voted 4-to-1 to recommend approval of the request for the reasons set forth in the Revised Staff Report dated August 9 with conditions. The Planning Commission's recommendation included an amended condition of approval requiring additional check-in meetings with the neighbors that corresponds with the seasonal nature of the use.

OCMC 17.56.040.H.3 requires that the applicant hold a community meeting prior to beginning operation as a nighttime warming shelter, and a minimum of once a year thereafter. The applicant is required to provide notice of the community meetings to property owners within 300 feet, the neighborhood association, and the City in advance of that meeting.

Given neighbor concerns about lack of transparency about the shelter's operating procedures, unaddressed neighbor concerns, and communication concerns, the Planning Commission recommended an amended condition of approval to require a community meeting each year prior to the start of the winter season, and after the completion of the winter season subject to the same noticing parameters mentioned above. The purpose of the community meeting is to establish a dialogue between The Father's Heart and neighborhood residents, and to provide a mechanism for addressing issues and concerns raised by the community. Holding a community meeting both before and after the winter season would provide an opportunity for neighborhood residents and The Father's Heart to communicate before the operation of the nighttime warming shelter begins in the winter, and to reflect on the prior season that the nighttime warming shelter was in operation when planning for the upcoming year.

Based on the Planning Commission's recommendation, Condition of Approval #4 has been revised as follows:

> 4. Prior to the first night of operation as a temporary warming shelter, the applicant shall hold a community meeting to discuss the community engagement plan and provide an opportunity for communication between neighbors and the operators of the shelter. Each year thereafter, the applicant shall hold a community meeting prior to the commencement of the winter season and following the completion of the winter season. The community meetings shall be open to the public, and mailed notice of the meetings shall be provided to property owners within 300 feet, the neighborhood association, and the City.

DISCREPENCY IN 2019/2020 WINTER NIGHTS OF OPERATION AND REQUEST TO RE-OPEN THE RECORD

Under OCMC 17.50.030(D), the hearing before the City Commission is typically "on the record." However, there was conflicting testimony presented to the Planning Commission on a significant issue and it may be appropriate to re-open the record for additional evidence to resolve this discrepancy.

The narrative provided with the conditional use application stated that the nighttime warming shelter operated for a total of 43 nights during the 2019/2020 winter season. Planning staff included this information in the July 12 Staff Report and presentation at the initial Planning Commission hearing on July 12. During the public testimony portion of this meeting, the applicant clarified that, in fact, 43 nights was the total number of nights that the nighttime warming shelter had operated over the past four years (34:50 of video here: https://www.orcity.org/bc-pc/planning-commission-17).

Based on the applicant's July 12 representations, in the August 9 revised report and oral representations, staff indicated that the nighttime warming shelter operated an average of 11 nights per year over the past four years (43/4=10.75). Although staff's recommendation was that the winter nighttime shelter would

satisfy the applicable approval standards whether occurring 11 or 43 nights per year, the implication during the August 9 hearing was that the use had occurred approximately 11 nights during each of the previous years. In recommending the August 9 revised staff report for adoption, it must be assumed that the Planning Commission relied on a rough 11 night per year approximate scope of the use in finding that the applicable approval criteria were satisfied.

On August 10, 2021, the applicant contacted Planning staff indicating that the nighttime shelter operation figures identified in the staff report and verbally at the August 9, 2021 Planning Commission hearing were incorrect. The applicant explained that the anticipated scope of operation would more closely match the information set forth in the application. However, the applicant would also like the opportunity to present the accurate annual operating numbers to the City Commission as part of its review. However, any further changes in the previous operating assumptions would likely result in the introduction of new evidence.

As noted above, under OCMC 17.50.030.D, the City Commission's review is on the record and only issues raised before the Planning Commission may be raised before the City Commission. Although this is an OCMC stated limitation, LUBA generally views changes in procedure as harmless error so long as no party is prejudiced by the change. This approach is useful to ensure that the City makes correct decisions. As a result, should the City Commission decide to reopen the record to consider the applicant's historic operating information, other participants must receive notice and opportunity to comment on these additional representations. As a result, if the City Commission decides to re-open the public record, it should continue the proceedings until September 15 or remand the matter back to the Planning Commission, giving all parties fair notice and opportunity to respond. Though not legally prohibited, providing *de novo* review of this application may be viewed by others as creating precedent for providing a second opportunity for the presentation of evidence in its review of other land use applications as well so the Commission might consider what policy governs its decision to re-open the record in this case.

OPTIONS

1. The City Commission could decide to re-open the record and continue the matter until the September 15 City Commission meeting for further proceedings. The Commission could take oral testimony on August 18 should it wish to do so as well. Once the record is reopened, city staff will add the applicant's new written information into the record and distribute it to the City Commission in the ordinary course. Any other party may also submit additional information into the record and will be given an opportunity to testify on September 15.

2. The City Commission could re-open the record and remand the issue back to the Planning Commission to consider this new evidence. Once the record is reopened, city staff will add the applicant's new written information into the record. Any other party may also submit additional information into the record and will be given an opportunity to testify at the Planning Commission meeting. The Planning Commission agenda for the August 23, 2021 meeting would be re-published on August 19, 2021 to include GLUA-21-00019/CU-21-00002. The matter would then come back before the City Commission if the Planning Commission recommends approval or if the Planning Commission denies the application and someone appeals that denial.

3. The City Commission could continue with its review of the Planning Commission recommendation based solely on the evidence already in the record. Under this approach, the City Commission would reject the new information offered by the applicant and proceed with review of the materials in the record.

EXHIBITS

1. August 9, 2021 Staff Report and Recommendation
2. July 12, 2021 Staff Report and Recommendation
3. Vicinity Map

4. Applicant's Narrative and Plans
5. Public Comments
6. Applicant's Response to Public Comments Received
7. 2016 Similar Use Determination
8. 2017-2020 City Commission Resolutions for Temporary Emergency Warming Shelter Use

OREGON CITY

Community Development – Planning

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Ph (503) 722-3789 | Fax (503) 722-3880

TYPE IV STAFF RECOMMENDATION
August 9, 2021

FILE NUMBER: GLUA-21-00019 (General Land Use Application)/CU-21-00002 (Conditional Use Permit)

Submitted: April 19, 2021
Complete: May 18, 2021
120 Day Deadline: September 15, 2021
PC Hearing: July 12, 2021
2nd PC Hearing: August 9, 2021
CC Hearing: TBD

APPLICANT: Marty Gant
The Father's Heart Street Ministry
603 12th Street
Oregon City, OR 97045

OWNER: PDA Properties
Gary Wheeler
34856 E Columbia Avenue
Scappoose, OR 97056

REQUEST: The applicant is requesting approval of a Conditional Use Permit for a warming shelter within the existing building at The Father's Heart Street Ministry located at 603 12th Street.

LOCATION: 603 12th Street, Oregon City, OR 97045
Clackamas County Map 2-2E-31AA, Tax Lot 2200 and 2300

REVIEWER: Diliana Vassileva, AICP, Assistant Planner

RECOMMENDATION: Approval with Conditions.

PROCESS: Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised

before the city commission. The city commission decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

Conditions of Approval
Planning File GLUA-21-00019/CU-21-00002

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The following conditions of approval shall be met to the satisfaction of the City prior to the first night of operation as a temporary warming shelter, unless otherwise noted:

1. The warming shelter may operate only within the existing building between the hours of 7 PM and 7 AM on nights when the outside temperature is predicted to be 33° Fahrenheit, including windchill factor, as measured by the National Oceanic and Atmospheric Administration. (P)

2. Prior to the first night of operation as a warming shelter, the applicant shall obtain all required permits, inspections, and approvals from the Oregon City Building Division and Clackamas Fire. (B/F)

3. The applicant shall finalize the community engagement plan in compliance with all items required by OCMC 17.56.040.H.2. A copy of the finalized community engagement plan shall be provided to the City and to the McLoughlin Neighborhood Association, and the applicant shall post a copy of the finalized community engagement plan and the associated Good Neighbor Policy to The Father's Heart website. (P)

4. The applicant shall hold a community meeting to discuss the community engagement plan and provide an opportunity for communication between neighbors and the operators of the shelter. Mailed notice of this meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public and must be held a minimum of once a year thereafter. (P)

5. The applicant shall keep a log of the nights that the temporary warming shelter is operating, which includes the dates of operation, forecasted temperature including wind chill, and number of guests served each night of operation. The log for the prior year of operation shall be provided to the City annually by May 1 of each year and shall be provided to the neighborhood at the required annual community meeting. (P)

I. BACKGROUND:

1. Existing Conditions

The subject site is located at the corner of 12th Street and Washington Street. It is approximately half an acre in size and is zoned Mixed-Use Corridor (MUC-1). The property is developed with The Father's Heart Street Ministry, a day shelter serving no- and low-income populations since 2012. The day shelter use typically requires a conditional use permit within this zone, however, it is a legal non-conforming use in accordance with a similar use determination issued by the Oregon City Planning Division in 2016.

Though the day use shelter is legally non-conforming and grandfathered in, each winter, the applicant requests an emergency Resolution from the City Commission to operate as a nighttime warming shelter on nights that the temperature falls below 33 degrees (including wind chill). For the past four winters, the Father's Heart has received permission from the City Commission to operate as a nighttime warming shelter via emergency Resolution. Over the past four years that the overnight shelter has operated under emergency Resolutions, the Father's Heart accommodated 49 overnight guests for approximately 43 nights where the temperature fell below 33° Fahrenheit, including windchill factor (total of 2,140 guests served). This is equal to approximately 11 days per year of operation as a nighttime warming shelter.

Figure 1. Vicinity Map

Figure 2: Existing Conditions – Aerial Image

2. Project Description

The applicant has requested approval of a Conditional Use Permit which would allow The Father's Heart to operate as an overnight warming shelter between the hours of 7 PM and 7 AM on nights when the temperature falls below 33° Fahrenheit including wind chill factor as measured by the National Oceanic and Atmospheric Administration.

The Fair Housing Act prohibits discrimination restricting access to housing based on personal circumstances particular race, color, religion, sex, or national origin. The application is for a particular use of land that requires understanding the facts, with respect to the nature and intensity of the proposed use. The application must be analyzed against the applicable approval criteria. The characteristics of or circumstances affecting residents who may choose to reside in the proposed shelter are not relevant to the approval criteria. The individuals who may seek residence are free to seek housing anywhere within the City of Oregon City.

Though the applicant has requested to go through a local land use review for the proposed shelter, Oregon State House Bill 2006 (HB 2006) provides for an alternate review process for shelters. HB 2006 was signed into law on May 12, 2021, and requires local governments to approve an application for an emergency shelter on any property, regardless of state or local land use laws and zoning, if the shelter is operated by a qualifying organization and meets the following criteria outlined in the bill:

(a) Includes sleeping and restroom facilities for clients;
(b) Will comply with applicable building codes;
(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;
(d) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;
(e) Has adequate transportation access to commercial and medical services; and
(f) Will not pose any unreasonable risk to public health or safety

The applicant's conditional use permit application was submitted prior to the date that HB 2006 went into effect. Although the applicant could request a review under the HB 2006 regulations instead of the conditional use permit review process, the applicant has requested review of this application subject to the City's conditional use permit criteria and review process and the HB 2006 review process and criteria are not applicable.

3. **Permits and Approvals**
   The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. **Public Comment**
   Public comments received are included in their entirety in Exhibit 3, and have been summarized by staff below:

Clackamas River Water
No conflicts of concerns identified.
Oregon City School District
No conflicts or concerns identified.
Oregon City Building Division
The proposed shelter must comply with Joint Warming Shelter Policy between Oregon City Building Division and Clackamas Fire District #1.
Unnamed Neighbor #1
Concerns about location of the existing shelter, concerns related to personal and property safety.
McLoughlin Neighborhood Association
Concerns that the existing building does not comply with dimensional standards including lot coverage and setbacks. Concerns that the application was submitted more than 6 months after the pre-application meeting and a summary of issues discussed at the MNA meeting was not submitted as part of the application. Concern about the compatibility with the historic district and impacts to neighboring properties (trespassing). Concerns about prior review processes including emergency approvals being treated as precedent and the fact that there was no

public notice as part of the 2016 similar use review. Concerns about the good neighbor policy, how it's distributed, reviewed and what repercussions there are if it is not complied with. Concerns that the application submitted does not demonstrate compliance with Comprehensive Plan goals and policies related to citizen involvement, neighborhood livability, historic resources, and noise. Concerns about missing Attachment G, clients of TFH violating established policies, COVID-19 restrictions, and applicability of the Joint Temporary Emergency Warming Shelter Policy established by Oregon City Building Division and Clackamas Fire District #1.
Dean Scrutton
Concerns about impacts of a shelter on the neighborhood, including trash, car break-ins, and changing of the character of the neighborhood. Concerns that the existing location is not an appropriate location for a shelter.
Frances McKenna
Identifying support for the proposal, and that they have lived nearby for 5 years and have not had any negative experiences with clients from the shelter.
Sharon & Clint Nicholson
Concerns that the proposal is not compatible with the historic district. Concerns about noise, loitering, and smoking. Concerns that the location of the shelter is not near necessary services and destinations. Concerns that nearby properties are unable to be used for their primary use and Barclay Park is unable to be used due to misuse of the park by clients of TFH. Concerns that the Good Neighbor Policy has not been shared with the neighborhood and cannot be enforced when the shelter is closed. Concerns about loitering, trash, parking, and drug paraphernalia.
Bibi Bachman & Richard Keyser
Concerns that the shelter is directly adjacent to residential homes. Concerns about TFH not having control over their clients' behaviors and actions, and that approval of the conditional use permit will have negative impacts on residents and the character of the area. Concerns that the location is not appropriate for freezing temperatures due to topography.
Michelle Schaefer
Concerns about safety, property damage, theft, and noise. Concerns that TFH staff has not been responsive to complaints. Concerns that the draft Good Neighbor Policy is not being followed and is not distributed to residents of the neighborhood. Concerns that clients of TFH are loitering on cold nights when the warming shelter is open.
Jessica Murray
Concerns that the 2016 similar use determination did not go through a land use process with a public notice. Concerns about behavior of clients of TFH. Concerns that guests using the warming shelter are making noise and yelling at night, and there are clients coming and going at night. Concerns that guests stay in the neighborhood once the overnight shelter closes at 7:00 AM or come to the neighborhood even when the nighttime shelter is closed. Concerns about illegal activities occurring when the shelter is closed, including trespassing, car break-ins, drug use, excessive noise. Concerns about the clientele at TFH and their backgrounds. Concerns that the Good Neighbor Policy is not distributed and not followed.
Jay Pearce
Concerns about spot zoning. Concerns about the building layout/occupancy and whether it can serve a shelter use. Concerns that the location of the shelter is not near necessary services and destinations. Concerns about illegal and "un-neighborly" activity in Barclay Park. Concerns about access to the subject site given site topography and

concerns that the shelter is in a residential area. Concerns about noise, littering, illegally parked vehicles, and guests of TFH loitering. Concerns about the Good Neighbor Policy not being adhered to and that there hasn't been consistent communication between TFH and the neighborhood.
Allyson Foster
Concerns about the type of services offered by TFH and the characteristics of the population they serve.
Tristan Murray
Concerns about safety, trespassing and interactions they have had with clients of TFH.
Heidi McKay
Concerns about the services offered by TFH don't adequately support their clientele. Concerns about interactions between clients of TFH and school children when the nighttime shelter closes at 7AM. Concerns about TFH negatively impacting the vibrancy of the neighborhood.
Dan Kromer, Pam Kromer & Terry Poppino
Concerns that the nighttime warming shelter operations will result in more foot traffic in the neighborhood at night. Concerns that the shelter is in a residential neighborhood. Concerns about communication between the neighborhood and TFH, and concerns about the distribution of the Good Neighbor policy. Concerns about noise, trash, alcohol and drug use, and negative interactions with clients of the TFH.
Christine LeFever
Concerns about neighboring cities' police departments dropping off people in need of service in Oregon City. Concerns about negative interactions with clients of TFH. Concerns about the location of the existing shelter in a residential neighborhood.
Mary Stivers
Concerns that the Good Neighbor Policy is not consistently adhered to. Concerns about negative interactions with clients of TFH. Concerns about noise, drug and alcohol use, and theft. Concerns about the gap of time between the time that the nighttime warming shelter closes and the daytime shelter opens and where clients can go during that time.
Zach Roberts
Request for consideration of a full-time nighttime shelter and a proposal that this could be established at a property on Molalla Avenue via a property trade proposal.
Dale & Maribeth Gehring
Concerns that clients of TFH will remain in the community beyond the hours of operation of TFH and that demand for services will exceed supply. Concerns about property values, car break-ins, theft, safety, and neighborhood impacts.
Kari Freeman
Concerns about the existing shelter being located within a residential neighborhood and not within proximity to enough services and destinations. Concerns about hours of operation, services provided, and that clients of TFH

will remain in the neighborhood beyond the hours of operation. Concerns about occupancy and the number of guests allowed per night.
Tina Irvine
Concerns about the existing shelter being located within a residential neighborhood. Concerns about hours of operation and that clients of TFH will remain in the neighborhood beyond the hours of operation. Concerns about negative interactions with clients of TFH.
Unnamed Neighbor #2
Concerns about negative interactions with clients of TFH, theft, and trespassing. Concerns about the existing shelter being located within a residential neighborhood.
Rachael Schweiger
Concerns about the existing shelter being located within a residential neighborhood. Concerns about hours of operation and that clients of TFH will remain in the neighborhood beyond the hours of operation. Concerns about occupancy and the number of guests allowed per night. Concerns about negative interactions with clients of TFH.
Sandra Peterson
Concerns about the existing shelter being located within a residential neighborhood. Concerns about parking and garbage. Concerns about timing of public notice and review.
Mary Zellharie
Comment in support of the application, the services provided by TFH, and their clientele. Identifying TFH has saved lives and provides vital services as the only shelter in Oregon City for members of our community.
Eugene Zaharie
Comment in support of the application, the services provided by TFH, and their staff.
Petition Signed by 104 Neighbors and Residents Submitted by Jessica Murray
The submitted petition includes comments and concerns pertaining to negative interactions with TFH clientele, illegal activities taking place in the neighborhood, safety, theft, trespassing, garbage, the location of the existing shelter in a residential neighborhood, clients remaining in the neighborhood outside of operating hours, services provided by TFH and TFH operating procedures,
Kent Blair
Comment in support of the application, their staff, and their mission.

The primary themes of the comments received have been identified below with a staff response to each issue:

- **Character or Circumstances of Clients**

The Fair Housing Act prohibits discrimination restricting access to housing based on personal circumstances particular race, color, religion, sex, or national origin. The application is for a particular use of land that requires understanding the facts, with respect to the nature and intensity of the proposed use. The application must be analyzed against the applicable approval criteria. The characteristics of or circumstances affecting residents who may choose to reside in the proposed shelter

are not relevant to the approval criteria. The individuals who may seek residence are free to seek housing anywhere within the City of Oregon City.

- **Good Neighbor Policy**

The Good Neighbor Policy is provided to guests of The Father's Heart and includes regulations about noise, parking, loitering, as well as safety precautions related to COVID-19. Many comments were received identifying concerns that the Good Neighbor Policy is not posted anywhere or distributed to residents of the neighborhood. Comments received also identified concerns about the policy not being followed by guests of The Father's Heart. The Good Neighbor Policy is not required as part of any conditional use permit criteria and it is a voluntary policy that The Father's Heart has prepared for their clients, however, as conditioned within this report it is required to be posted on The Father's Heart website, so it is readily available for neighborhood residents and the public to review.

A Community Engagement Plan is also required as part of the Conditional Use Permit to establish a dialogue between The Father's Heart and the neighbors and provide a mechanism for addressing issues and concerns raised by the community to ensure neighborhood livability is maintained. In accordance with the conditional use permit criteria, a community meeting is required prior to operation of the nighttime warming shelter and is also required on an annual basis. Neighborhood residents can use this meeting to raise concerns about posting and distribution of the Good Neighbor Policy, as well as an opportunity to work with staff of The Father's Heart to come up with solutions to issues that are occurring as a result of The Good Neighbor Policy not being followed by clients of The Father's Heart.

- **Neighborhood Livability**

Neighborhood livability is one of the goals of the Oregon City Comprehensive Plan and it applies not only to the property owners and residences of Oregon City's neighborhoods, but also Oregon City visitors, and those community members who seek services from The Father's Heart and other Oregon City service providers. The primary purpose of this proposal is to provide an indoor space for homeless during the cold winter nights so that they are not outside. There have been many comments identifying trespassing, noise, illegal behavior of the clientele, though those are not regulated by the zoning code, but rather through the police department or our local noise ordinance. The Father's Heart clientele are people with rights and protections from discrimination. The City may not consider the real or perceived characteristics of those served when reviewing this proposal. The proposal would provide an indoor space during the winter evenings, thus minimizing the number of people (clientele or otherwise) in the neighborhood at night and thus reducing the likelihood of nuisance or illegal behavior.

This proposal would increase neighborhood livability by providing community members with a warm and safe place to sleep on freezing nights, while ensuring that neighborhood livability for existing residents is maintained through the required Community Engagement Plan and annual community meeting. The purpose of the Community Engagement Plan and the annual community meeting is to establish a dialogue between The Father's Heart and the neighborhood and provide a mechanism for addressing issues and concerns raised by the community to ensure neighborhood livability is maintained.

- **Occupancy/Number of Clients and Building Division/CFD#1 Regulations**

Over the past four years that the overnight shelter has operated via emergency resolution, an occupancy of 49 shelter beds has been allowed based on the Oregon City's Building Division and Clackamas Fire District #1 Joint Emergency Warming Shelter Policy. As conditioned within this report, the applicant is required to obtain all required permits and inspections from the Oregon City Building Division and Clackamas Fire District #1 to ensure compliance with occupancy requirements and maintain

health and safety standards. If the Building and Fire Departments determine the health and safety standards are not met, the warming shelter would not be allowed to operate.

- **Location of the Existing Shelter in a Residential Neighborhood**

The existing shelter was approved under a 2016 Similar Use Determination which is a Type I staff level review process with no public notice or public hearing. The existing shelter use is not part of this review and any impacts of the day shelter are not under review. The proposed review is limited to the warming shelter between the hours of 7 PM and 7 AM on nights when the temperature falls below 33° Fahrenheit including wind chill factor as measured by the National Oceanic and Atmospheric Administration.

- **Noise/Trespassing/Theft/Drug Use/Loitering/Illegal Activity**

The subject site and surrounding area is served by the Oregon City Police Department. Any illegal or criminal activity can be reported to and is regulated by the Oregon City Police Department. The proposed warming shelter has operated an average of 11 nights each year over the past 4 years. During those days, the facility provides a safe indoor space for clientele and taking people off the street on cold nights.

- **Clients in Neighborhood Outside of Hours of Operations**

The public area surrounding the subject site, including streets, parks sidewalks and other public spaces is available for use by all members of the public. When the shelter is closed, guests of The Father's Heart are free to be in any public space, as is any other member of the public. Although not all homeless community members in the neighborhood and Oregon City are necessarily clients of The Father's Heart or associated with the warming shelter use, the proposal for a nighttime shelter would provide a safe and warm space to sleep for clients of The Father's Heart, taking people off the street.

- **Services Offered by TFH**

Several comments received indicated that the services provided by the Father's Heart are not adequate to serve their clients and that not enough sobriety and mental health services are being provided. Although undoubtedly there is a need for a variety of services, shelters may include many different kinds of services and accommodations, and it is up to individual providers to determine their capacity for providing these services. The zoning code does not require that other services be provided in addition to the sleeping, showering, and restroom uses that the applicant has proposed to provide within the overnight warming shelter. The Father's Heart has requested this review in order to expand their services to include an overnight warming shelter and the applicant is not required to provide any other services or accommodations beyond their capacity.

- **Historic District**

The Father's Heart is located in a non-designated structure in the McLoughlin Conservation district. Historic design guidelines do not apply to non-designated structures unless new construction is proposed on the site. The purpose of the McLoughlin Conservation District is to review the exterior look of the designated structures as well as new construction to assure architectural compatibility. Use within a building in the McLoughlin Conservation District are not regulated by the historic overlay Chapter, but though the zoning code. The applicant has proposed a new overnight warming shelter use which is being reviewed through a Conditional Use Permit process.

Other applicable themes from the comments submitted are addressed within the following report. None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRIC
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES
CHAPTER 17.56 CONDITIONAL USES
CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES
CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT

17.29.020 - Permitted uses—MUC-1 and MUC-2.

A. Banquet, conference facilities and meeting rooms;
B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
C. Child care centers and/or nursery schools;
D. Indoor entertainment centers and arcades;
E. Health and fitness clubs;
F. Medical and dental clinics, outpatient; infirmary services;
G. Museums, libraries and cultural facilities;
H. Offices, including finance, insurance, real estate and government;
I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
J. Postal services;
K. Parks, playgrounds, playfields and community or neighborhood centers;
L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
M. Multifamily residential, 3-4 plex residential;
N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than 50% of the total square footage of the development;
O. Restaurants, eating and drinking establishments without a drive-through;
P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
R. Seasonal sales;
S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
T. Studios and galleries, including dance, art, photography, music and other arts;
U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
V. Veterinary clinics or pet hospitals, pet day care;
W. Home occupations;
X. Research and development activities;

Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
Z. Transportation facilities;
AA. Live/work dwellings;
BB. After-hours public parking.
Finding: Not Applicable. The applicant has not proposed any permitted uses.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.
The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:
A. Drive-through facilities;
B. Emergency service facilities (police and fire), excluding correctional facilities;
C. Gas stations;
D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
F. Public and/or private educational or training facilities;
G. Religious institutions;
H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
I. Hospitals;
J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
K. Passenger terminals, excluding bus stops;
L. Shelters.
Finding: Applicable. Shelters are defined in OCMC 17.04.1117:

> *"Shelter" means a congregate facility designed to provide overnight sleeping or daytime accommodation to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on-site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, transitional shelters, temporary warming shelters and other temporary or permanent spaces made available for sheltering individuals or families. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.*

Additionally, warming shelters are defined in OCMC 17.04.1123:

> *"Temporary warming shelter" means a shelter operating between the hours of seven p.m. and seven a.m. when the outside temperature is predicted to be thirty-three degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration.*

The subject site operates as a day use shelter which is an existing legal non-conforming use which was approved via a similar use determination in 2016 and is not part of this conditional use permit. The applicant has applied for a conditional use permit to allow a warming shelter operating between the hours of 7 PM and 7 AM on nights when the outside temperature is predicted to be 33° Fahrenheit, including windchill factor as measured by the National Oceanic and Atmospheric Administration.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.
The following uses are prohibited in the MUC district:
A. Distributing, wholesaling and warehousing;
B. Outdoor storage;
C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
D. Correctional facilities;
E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
F. Kennels;
G. Motor vehicle and recreational vehicle sales and incidental service;
H. Motor vehicle and recreational vehicle repair/service;
I. Self-service storage facilities;
J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
K. Mobile Food Units, except with a special event permit.
Finding: Complies as Proposed. The applicant has not proposed any prohibited uses.

17.29.050 - Dimensional standards—MUC-1.
A. Minimum lot area: None.
B. Maximum building height: Forty feet or three stories, whichever is less.
C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
E. Maximum allowed setbacks.
1. Front yard: Five feet.
3. Corner side setback abutting street: Thirty feet.
F. Maximum lot coverage of the building and parking lot: Eighty percent.
G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.
Finding: Not Applicable. No changes to the existing building or lot are being proposed. The existing building and site pre-date the MUC-1 zoning district and thus, are legally non-conforming with regard to compliance with dimensional standards in the MUC zone. The dimensional standards would apply to additions to the existing building and new construction onsite, but this is not being proposed under this conditional use permit application, therefore, these standards are not applicable.

17.29.060 - Dimensional standards—MUC-2.
Finding: Not Applicable. The subject site is zoned MUC-1 and is not subject to the MUC-2 dimensional standards.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.050 – Pre-application conference.
A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the

pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.

2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.

3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

Finding: Complies as Proposed. The applicant held a pre-application conference on December 9, 2020. The land use application was submitted within 6 months of the pre-application meeting on April 19, 2021.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a

copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.
Finding: Complies as Proposed. The applicant attended the McLoughlin Neighborhood Association meeting on March 18, 2021. The land use application was submitted within one year of the meeting date, on April 19, 2021.

17.50.090 - Public notices.
All public notices issued by the city announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.
A. Notice of Type II Applications. Once the community development director has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the city shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC 17.50.100. The city's Type II notice shall include the following information:
1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;
3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;
7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
Finding: Not Applicable. The application is subject to the Type IV notice posting requirements.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice on the city website within the city at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:
1.The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;

3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the city commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;
6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.
C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the community development director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the city website. Notice issued under this subsection shall include the following information:
1. The time, date and location of the public hearing;
2. The city-assigned planning file number and title of the proposal;
3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.
Finding: Complies as Proposed. Public notice was mailed to residents and property owners within 300 feet of the subject site, posted on the City's website, emailed to affected departments and agencies, and the subject site was posted with land use notice signs on July 19, 2021, 20 days in advance of the August 9, 2021, hearing as required by this section.

17.50.100 - Notice posting requirements.
Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.
A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.
Finding: Complies as Proposed. Notice was posted onsite in accordance with these standards.

CHAPTER 17.56 CONDITIONAL USES
17.56.010 - Permit—Authorization—Standards—Conditions.
A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the Planning Commission or City Commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require Planning Commission or City Commission approval of a modification to the original conditional use permit unless authorized in this chapter.
Finding: Applicable. The applicant has requested a conditional use permit for a nighttime warming shelter.

A. Conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the Planning Commission or City Commission after due notice and public hearing, according to procedure as provided in OCMC 17.50. The applicant shall provide evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:
1. The use is listed as a conditional use in the underlying district;
Finding: Complies as Proposed. The subject site is zoned MUC-1 where shelters, including warming shelters, are listed as a conditional use.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
Finding: Complies as Proposed. The site includes a day shelter which is a legal non-conforming use in accordance with a 2016 similar use determination. Given that the property is already developed with a day shelter use, the emergency warming shelter use is suitable and appropriate. The City Commission has approved the warming shelter use under an emergency ordinance for the past four winters, therefore, site conditions and characteristics will remain the same as they have been the past four years, as the proposed conditional use permit would continue the warming shelter use previously approved by the City Commission. The site is served by emergency services and existing utilities. Additionally, the subject site is located is located less than ¼ mile away from the Oregon City Transit Center connecting patrons of the shelter to public transit and other essential social services accessible by transit. Washington Street, Main Street, 12th Street, and 9th Street are also transit streets that are in the vicinity of the subject site and the subject site is within walking distance to Downtown Oregon City and other amenities such as convenience stores, churches and public facilities such as the Oregon City Library. Since many of the shelter's clients are often traveling on foot, access to the shelter and public transit which connects clients to surrounding essential services is of utmost importance, especially on below-freezing nights when the emergency warming shelter would be open. The size, shape, location, topography, existence of improvements and natural features, do not preclude a warming shelter use and the warming shelter use is appropriate given the context of the site and existing use.

3. Development shall demonstrate compliance with OCMC 16.12;
Finding: Not Applicable. Chapter 16.12 is not applicable to the proposal because all site frontages are developed, there is no addition of square footage proposed, and the existing development is adequately served by existing infrastructure.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
Finding: Complies as Proposed. The surrounding area is primarily residential with some commercial and institutional uses. The subject site includes a day shelter which is a legal non-conforming use in accordance with a 2016 similar use determination. The proposed night warming shelter is similar to the day shelter use and given that the nighttime warming shelter has operated under generally the same temperature limitations for the past four years which resulted an average of 11 days of operation per year, it will not have additional significant impacts to the character of the surrounding area while providing houseless community members with a safe place to sleep during extreme weather conditions. The City Commission has approved the warming shelter use under an emergency ordinance for the past four winters, therefore, site conditions and characteristics will remain the same as they have been the past four years, as the proposed conditional use permit would continue the warming shelter use previously approved by the City Commission. Furthermore, no physical modifications to the building or site which would alter neighborhood characteristics are being proposed.

The primary purpose of this proposal is to provide an indoor space for homeless community members during cold winter nights so that they are not outside. There have been many public comments received identifying trespassing, noise, illegal or disruptive behavior of the clientele, however, those are not regulated by the zoning code, but rather through the police department or local noise ordinance. Furthermore, although not all homeless community members in the neighborhood and in Oregon City are necessarily clients of The Father's Heart or associated with the warming shelter use, the proposal for a nighttime shelter would provide a safe and warm space to sleep for clients of The Father's Heart, taking people off the street and helping solve the issues of loitering and "roaming", which were identified in many of the public comments received.

The Father's Heart clientele are people with rights and protections from discrimination. The City may not consider the real or perceived characteristics of those served when reviewing this proposal. The proposal would provide an indoor space during the winter nights, thus minimizing the number of clientele in the neighborhood at night and thus reducing the likelihood of nuisance or illegal behavior. The additional warming shelter use which provides homeless community members with a warm and safe place to sleep on cold nights will not alter the character of the site or neighborhood, nor preclude surrounding properties from developing and establishing the primary uses allowed in the underlying zone.

5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.
Finding: Complies as Proposed. An analysis of applicable comprehensive plan goals and policies is provided below. The conditional use permit is consistent with the Oregon City Comprehensive Plan.

Section 1: Citizen Involvement
Goal 1.1 Citizen Involvement Program

Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.

Policy 1.1.1
Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Goal 1.2 Community and Comprehensive Planning
Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.
Policy 1.2.1
Encourage citizens to participate in appropriate government functions and land-use planning.
Policy 1.2.1
Encourage development and refinement of CIC and neighborhood association bylaws that will govern the groups' formation and operations.

Goal 1.3 Community Education
Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.
Policy 1.3.1
Encourage training of volunteers involved with the CIC and neighborhood associations.

Goal 1.4 Community Involvement
Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Policy 1.4.1
Notify citizens about community involvement opportunities when they occur.

Goal 1.5 Government/Community Relations
Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.
Policy 1.5.1
Support the CIC in initiating and planning events in cooperation with the City on issues of mutual interest. Topics may include such things as working with local schools regarding citizen involvement and stakeholders involved with Comprehensive Plan development and Urban Growth Boundary expansion.

Goal 1.6 CIC Continuous Development
Support the CIC's team spirit and dedication to community involvement to ensure continuous improvement.
Policy 1.6.1
Assist the CIC in finding funding for the Community Involvement Program's current and future development.

Policy 1.6.2
Support an Annual Leadership Development Conference for CIC members, to include updating the CIC strategic plan, if funding is available.

Goal 1.7 Neighborhood Plans
Adopt neighborhood plans that encompass a broad range of concerns for each neighborhood over a five- to ten-year period as refinements of the Oregon City Comprehensive Plan.

Policy 1.7.1
Ensure that neighborhood plans are consistent with the Comprehensive Plan.
Policy 1.7.2
Provide opportunities for property owners, residents, and businesses within the neighborhood to be involved in all phases of the preparation of a neighborhood plan.
Policy 1.7.3
Use the neighborhood plans to make recommendations to city boards, commissions, and agencies regarding public improvements and land-use decisions.
Goal 1.8 Advisory Committees
Establish and support citizen advisory committees and commissions.
Policy 1.8.1
Identify the areas of City government in which the counsel of a formal citizen advisory committee or commission is warranted if funding is available to provide appropriate staff support.
Policy 1.8.2
Solicit and support citizen participation on citizen advisory committees and commissions. Identify desirable expertise from the Portland metro area as needed to best serve the interests of Oregon City.
Finding: Complies as Proposed. Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in this application. The applicant met with the McLoughlin Neighborhood Association prior to submitting this application and once the application was deemed complete, the City noticed the application to property owners within 300 feet of the subject site, neighborhood associations, and posted the application on the City's website. Additionally, the subject site was posted with land use notice signs. All interested persons have the opportunity to comment in writing or in person through the public hearing process. This policy is met.

Section 2: Land Use
Goal 2.1 Efficient Use of Land
Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Policy 2.1.1
Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.
Policy 2.1.2
Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.
Policy 2.1.3

Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.
Policy 2.1.4
Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.
Finding: Complies as Proposed. The proposal will provide for efficient use of land by allowing an existing development to be utilized as both a day shelter and an emergency night-time warming shelter, maximizing efficiency of an existing development to provide vital services to Oregon City community members.

Goal 2.4 Neighborhood Livability
Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Policy 2.4.1
Develop local neighborhood plans to strengthen and protect residential neighborhoods and historic areas from infill development; such as development along linear commercial corridors.
Policy 2.4.2
Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.
Policy 2.4.3
Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.
Policy 2.4.4
Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.
Policy 2.4.5
Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.
Finding: Complies as Proposed. The existing day shelter is located within a largely residential neighborhood. Given that the overnight warming shelter has operated an average of 11 days per year over the past four years, the proposed night-time warming shelter will likely not have additional impacts to neighborhood livability beyond any existing impacts associated with the day shelter. The proposed nighttime warming shelter will provide houseless community members with a safe place to sleep and keep warm during extreme weather conditions. The City Commission has approved the warming shelter use under an emergency ordinance for the past four winters, therefore, site conditions and neighborhood livability will remain the same as they have been the past four years, as the proposed conditional use permit would continue the warming shelter use previously approved by the City Commission.

Neighborhood livability applies not only to the property owners of Oregon City's neighborhoods, but also Oregon City visitors, and those community members who seek services from The Father's Heart and other Oregon City service providers. The primary purpose of this proposal is to provide an indoor space

for homeless during the cold winter nights so that they are not outside. Issues raised related to trespassing, noise, illegal behavior of the clientele are not regulated by the zoning code, but rather through the police department or our local noise ordinance. The Father's Heart clientele are people with rights and protections from discrimination. The City may not consider the real or perceived characteristics of those served when reviewing this proposal and impacts to neighborhood livability. The proposal would provide an indoor space during the winter evenings, thus minimizing the number of people (clientele or otherwise) in the neighborhood at night and thus reducing the likelihood of any nuisance or illegal behavior.

This proposal would increase neighborhood livability by providing community members with a warm and safe place to sleep on freezing nights, while ensuring that neighborhood livability for existing residents is maintained through the required Community Engagement Plan and annual community meeting. The purpose of the Community Engagement Plan and the annual community meeting is to establish a dialogue between The Father's Heart and the neighborhood and provide a mechanism for addressing issues and concerns raised by the community to ensure neighborhood livability is maintained.

Goal 5.3 Historic Resources
Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Policy 5.3.1
Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.
Policy 5.3.2
Evaluate the establishment of Historic and Conservation Districts to preserve neighborhoods with significant examples of historic architecture in residential and business structures.
Policy 5.3.3
Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.
Policy 5.3.4
Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.
Policy 5.3.5
Support efforts to obtain historic designation at the city, state and national levels for public and private historic sites and districts. Natural and cultural landscapes should also be considered.
Policy 5.3.6
Maintain Oregon City's status as a Certified Local Government in the National Historic Preservation Program.
Policy 5.3.7
Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.
Policy 5.3.8
Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.
Finding: Not Applicable. These goals and policies are implemented through Chapter 17.40 of the Oregon City Municipal Code. Though the subject site is within the McLoughlin Conservation District, it is not an individually designated structure. Furthermore, no building or site modifications are being proposed

through this Conditional Use Permit application, and uses within a building are not regulated by the historic overlay Chapter, therefore, Chapter 17.40 is not applicable.

Section 10: Housing

Goal 10.1 Diverse Housing Opportunities

Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Policy 10.1.1
Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.
Policy 10.1.2
Ensure active enforcement of the City of Oregon City Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.
Policy 10.1.3
Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.
Policy 10.1.4
Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.
Policy 10.1.5
Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.
Policy 10.1.6
Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)
Policy 10.1.7
Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Policy 10.2.1
Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.
Policy 10.2.2
Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.
Policy 10.2.3
Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.
Policy 10.2.4

Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).
Finding: Complies as Proposed. The proposal of a nighttime warming shelter promotes goals and policies related to diverse housing opportunities and affordable housing supply by helping homeless community members advance towards self-sufficiency by fulfilling an essential need of a warm place to sleep on cold nights. The subject site also reduces isolation of no- or low-income residents by providing a shelter location that is integrated with an existing neighborhood near essential services.

Goal 9.8 Transportation System
Recognize the importance of the land use-transportation link and encourage businesses to locate in areas already served by the type of transportation system they need.

Policy 9.8.1
Through coordination with TriMet and local employers, encourage and promote the use of mass transit to travel between residential areas and employment areas.
Policy 9.8.2
Participate in regional efforts to encourage employers to promote telecommuting and other flexible work arrangements.
Policy 9.8.3
Assess the feasibility of implementing Transportation Management Associations in the city.
Policy 9.8.4
Promote "shared parking" and transportation demand management techniques such as transit vouchers, car or van pooling, and flexible schedules and telecommuting options to reduce peak hour trips.
Policy 9.8.5
Work with the Oregon Department of Transportation to preserve and improve the capacity of Highway 213 and its intersection with I-205.
Policy 9.8.6
Encourage the provision of multi-modal transportation to support major existing employers.
Policy 9.8.7
Assess methods to integrate the pedestrian, bicycle and elevator transportation modes into the mass transit system.

Section 12: Transportation
Goal 12.1 Land Use-Transportation Connection
Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

Policy 12.1.1
Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.
Policy 12.1.2
Continue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.
Policy 12.1.3
Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.

Policy 12.1.4
Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.
Policy 12.1.5
Investigate the possibility of a new street connection between South End Road and Highway 99E between Downtown and New Era.
Policy 12.1.6
Investigate the possibility of a new east-west connection from Highway 213 to Willamette Falls Hospital.

Goal 12.2 Local and Regional Transit
Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.

Policy 12.2.1
Explore local and regional transit opportunities that will increase non-single occupancy vehicle travel to prolong infrastructure capacity.
Policy 12.2.2
Target local transit where it is expected to be particularly effective, such as frequent, reliable links between Hilltop, Downtown, Willamette Falls Hospital, the Beavercreek educational and employment centers, and the adjacent neighborhoods.
Policy 12.2.3
Work with TriMet to locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.
Policy 12.2.4
Consider establishing a local Transportation Management Association (TMA) to serve area businesses. The TMA would fund a local trolley or bus transit service along the major and minor arterials to reduce the need for widening rightsof-way for additional lanes as well as provide convenient and economical mobility to everyone.
Policy 12.2.5
Advocate for a new regional bus rapid transit and rail transit connections to Oregon City.

Goal 12.3 Multi-Modal Travel Options
Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.
Policy 12.3.1
Provide an interconnected and accessible street system that minimizes vehiclemiles-traveled and inappropriate neighborhood cut-through traffic.4
Policy 12.3.2
Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.
Policy 12.3.3
Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.
Policy 12.3.4
Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.
Policy 12.3.5
Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of

Oregon City.
Policy 12.3.6
Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.
Policy 12.3.7
Promote the connection and expansion of rail and river transportation services to and through Oregon City.
Policy 12.3.8
Ensure that the multi-modal transportation system preserves, protects, and supports the environmental integrity of the Oregon City community.
Policy 12.3.9
Ensure that the city's transportation system is coordinated with regional transportation facility plans and policies of partnering and affected agencies.
Policy 12.3.10
Develop, if possible, dock facilities along the Willamette River to support a range of public and private boat and water transportation opportunities.
Finding: Complies as Proposed. The existing day shelter is located is located less than ¼ mile away from the Oregon City Transit Center connecting patrons of the shelter to essential transit services and other essential services accessible by public transit. Washington Street, Main Street, 12th Street, and 9th Street are also transit streets that are in the vicinity of the subject site. Additionally, the subject site is within walking distance to Downtown Oregon City and other services such as convenience stores, and churches. Since many of the shelter's clients are often traveling on foot, access to the shelter and to surrounding essential services is of utmost importance, especially on below-freezing nights when the emergency warming shelter would be open.

B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the Planning Commission.
Finding: Complies with Condition. The definition of temporary warming shelter provides for parameters related to temperature and time of operation:

> *"Temporary warming shelter" means a shelter operating between the hours of seven p.m. and seven a.m. when the outside temperature is predicted to be thirty-three degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration.*

The warming shelter may operate only within the existing building between the hours of 7 PM and 7 AM on nights when the outside temperature is predicted to be 33° Fahrenheit, including windchill factor as measured by the National Oceanic and Atmospheric Administration. Prior to the first night of operation as a warming shelter, the applicant shall obtain all required permits, inspections, and approvals from the Oregon City Building Division and Clackamas Fire. Additionally, the applicant shall keep a log of the nights that the temporary warming shelter is operating, which includes the dates of operation, forecasted temperature including wind chill, and number of guests served each night of operation. The

log for the prior year of operation shall be provided to the City annually by May 1 of each year, and provided to the neighborhood at the required annual community meeting.

Other potentially adverse effects identified within comments received during the public notice period include trespassing, noise, illegal or disruptive behavior of the clientele, however, those are not regulated by the zoning code, but rather through the police department or local noise ordinance. Furthermore, although not all homeless community members in the neighborhood and in Oregon City are necessarily clients of The Father's Heart or associated with the warming shelter use, the proposal for a nighttime warming shelter would provide a safe and warm space to sleep for clients of The Father's Heart, taking people off the street and helping solve the issues of loitering and "roaming", which were identified in many of the public comments received. The Father's Heart clientele are people with rights and protections from discrimination. The City may not consider the real or perceived characteristics of those served when reviewing this proposal. The proposal would provide an indoor space during the winter nights, thus minimizing the number of clientele in the neighborhood at night and thus reducing the likelihood of nuisance or illegal behavior with potential adverse effects to the neighborhood or surrounding properties. **Staff has determined that it is possible likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B. of this section unless otherwise indicated, as well as the minimum conditions listed below.
Finding: Complies as Proposed. No new buildings, expansion of the existing building, or any other physical site changes are being proposed with this conditional use permit request. Subsection B of this section allows for greater setbacks than the minimum dimensional standards required that would mitigate adverse effects by reason of the use, extension, construction or alteration proposed. Because no new construction, extension, or physical alteration is being proposed, applying greater dimensional standards to an existing building is an unreasonable restriction. The existing building and site pre-date the MUC-1 zoning district and thus, are legally non-conforming with regard to compliance with dimensional standards in the MUC zone. The dimensional standards would apply to additions to the existing building and new construction onsite, but this is not being proposed under this conditional use permit application, therefore, these standards are not applicable.

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.
Finding: Complies as Proposed. The existing shelter is a legal non-conforming use existing prior to the effective date of this ordinance. The applicant has proposed to expand the use to include an emergency night warming shelter use, which must conform with the requirements for conditional uses. The applicant has submitted a conditional use permit application demonstrating compliance with applicable standards.

E. The Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the Planning Commission without the need to return for additional review.
Finding: Not Applicable. The applicant has not requested further expansion of the current conditional use being requested.

17.56.020 - Permit—Application.

A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in OCMC 17.50.080 to defray the costs of publication, investigation and processing.
Finding: Complies as Proposed. The applicant has submitted all required application materials, and the application was deemed complete on May 18, 2021.

B. Before the Planning Commission or City Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in OCMC 17.50.
Finding: Complies as Proposed. The public hearing procedures established in 17.50 have been followed.

17.56.025 - Minor modifications to legal conditional uses.
Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:
A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;
B. Except for shelters, a maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage; or
C. Revisions to parking alignment and/or related vehicle circulation patterns.
Finding: Not Applicable. The proposal does not include a minor modification to a legal conditional use.

17.56.040 - Criteria and standards for conditional uses.
In addition to the standards listed herein in OCMC 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:
A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the Planning Commission.
Finding: Complies as Proposed. There are three existing building entrances: a primary entrance on 12th Street, a rear entrance located in the back of the building facing the parking lot, and a delivery entrance facing Washington Street. There is an adjacent residential property developed with an existing residence facing Washington Street. The primary entrance on 12th Street is located more than 65 feet from the adjacent residential property. The back corner of the backyard of the residential property is approximately 40 feet from the rear entrance which faces the parking lot, however, the entrance is more than 80 feet from the back of the single-family residence located on the property, and more than 115 feet from the front of the single-family residence. Additionally, there is an existing chain link fence, a cedar fence and landscaping providing an additional buffer between the back entrance and the residential property. The Washington Street entrance is located near the loading dock and is less than 50 feet from the adjacent residential property, but this is not a primary building entrance that is used for the nighttime warming shelter. It is also separated from the adjacent property by hedges and fencing. All building openings are existing and no new building openings or any other physical site modifications are being proposed as part of this application. Staff is not recommending that the Planning Commission limit or prohibit existing building openings.

B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
Finding: Not Applicable. The subject site's frontage is improved and the city has not identified a need for additional right-of-way dedication or increased street width.

C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.
Finding: Not Applicable. No public utility or communication facilities are proposed.

D. Schools. The site shall be located to best serve the intended area, shall be in conformance with the city plan, shall have adequate access, and shall be in accordance with appropriate State standards.
Finding: Not Applicable. The applicant has not requested a conditional use permit for a school.

E. Helipad Landing Facility.
Finding: Not Applicable. The applicant has not requested a conditional use permit for a helipad landing facility.

F. Residential Care Facilities.
Finding: Not Applicable. The applicant has not requested a conditional use permit for a residential care facility.

G. Bed and Breakfast Inns.
Finding: Not Applicable. The applicant has not requested a conditional use permit for a bed and breakfast inn.

H. Shelters.
1. Shelters shall be processed as a Type IV review.
Finding: Complies as Proposed. The application is being processed pursuant to the Type IV process.

2. The shelter shall maintain a written community engagement plan include the following information:
a. Description of purpose and scope of services of the shelter;
b. Population to be housed at the shelter and the process and criteria for the selection of guests;
c. Bed capacity for nightly guests;
d. Hours of operations and curfew, if applicable;
e. 24 hour contact information; and
f. Explanation of how the shelter will address concerns/complaints.
Finding: Complies with Condition. The applicant provided the following responses to each of the items within this section within their narrative:

Description of purpose and scope of services of the shelter:
The Father's Heart consists of a day use shelter (not the subject of this application) and an emergency overnight warming shelter that is contracted with Clackamas County for the purpose of saving lives on winter nights that reach 33F windchill or colder. The Father's Heart emergency night shelter provides shelter from inclement weather, a sleeping mat, blanket, an evening meal, coffee and water.

Population to be housed at the shelter and the process and criteria for the selection of guests:
The Father's Heart provides an emergency overnight warming center/shelter to those living outdoors. The shelter sends out an emergency notification to the emergency contact list of Clackamas County by noon on the day of operation. The shelter operates on a first-come first-served basis.

Bed capacity for nightly guests:
Normally, the emergency overnight shelter has a capacity of 49 guests, which has been modified to a maximum of 13 guests during Covid-19 restrictions, in order to provide adequate social distancing.

Hours of operations and curfew, if applicable:
The emergency night shelter operates from 6 PM to 7 AM. There is a 10 PM curfew for those who have checked in before 10 PM. If a bed is available, The Father's Heart receives new shelter guests at any hour.

24 hour contact information:

The following The Father's Heart staff can be reached 24 hours.

Robin Keating- Executive Director tfhrobin@gmail.com 831-809-3099	Jennifer Morris- Asst. Director & Program Manager tfhjennifer@gmail.com 971-940-5476

Explanation of how the shelter will address concerns/complaints:

The Father's Heart Executive Director and Program Manager are available 24 hours, either in person, by phone or email to address any and all concerns or complaints. In addition, in order to prevent community impacts TFH has adopted a Good Neighbor Policy, which outlines expectations of and to which it holds clients accountable for their behavior in the community (See Attachment F). TFH welcomes conversations with the broader community about any issues that arise because we can't fix it if we don't know it's happening.

The draft community engagement plan was presented to the McLoughlin Neighborhood Association at the March 18, 2021 meeting that the applicant attended.
Prior to the first night of operation as a temporary warming shelter, the applicant shall finalize the community engagement plan in accordance with all items required by this section, and submit a copy of the finalized community engagement plan to the City, provide a copy of the community engagement plan to the McLoughlin Neighborhood Association, and post a copy of the finalized community

engagement plan and the associated Good Neighbor Policy to The Father's Heart website. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Shelters shall hold a meeting with the community prior to commencing operation, and a minimum of once a year each year thereafter. The purpose of the meeting is to discuss the community engagement plan and provide an opportunity for greater communication. Mailed notice of the meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public.

Finding: Complies with Condition. The applicant attended the McLoughlin Neighborhood Association on March 18, 2021. Prior to the first night of operation as a temporary warming shelter, the applicant shall hold an additional community meeting to discuss the community engagement plan and provide an opportunity for communication between neighborhood residents and the operators of the shelter. Mailed notice of this meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public and must be held a minimum of once a year thereafter. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.56.060 - Revocation of conditional use permits.

The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or the City Commission, may revoke such permit upon determining:

A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and

B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.

Finding: Applicable. The Planning Commission may initiate administrative action under Chapter 17.50 and revoke this conditional use permit if one or more conditions attached to the grant of this conditional use permit have not been fulfilled and the unfulfilled condition is substantially related to the issuance of the conditional use permit.

17.56.070 - Periodic review of conditional use permits.

A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.

B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.

C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: Not Applicable. Staff has not identified a need for period review of this conditional use permit.

<u>CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES</u>

17.58.020 - Lawful nonconforming lots of record.

Lots or parcels lawfully created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses comply with all other provisions of this land use code.
Finding: Not Applicable. The subject site is not a non-conforming lot of record.

17.58.030 - Lawful nonconforming use.
A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:
A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.
Finding: Complies as Proposed. The subject site includes a day shelter which does not have an existing conditional use permit as required in the MUC-1 zone. In 2016, the City issued a similar use determination confirming the day shelter is a legal non-conforming use. The applicant has obtained and renewed a business license every year since then and the day shelter use has not been discontinued. The day shelter use is a legal non-conforming use which is allowed to continue and is not part of this conditional use permit application.

B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
Finding: Not Applicable. The established legal non-conforming day shelter use has not been converted or proposed to be converted to a conforming use.

C. Destruction of a Non-residential Use. When a structure containing a lawful nonconforming non-residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more then sixty percent of its assessed value.
D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.
E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.
Finding: Not Applicable. The existing structure containing a lawful non-conforming use has not intentionally or unintentionally been destroyed. These standards are not applicable to the current proposal.

F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.
Finding: Not Applicable. Though the applicant is proposing to expand or intensify the non-conforming use, the expansion is not allowed outright and is going through the required conditional use permit land use process.

17.58.040 - Lawful nonconforming structure or site.
A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding

development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.

B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.

2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.

a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the Community Development Director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

1. Proposed alterations to meet approved fire and life safety agreements;

2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;

3. Alterations required to meet Seismic Design Requirements; and

4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.

Finding: Not Applicable. Though the subject site does include non-conforming elements that are not in compliance with the current code, such as building design, landscaping, and parking lot design, the applicant has not proposed an expansion of a non-conforming structure exceeding the thresholds identified in this section and requiring non-conforming upgrades.

17.58.060 - Process to confirm the legality of a nonconforming use, lot, structure, or site.

Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the city determining the following:

A. The nonconforming use, lot, structure or site was established lawfully; and

B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.

The applicant shall provide sufficient evidence to allow the Community Development Director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060A. and B. without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060A. and B. without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedures shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been

expanded pursuant to OCMC 17.58.060A. and B. above, the use, lot, structure or site shall be determined to be illegal.

Finding: Not Applicable. The applicant has not requested a review to confirm the non-conforming use. A 2016 determination of similar use confirmed that the existing day shelter use was legally non-conforming, and a business license has been obtained and renewed every year since then. Therefore, the existing day shelter use remains legally non-conforming and is not part of this conditional use permit review.

CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW

Finding: Not Applicable. The applicant's proposal does not include any physical modifications to the existing building, parking lot, landscaping, or site. The standards in this chapter are not applicable.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed development located at 603 12th Street, Oregon City, Oregon 97045, identified as Clackamas County Map 2-2E-31AA, Tax Lot 2200 and 2300 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Applicant's Response to Public Comments Received
5. 2016 Similar Use Determination
6. 2017-2020 City Commission Resolutions for Temporary Emergency Warming Shelter Use

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TYPE IV STAFF RECOMMENDATION
July 12, 2021

FILE NUMBER: GLUA-21-00019 (General Land Use Application)/CU-21-00002 (Conditional Use Permit)

Submitted: April 19, 2021
Complete: May 18, 2021
120 Day Deadline: September 15, 2021
PC Hearing: July 12, 2021
CC Hearing: TBD

APPLICANT: Marty Gant
The Father's Heart Street Ministry
603 12th Street
Oregon City, OR 97045

OWNER: PDA Properties
Gary Wheeler
34856 E Columbia Avenue
Scappoose, OR 97056

REQUEST: The applicant is requesting approval of a Conditional Use Permit for a warming shelter at The Father's Heart Street Ministry.

LOCATION: 603 12th Street, Oregon City, OR 97045
Clackamas County Map 2-2E-31AA, Tax Lot 2200 and 2300

REVIEWER: Diliana Vassileva, AICP, Assistant Planner

RECOMMENDATION: Approval with Conditions.

PROCESS: Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

Conditions of Approval
Planning File GLUA-21-00019/CU-21-00002

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The following conditions of approval shall be met to the satisfaction of the City prior to the first night of operation as a temporary warming shelter, unless otherwise noted:

1. The warming shelter may operate only between the hours of 7 PM and 7 AM on nights when the outside temperature is predicted to be 33° Fahrenheit, including windchill factor, as measured by the National Oceanic and Atmospheric Administration. (P)

2. Prior to the first night of operation as a warming shelter, the applicant shall obtain all required permits, inspections, and approvals from the Oregon City Building Division and Clackamas Fire. (B/F)

3. The applicant shall finalize the community engagement plan in compliance with all items required by OCMC 17.56.040.H.2. A copy of the finalized community engagement plan shall be provided to the City and to the McLoughlin Neighborhood Association. (P)

4. The applicant shall hold a community meeting to discuss the community engagement plan and provide an opportunity for communication between neighborhood residents and the operators of the shelter. Mailed notice of this meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public and must be held a minimum of once a year thereafter. (P)

5. The applicant shall keep a log of the nights that the temporary warming shelter is operating, which includes the dates of operation, forecasted temperature including wind chill, and number of guests served each night of operation. The log for the prior year of operation shall be provided to the City annually by May 1 of each year and shall be provided to the neighborhood at the required annual community meeting. (P)

I. BACKGROUND:

1. Existing Conditions

The subject site is located at the corner of 12th Street and Washington Street. It is approximately half an acre in size and is zoned Mixed-Use Corridor (MUC-1). The property is developed with The Father's Heart Street Ministry, a day shelter serving no- and low-income populations since 2012. The day shelter use typically requires a conditional use permit within this zone, however, it is a legal non-conforming use in accordance with a similar use determination issued by the Oregon City Planning Division in 2016. Though the day use shelter is legally non-conforming and grandfathered in, each winter, the applicant requests an emergency Resolution from the City Commission to operate as a nighttime warming shelter on nights that the temperature falls below 33 degrees (including wind chill). For the past four winters, the Father's Heart has received permission from the City Commission to operate as a nighttime warming shelter via emergency Resolution. Most recently, in the winter of 2020/2021, The Father's Heart accommodated 49 overnight guests for approximately 43 nights where the temperature fell below 33° Fahrenheit, including windchill factor (total of 2,140 guests served).

Figure 1. Vicinity Map

Figure 2: Existing Conditions – Aerial Image

2. **Project Description**
   The applicant has requested approval of a Conditional Use Permit which would allow The Father's Heart to operate as an overnight warming shelter between the hours of 7 PM and 7 AM on nights when the temperature falls below 33° Fahrenheit including wind chill factor as measured by the National Oceanic and Atmospheric Administration.

3. **Permits and Approvals**
   The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. **Public Comment**
   Public comments submitted include (Exhibit 3):

   - A comment from Clackamas River Water identifying the proposal does not conflict with their interests.

   Staff Response: None required.

   - A comment from the Oregon City School District identifying the proposal does not conflict with their interests.

   Staff Response: None required.

   - A comment from the Oregon City Building Division identifying the proposal does not conflict with their interests.

Staff Response: None required.

- A comment received from an unnamed neighborhood resident identified concerns about the location of the existing shelter, and concerns related to personal and property safety.

Staff Response: The existing day use shelter is a legal non-conforming use approved via a 2016 similar use determination and is not part of this conditional use permit. The nighttime warming shelter use will provide houseless community members with an indoor space during nights with extreme weather conditions. Staff has proposed a condition of approval that the applicant is required to hold an annual meeting with the neighboring community and have a community engagement plan in place ensuring that the proposed emergency warming shelter use will not negatively impact neighborhood residents. The community engagement plan provides a mechanism for addressing issues and concerns raised by the community to ensure neighborhood livability is maintained.

Additionally, the Fair Housing Act prohibits discrimination restricting access to housing based on personal circumstances particular race, color, religion, sex, or national origin. The application is for a particular use of land that requires understanding the facts, with respect to the nature and intensity of the proposed use. The application must be analyzed against the applicable approval criteria. The characteristics of or circumstances affecting residents who may choose to reside in the proposed shelter are not relevant to the approval criteria. The individuals who may seek residence are free to seek housing anywhere within the City of Oregon City.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRIC
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES
CHAPTER 17.56 CONDITIONAL USES
CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES
CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

<u>CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT</u>

17.29.020 - Permitted uses—MUC-1 and MUC-2.
A. Banquet, conference facilities and meeting rooms;
B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
C. Child care centers and/or nursery schools;
D. Indoor entertainment centers and arcades;
E. Health and fitness clubs;
F. Medical and dental clinics, outpatient; infirmary services;
G. Museums, libraries and cultural facilities;
H. Offices, including finance, insurance, real estate and government;
I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;

J. Postal services;
K. Parks, playgrounds, playfields and community or neighborhood centers;
L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
M. Multifamily residential, 3-4 plex residential;
N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than 50% of the total square footage of the development;
O. Restaurants, eating and drinking establishments without a drive-through;
P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
R. Seasonal sales;
S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
T. Studios and galleries, including dance, art, photography, music and other arts;
U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
V. Veterinary clinics or pet hospitals, pet day care;
W. Home occupations;
X. Research and development activities;
Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
Z. Transportation facilities;
AA. Live/work dwellings;
BB. After-hours public parking.
Finding: Not Applicable. The applicant has not proposed any permitted uses.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.
The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:
A. Drive-through facilities;
B. Emergency service facilities (police and fire), excluding correctional facilities;
C. Gas stations;
D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
F. Public and/or private educational or training facilities;
G. Religious institutions;
H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
I. Hospitals;
J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
K. Passenger terminals, excluding bus stops;

L. Shelters.
Finding: Applicable. Shelters are defined in OCMC 17.04.1117:

> *"Shelter" means a congregate facility designed to provide overnight sleeping or daytime accommodation to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on-site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, transitional shelters, temporary warming shelters and other temporary or permanent spaces made available for sheltering individuals or families. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.*

Additionally, warming shelters are defined in OCMC 17.04.1123:

> *"Temporary warming shelter" means a shelter operating between the hours of seven p.m. and seven a.m. when the outside temperature is predicted to be thirty-three degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration.*

The subject site operates as a day use shelter which is an existing legal non-conforming use which was approved via a similar use determination in 2016 and is not part of this conditional use permit. The applicant has applied for a conditional use permit to allow a warming shelter operating between the hours of 7 PM and 7 AM on nights when the outside temperature is predicted to be 33° Fahrenheit, including windchill factor as measured by the National Oceanic and Atmospheric Administration.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.
The following uses are prohibited in the MUC district:
A. Distributing, wholesaling and warehousing;
B. Outdoor storage;
C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
D. Correctional facilities;
E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
F. Kennels;
G. Motor vehicle and recreational vehicle sales and incidental service;
H. Motor vehicle and recreational vehicle repair/service;
I. Self-service storage facilities;
J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
K. Mobile Food Units, except with a special event permit.
Finding: Complies as Proposed. The applicant has not proposed any prohibited uses.

17.29.050 - Dimensional standards—MUC-1.
A. Minimum lot area: None.
B. Maximum building height: Forty feet or three stories, whichever is less.
C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
E. Maximum allowed setbacks.

1. Front yard: Five feet.
3. Corner side setback abutting street: Thirty feet.
F. Maximum lot coverage of the building and parking lot: Eighty percent.
G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.
Finding: Not Applicable. No changes to the existing building or lot are being proposed.

17.29.060 - Dimensional standards—MUC-2.
Finding: Not Applicable. The subject site is zoned MUC-1 and is not subject to the MUC-2 dimensional standards.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.050 – Pre-application conference.
A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.
1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.
2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.
3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.
B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.
Finding: Complies as Proposed. The applicant held a pre-application conference on December 9, 2020. The land use application was submitted within 6 months of the pre-application meeting on April 19, 2021.

17.50.055 - Neighborhood association meeting.
Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.
A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the

application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Complies as Proposed. The applicant attended the McLoughlin Neighborhood Association meeting on March 18, 2021.

17.50.090 - Public notices.

All public notices issued by the city announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the community development director has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the city shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC 17.50.100. The city's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;

2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;

3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;

4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;

5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;

6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;

7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
Finding: Not Applicable. The application is subject to the Type III notice posting requirements.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice on the city website within the city at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:
1.The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the city commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;
6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.
C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the community development director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the city website. Notice issued under this subsection shall include the following information:
1. The time, date and location of the public hearing;
2. The city-assigned planning file number and title of the proposal;
3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and

5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.
Finding: Complies as Proposed. Public notice was mailed to residents and property owners within 300 feet of the subject site, posted on the City's website, emailed to affected departments and agencies, and the subject site was posted with land use notice signs in compliance with this section.

17.50.100 - Notice posting requirements.
Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.
A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.
Finding: Complies as Proposed. Notice was posted onsite in accordance with these standards.

<u>CHAPTER 17.56 CONDITIONAL USES</u>
17.56.010 - Permit—Authorization—Standards—Conditions.
A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the Planning Commission or City Commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require Planning Commission or City Commission approval of a modification to the original conditional use permit unless authorized in this chapter.
Finding: Applicable. The applicant has requested a conditional use permit for a nighttime warming shelter.

A. Conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the Planning Commission or City Commission after due notice and public hearing, according to procedure as provided in OCMC 17.50. The applicant shall provide evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:
1. The use is listed as a conditional use in the underlying district;
Finding: Complies as Proposed. The subject site is zoned MUC-1 where shelters, including warming shelters, are listed as a conditional use.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

Finding: Complies as Proposed. The site includes a day shelter which is a legal non-conforming use in accordance with a 2016 similar use determination. Given that the property is already developed with a day shelter use, the emergency warming shelter use is suitable and appropriate. The size, shape, location, topography, existence of improvements and natural features, do not preclude a warming shelter use and the warming shelter use is appropriate given the context of the site and existing use.

3. Development shall demonstrate compliance with OCMC 16.12;
Finding: Not Applicable. Chapter 16.12 is not applicable to the proposal because all site frontages are developed, there is no addition of square footage proposed, and the existing development is adequately served by existing infrastructure.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
Finding: Complies as Proposed. The surrounding area is primarily residential with some commercial and institutional uses. The subject site includes a day shelter which is a legal non-conforming use in accordance with a 2016 similar use determination. The proposed night warming shelter is similar to the day shelter use and will not have additional significant impacts to the character of the surrounding area. The proposed nighttime warming shelter will provide houseless community members with a safe place to sleep during extreme weather conditions. The City Commission has approved the warming shelter use under an emergency ordinance for the past four winters, therefore, site conditions and characteristics will remain the same as they have been the past four years, as the proposed conditional use permit would continue the warming shelter use previously approved by the City Commission. Furthermore, no physical modifications to the building or site which would alter neighborhood characteristics are being proposed. The additional warming shelter use will not alter the character of the site or neighborhood, nor preclude surrounding properties from developing and establishing the primary uses allowed in the underlying zone.

5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.
Finding: Complies as Proposed. An analysis of applicable comprehensive plan goals and policies is provided below. The conditional use permit is consistent with the Oregon City Comprehensive Plan.

Section 1: Citizen Involvement
Goal 1.1 Citizen Involvement Program
Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.

Policy 1.1.1
Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Goal 1.2 Community and Comprehensive Planning

Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.
Policy 1.2.1
Encourage citizens to participate in appropriate government functions and land-use planning.
Policy 1.2.1
Encourage development and refinement of CIC and neighborhood association bylaws that will govern the groups' formation and operations.

Goal 1.3 Community Education
Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.
Policy 1.3.1
Encourage training of volunteers involved with the CIC and neighborhood associations.

Goal 1.4 Community Involvement
Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Policy 1.4.1
Notify citizens about community involvement opportunities when they occur.

Goal 1.5 Government/Community Relations
Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.
Policy 1.5.1
Support the CIC in initiating and planning events in cooperation with the City on issues of mutual interest. Topics may include such things as working with local schools regarding citizen involvement and stakeholders involved with Comprehensive Plan development and Urban Growth Boundary expansion.

Goal 1.6 CIC Continuous Development
Support the CIC's team spirit and dedication to community involvement to ensure continuous improvement.
Policy 1.6.1
Assist the CIC in finding funding for the Community Involvement Program's current and future development.
Policy 1.6.2
Support an Annual Leadership Development Conference for CIC members, to include updating the CIC strategic plan, if funding is available.

Goal 1.7 Neighborhood Plans
Adopt neighborhood plans that encompass a broad range of concerns for each neighborhood over a five- to ten-year period as refinements of the Oregon City Comprehensive Plan.

Policy 1.7.1
Ensure that neighborhood plans are consistent with the Comprehensive Plan.
Policy 1.7.2

Provide opportunities for property owners, residents, and businesses within the neighborhood to be involved in all phases of the preparation of a neighborhood plan.
Policy 1.7.3
Use the neighborhood plans to make recommendations to city boards, commissions, and agencies regarding public improvements and land-use decisions.
Goal 1.8 Advisory Committees
Establish and support citizen advisory committees and commissions.
Policy 1.8.1
Identify the areas of City government in which the counsel of a formal citizen advisory committee or commission is warranted if funding is available to provide appropriate staff support.
Policy 1.8.2
Solicit and support citizen participation on citizen advisory committees and commissions. Identify desirable expertise from the Portland metro area as needed to best serve the interests of Oregon City.
Finding: Complies as Proposed. Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in this application. The applicant met with the McLoughlin Neighborhood Association prior to submitting this application and once the application was deemed complete, the City noticed the application to property owners within 300 feet of the subject site, neighborhood associations, and posted the application on the City's website. The applicant additionally posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. This policy is met.

Section 2: Land Use
Goal 2.1 Efficient Use of Land
Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Policy 2.1.1
Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.
Policy 2.1.2
Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.
Policy 2.1.3
Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.
Policy 2.1.4
Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.
Finding: Complies as Proposed. The proposal will provide for efficient use of land by allowing an existing development to be utilized as both a day shelter and an emergency night-time warming shelter, maximizing efficiency of an existing development to provide vital services.

Goal 2.4 Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Policy 2.4.1
Develop local neighborhood plans to strengthen and protect residential neighborhoods and historic areas from infill development; such as development along linear commercial corridors.
Policy 2.4.2
Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.
Policy 2.4.3
Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.
Policy 2.4.4
Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.
Policy 2.4.5
Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.
Finding: Complies as Proposed. The existing day shelter is located within a largely residential neighborhood. The proposed night-time warming shelter will likely not have additional impacts to neighborhood livability beyond any existing impacts associated with the day shelter. The proposed nighttime warming shelter will provide houseless community members with a safe place to sleep and keep warm during extreme weather conditions. The City Commission has approved the warming shelter use under an emergency ordinance for the past four winters, therefore, site conditions and neighborhood livability will remain the same as they have been the past four years, as the proposed conditional use permit would continue the warming shelter use previously approved by the City Commission. Nonetheless, as conditioned within this report, the applicant is required to hold an annual meeting with the neighboring community and have a community engagement plan in place ensuring that the proposed emergency warming shelter use will not negatively impact neighborhood livability. Additionally, the community engagement plan provides a mechanism for addressing issues and concerns raised by the community to ensure neighborhood livability is maintained.

Goal 5.3 Historic Resources
Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Policy 5.3.1
Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.
Policy 5.3.2
Evaluate the establishment of Historic and Conservation Districts to preserve neighborhoods with significant examples of historic architecture in residential and business structures.
Policy 5.3.3
Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.
Policy 5.3.4

Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.
Policy 5.3.5
Support efforts to obtain historic designation at the city, state and national levels for public and private historic sites and districts. Natural and cultural landscapes should also be considered.
Policy 5.3.6
Maintain Oregon City's status as a Certified Local Government in the National Historic Preservation Program.
Policy 5.3.7
Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.
Policy 5.3.8
Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.
Finding: Not Applicable. These goals and policies are implemented through Chapter 17.40 of the Oregon City Municipal Code. Though the subject site is within the McLoughlin Conservation District, it is not an individually designated structure. Furthermore, no building or site modifications are being proposed through this Conditional Use Permit application, therefore, Chapter 17.40 is not applicable.

Goal 9.8 Transportation System
Recognize the importance of the land use-transportation link and encourage businesses to locate in areas already served by the type of transportation system they need.

Policy 9.8.1
Through coordination with TriMet and local employers, encourage and promote the use of mass transit to travel between residential areas and employment areas.
Policy 9.8.2
Participate in regional efforts to encourage employers to promote telecommuting and other flexible work arrangements.
Policy 9.8.3
Assess the feasibility of implementing Transportation Management Associations in the city.
Policy 9.8.4
Promote "shared parking" and transportation demand management techniques such as transit vouchers, car or van pooling, and flexible schedules and telecommuting options to reduce peak hour trips.
Policy 9.8.5
Work with the Oregon Department of Transportation to preserve and improve the capacity of Highway 213 and its intersection with I-205.
Policy 9.8.6
Encourage the provision of multi-modal transportation to support major existing employers.
Policy 9.8.7
Assess methods to integrate the pedestrian, bicycle and elevator transportation modes into the mass transit system.

Section 12: Transportation
Goal 12.1 Land Use-Transportation Connection
Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

Policy 12.1.1
Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.
Policy 12.1.2
Continue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.
Policy 12.1.3
Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.
Policy 12.1.4
Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.
Policy 12.1.5
Investigate the possibility of a new street connection between South End Road and Highway 99E between Downtown and New Era.
Policy 12.1.6
Investigate the possibility of a new east-west connection from Highway 213 to Willamette Falls Hospital.

Goal 12.2 Local and Regional Transit
Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.

Policy 12.2.1
Explore local and regional transit opportunities that will increase non-single occupancy vehicle travel to prolong infrastructure capacity.
Policy 12.2.2
Target local transit where it is expected to be particularly effective, such as frequent, reliable links between Hilltop, Downtown, Willamette Falls Hospital, the Beavercreek educational and employment centers, and the adjacent neighborhoods.
Policy 12.2.3
Work with TriMet to locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.
Policy 12.2.4
Consider establishing a local Transportation Management Association (TMA) to serve area businesses. The TMA would fund a local trolley or bus transit service along the major and minor arterials to reduce the need for widening rightsof-way for additional lanes as well as provide convenient and economical mobility to everyone.
Policy 12.2.5
Advocate for a new regional bus rapid transit and rail transit connections to Oregon City.

Goal 12.3 Multi-Modal Travel Options
Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.
Policy 12.3.1
Provide an interconnected and accessible street system that minimizes vehiclemiles-traveled and inappropriate neighborhood cut-through traffic.4
Policy 12.3.2

Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.
Policy 12.3.3
Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.
Policy 12.3.4
Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.
Policy 12.3.5
Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of
Oregon City.
Policy 12.3.6
Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.
Policy 12.3.7
Promote the connection and expansion of rail and river transportation services to and through Oregon City.
Policy 12.3.8
Ensure that the multi-modal transportation system preserves, protects, and supports the environmental integrity of the Oregon City community.
Policy 12.3.9
Ensure that the city's transportation system is coordinated with regional transportation facility plans and policies of partnering and affected agencies.
Policy 12.3.10
Develop, if possible, dock facilities along the Willamette River to support a range of public and private boat and water transportation opportunities.
Finding: Complies as Proposed. The existing day shelter is located is located less than ¼ mile away from the Oregon City Transit Center connecting patrons of the shelter to essential transit services. Additionally, the subject site is within walking distance to Downtown Oregon City and other services such as convenience stores, churches, and medical offices. Since many of the shelter's clients are often traveling on foot, access to the shelter and to surrounding essential services is of utmost importance, especially on below-freezing nights when the emergency warming shelter would be open.

B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the Planning Commission.
Finding: Complies with Condition. The definition of temporary warming shelter provides for parameters related to temperature and time of operation:

> *"Temporary warming shelter" means a shelter operating between the hours of seven p.m. and seven a.m. when the outside temperature is predicted to be thirty-three degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration.*

The warming shelter may operate only between the hours of 7 PM and 7 AM on nights when the outside temperature is predicted to be 33° Fahrenheit, including windchill factor as measured by the National Oceanic and Atmospheric Administration. Prior to the first night of operation as a warming shelter, the applicant shall obtain all required permits, inspections, and approvals from the Oregon City Building Division and Clackamas Fire. Additionally, the applicant shall keep a log of the nights that the temporary warming shelter is operating, which includes the dates of operation, forecasted temperature including wind chill, and number of guests served each night of operation. The log for the prior year of operation shall be provided to the City annually by May 1 of each year, and provided to the neighborhood at the required annual community meeting. **Staff has determined that it is possible likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B. of this section unless otherwise indicated, as well as the minimum conditions listed below.
Finding: Complies as Proposed. No new buildings, expansion of the existing building, or any other physical site changes are being proposed with this conditional use permit request. The subject site and existing structure is in compliance with dimensional standards of the underlying zone.

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.
Finding: Complies as Proposed. The existing shelter is a legal non-conforming use existing prior to the effective date of this ordinance. The applicant has proposed to expand the use to include an emergency night warming shelter use, which must conform with the requirements for conditional uses. The applicant has submitted a conditional use permit application demonstrating compliance with applicable standards.

E. The Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the Planning Commission without the need to return for additional review.
Finding: Not Applicable. The applicant has not requested further expansion of the current conditional use being requested.

17.56.020 - Permit—Application.
A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in OCMC 17.50.080 to defray the costs of publication, investigation and processing.
Finding: Complies as Proposed. The applicant has submitted all required application materials, and the application was deemed complete on May 18, 2021.

B. Before the Planning Commission or City Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in OCMC 17.50.
Finding: Complies as Proposed. The public hearing procedures established in 17.50 have been followed.

17.56.025 - Minor modifications to legal conditional uses.

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:
A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;
B. Except for shelters, a maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage; or
C. Revisions to parking alignment and/or related vehicle circulation patterns.
Finding: Not Applicable. The proposal does not include a minor modification to a legal conditional use.

17.56.040 - Criteria and standards for conditional uses.
In addition to the standards listed herein in OCMC 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:
A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the Planning Commission.
Finding: Complies as Proposed. There are two existing building entrances: a primary entrance on 12th Street and a rear entrance located in the back of the building facing the parking lot. There is an adjacent residential property developed with an existing residence facing Washington Street. The primary entrance on 12th Street is located more than 65 feet from the adjacent residential property. The back corner of the backyard of the residential property is approximately 40 feet from the rear entrance, however, the entrance is more than 80 feet from the back of the single-family residence located on the property, and more than 115 feet from the front of the single-family residence. Additionally there is an existing fence and landscaping providing an additional buffer between the back entrance and the residential property. The rear entrance does not cause glare, excessive noise, or excessive traffic adversely affecting the adjacent residential property. No comments from the adjacent property identifying concerns about the existing rear entrance have been received. All building openings are existing and no new building openings or any other modifications are being proposed as part of this application. Staff is not recommending that the Planning Commission limit or prohibit existing building openings.

B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
Finding: Not Applicable. The subject site's frontage is improved and the city has not identified a need for additional right-of-way dedication or increased street width.

C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.
Finding: Not Applicable. No public utility or communication facilities are proposed.

D. Schools. The site shall be located to best serve the intended area, shall be in conformance with the city plan, shall have adequate access, and shall be in accordance with appropriate State standards.
Finding: Not Applicable. The applicant has not requested a conditional use permit for a school.

E. Helipad Landing Facility.
Finding: Not Applicable. The applicant has not requested a conditional use permit for a helipad landing facility.

F. Residential Care Facilities.
Finding: Not Applicable. The applicant has not requested a conditional use permit for a residential care facility.

G. Bed and Breakfast Inns.
Finding: Not Applicable. The applicant has not requested a conditional use permit for a bed and breakfast inn.

H. Shelters.
1. Shelters shall be processed as a Type IV review.
Finding: Complies as Proposed. The application is being processed pursuant to the Type IV process.

2. The shelter shall maintain a written community engagement plan include the following information:
a. Description of purpose and scope of services of the shelter;
b. Population to be housed at the shelter and the process and criteria for the selection of guests;
c. Bed capacity for nightly guests;
d. Hours of operations and curfew, if applicable;
e. 24 hour contact information; and
f. Explanation of how the shelter will address concerns/complaints.
Finding: Complies with Condition. The applicant provided the following responses to each of the items within this section within their narrative:

Description of purpose and scope of services of the shelter:
The Father's Heart consists of a day use shelter (not the subject of this application) and an emergency overnight warming shelter that is contracted with Clackamas County for the purpose of saving lives on winter nights that reach 33F windchill or colder. The Father's Heart emergency night shelter provides shelter from inclement weather, a sleeping mat, blanket, an evening meal, coffee and water.

Population to be housed at the shelter and the process and criteria for the selection of guests:
The Father's Heart provides an emergency overnight warming center/shelter to those living outdoors. The shelter sends out an emergency notification to the emergency contact list of Clackamas County by noon on the day of operation. The shelter operates on a first-come first-served basis.

Bed capacity for nightly guests:
Normally, the emergency overnight shelter has a capacity of 49 guests, which has been modified to a maximum of 13 guests during Covid-19 restrictions, in order to provide adequate social distancing.

Hours of operations and curfew, if applicable:
The emergency night shelter operates from 6 PM to 7 AM. There is a 10 PM curfew for those who have checked in before 10 PM. If a bed is available, The Father's Heart receives new shelter guests at any hour.

24 hour contact information:

The following The Father's Heart staff can be reached 24 hours.

Robin Keating- Executive Director tfhrobin@gmail.com 831-809-3099	Jennifer Morris- Asst. Director & Program Manager tfhjennifer@gmail.com 971-940-5476

Explanation of how the shelter will address concerns/complaints:

The Father's Heart Executive Director and Program Manager are available 24 hours, either in person, by phone or email to address any and all concerns or complaints. In addition, in order to prevent community impacts TFH has adopted a Good Neighbor Policy, which outlines expectations of and to which it holds clients accountable for their behavior in the community (See Attachment F). TFH welcomes conversations with the broader community about any issues that arise because we can't fix it if we don't know it's happening.

The draft community engagement plan was presented to the McLoughlin Neighborhood Association at the March 18, 2021 meeting that the applicant attended.

Prior to the first night of operation as a temporary warming shelter, the applicant shall finalize the community engagement plan in accordance with all items required by this section, and submit a copy of the finalized community engagement plan to the City and provide a copy of the community engagement plan to the McLoughlin Neighborhood Association. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Shelters shall hold a meeting with the community prior to commencing operation, and a minimum of once a year each year thereafter. The purpose of the meeting is to discuss the community engagement plan and provide an opportunity for greater communication. Mailed notice of the meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public.
Finding: Complies with Condition. The applicant attended the McLoughlin Neighborhood Association on March 18, 2021. Prior to the first night of operation as a temporary warming shelter, the applicant shall hold an additional community meeting to discuss the community engagement plan and provide an opportunity for communication between neighborhood residents and the operators of the shelter. Mailed notice of this meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public and must be held a minimum of once a year thereafter. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.56.060 - Revocation of conditional use permits.
The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or the City Commission, may revoke such permit upon determining:
A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and
B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.
Finding: Applicable. The Planning Commission may initiate administrative action under Chapter 17.50 and revoke this conditional use permit if one or more conditions attached to the grant of this conditional use permit have not been fulfilled and the unfulfilled condition is substantially related to the issuance of the conditional use permit.

17.56.070 - Periodic review of conditional use permits.
A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.
B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.
C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.
Finding: Not Applicable. Staff has not identified a need for period review of this conditional use permit.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES

17.58.020 - Lawful nonconforming lots of record.
Lots or parcels lawfully created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses comply with all other provisions of this land use code.
Finding: Not Applicable. The subject site is not a non-conforming lot of record.

17.58.030 - Lawful nonconforming use.
A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:
A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.
Finding: Complies as Proposed. The subject site includes a day shelter which does not have an existing conditional use permit as required in the MUC-1 zone. In 2016, the City issued a similar use determination confirming the day shelter is a legal non-conforming use. The applicant has obtained and renewed a business license every year since then and the day shelter use has not been discontinued. The day shelter use is a legal non-conforming use which is allowed to continue and is not part of this conditional use permit application.

B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
Finding: Not Applicable. The established legal non-conforming day shelter use has not been converted or proposed to be converted to a conforming use.

C. Destruction of a Non-residential Use. When a structure containing a lawful nonconforming non-residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more then sixty percent of its assessed value.
D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.
E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.
Finding: Not Applicable. The existing structure containing a lawful non-conforming use has not intentionally or unintentionally been destroyed. These standards are not applicable to the current proposal.

F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.
Finding: Not Applicable. Though the applicant is proposing to expand or intensify the non-conforming use, the expansion is not allowed outright and is going through the required conditional use permit land use process.

17.58.040 - Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.

B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.

2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.

a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the Community Development Director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

1. Proposed alterations to meet approved fire and life safety agreements;

2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;

3. Alterations required to meet Seismic Design Requirements; and

4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.

Finding: Not Applicable. Though the subject site does include non-conforming elements that are not in compliance with the current code, such as building design, landscaping, and parking lot design, the applicant has not proposed an expansion of a non-conforming structure exceeding the thresholds identified in this section and requiring non-conforming upgrades.

17.58.060 - Process to confirm the legality of a nonconforming use, lot, structure, or site.

Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the city determining the following:

A. The nonconforming use, lot, structure or site was established lawfully; and

B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.

The applicant shall provide sufficient evidence to allow the Community Development Director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060A. and B. without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060A. and B. without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedures

shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been expanded pursuant to OCMC 17.58.060A. and B. above, the use, lot, structure or site shall be determined to be illegal.

Finding: Not Applicable. The applicant has not requested a review to confirm the non-conforming use. A 2016 determination of similar use confirmed that the existing day shelter use was legally non-conforming, and a business license has been obtained and renewed every year since then. Therefore, the existing day shelter use remains legally non-conforming and is not part of this conditional use permit review.

CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW

Finding: Not Applicable. The applicant's proposal does not include any physical modifications to the existing building, parking lot, landscaping, or site. The standards in this chapter are not applicable.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed development located at 603 12th Street, Oregon City, Oregon 97045, identified as Clackamas County Map 2-2E-31AA, Tax Lot 2200 and 2300 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. 2016 Similar Use Determination
5. 2017-2020 City Commission Resolutions for Temporary Emergency Warming Shelter Use

Oregon City GIS Map

Item 8a.

Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

Overview Map

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 6/16/2021

N

0 100 200 Feet

1: 1,200

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)
- ☐ Compatibility Review
  - ☐ Willamette River Greenway
  - ☐ Communication Facility
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Minor Site Plan & Design Review
- ☐ Historic Review – Remodel
- ☐ Detailed Dev. Plan (DDP)

Type II (OCMC 17.50.030.B)
- ☐ Master Plan / PUD / GDP or Amendment
- ☐ Detailed Development Plan (DDP)
- ☐ Floodplain Review
- ☐ Geologic Hazard Overlay
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review / DDP
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review
- ☐ Public Improvement Modification
- ☐ Willamette River Greenway

ELD Process (OCMC 17.50.030.E)
- ☐ Expedited Land Division

Type III / IV (OCMC 17.50.030.C & D.)
- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Master Plan / PUD / GDP Amendment
- ☑ Conditional Use
- ☐ Comprehensive Plan / Legislative Amendment
- ☐ Code ☐ Map
- ☐ Detailed Development Plan DDP
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Parking Adjustment
- ☐ Variance ☐ Sign Variance
- ☐ Natural Resource (NROD) Review
- ☐ Zone Change (Text/Map)
- ☐ Willamette River Greenway

Legislative Action (OCMC 17.50.170)
- ☐ Legislative

File Number(s):	**Application Date:**
Project Name: The Father's Heart Shelter	
Proposed Land Use or Activity: Shelter	**# of Lots Proposed (If Applicable):** 2
Physical Address(es) of Site: 603 12th St Oregon City Or 97045	
Clackamas County Map and Tax Lot Number(s): 2200 2300	

Applicant(s)

Applicant(s) Signature: The Father's Heart Street Ministry *Marty Gant*		
Applicant(s) Name Printed: The Father's Heart Street Ministry		Date: 02/18/2021
Mailing Address: 603 12th St Oregon City Or 97045		
Phone: 503-722-9780	Fax: 503-344-6340	Email: tfhrobin@gmail.com

Property Owner(s) – See reverse for more than two Owners

Property Owner #1

Property Owner#1 Signature *Gary Wheeler*		*Gary Wheeler President*
Property Owner#1 Name Printed: *PDA Properties*		Date: *1-8-21*
Mailing Address: 603 12th St Oregon City Or 97045		
Ownership Address *34856 E Columbia Ave Scappoose, OR 97056*		
Phone: *503 475 5208*	Fax:	Email: *GPS450@gmail.com*

Property Owner #2

Property Owner#2 Signature		
Property Owner#2 Name Printed:		Date:
Mailing Address: 603 12th St Oregon City Or 97045		
Ownership Address:		
Phone:	Fax:	Email:

Representative(s)

Representative(s) Signature *Marty Gant*		
Representative(s) Name Printed: Marty Gant		Date: 02/18/2021
Mailing Address: 603 12th St Oregon City Or 97045		
Phone:	Fax:	Email:

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

Type IV *Application Conditional Use Review*
and ***Type III*** *Application for*
Site Plan Review

Submitted to:
City of Oregon City

Submitted by:
The Father's Heart Street Ministry

On

April 8, 2021

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ATTACHMENTS

A. Signed Land Use Application forms
B. Similar Use Determination
C. Pre-Application Conference Notes
D. March 18, 2021 McLoughlin Neighborhood Meeting Notes and email confirming attendance
E. Resolution 21-06, Declaring an Emergency and Exempting the Father's Heart Street Ministry from Planning Code Requirements on a Temporary Basis
F. The Father's Heart Good Neighbor Policy
G. The Father's Heart DRAFT Community Engagment Plan
H. Site Plan

TYPE IV CONDITIONAL USE REVIEW FOR SHELTER

APPLICANT'S SUBMITTAL

APPLICANT: *Marty Gant, President of the Board of Directors*
24828 S Century Rd
Estacada, OR 97023
(503) 209-5356

OWNER: *Gary Wheeler, President*
PDA Properties
34856 E. Columbia Ave
Scappoose, OR 97056
(503) 475-5208

REQUEST: *Conditional Use approval for a temporary emergency night warming shelter at the same location as an existing day shelter.*

LOCATION: *603 12th Street Oregon City, Oregon 97045*
Map 22E31AA Tax lots 2200 and 2300

I. BACKGROUND

Existing Conditions

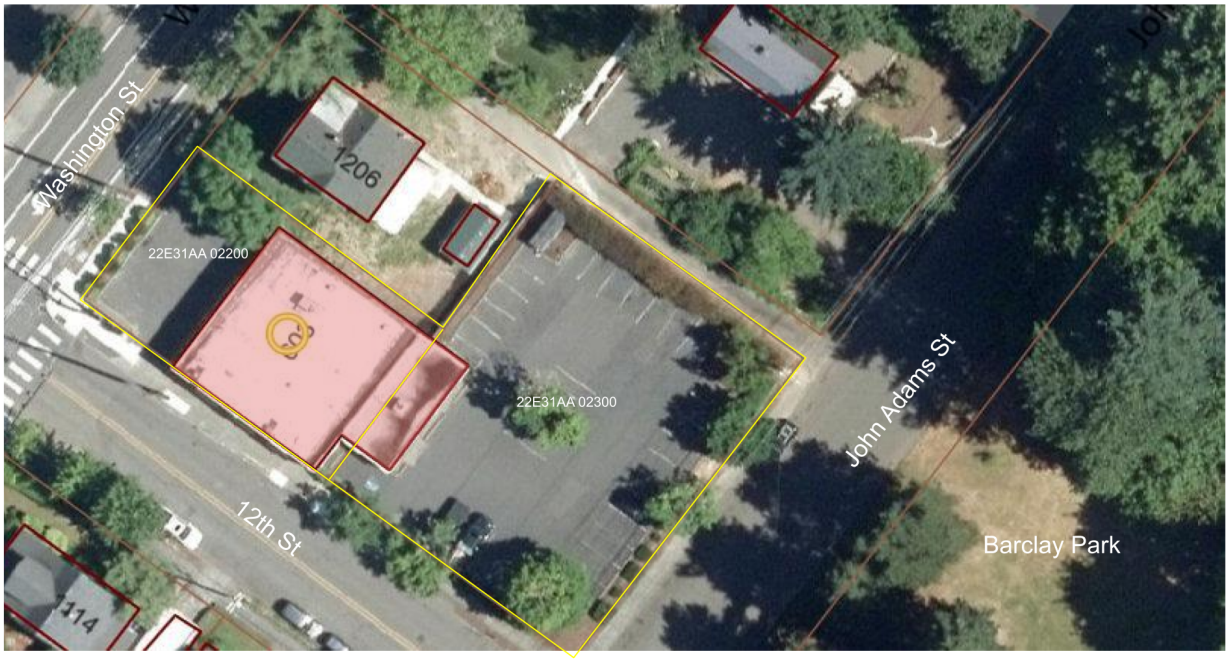
The proposed temporary night shelter is located in downtown Oregon City at the intersection of 12th Street, Washington Street and John Adams Street, to the west of Barclay Park. It is located in the MUC-1 district. The Father's Heart Street Ministry has been serving no- and low income people in the nearby area since 2012 by operating a day shelter and an emergency night warming shelter at this location. Currently, the proposed temporary emergency night warming shelter can accommodate up to 49 persons. Operations of the proposed emergency night shelter are limited to nights when the forecast temperature falls below 33 degrees Fahrenheit between the hours of 7:00 PM and 7:00 AM. Approval of the day use shelter was granted via a similar use determination in 2016 (see Attachment B). Therefore, the applicant is not seeking approval of the day use shelter as part of this conditional use permit application. Permission to operate the emergency temporary night shelter has been extended by the City Commission until March 31, 2021 (See Attachment E).

Project Description

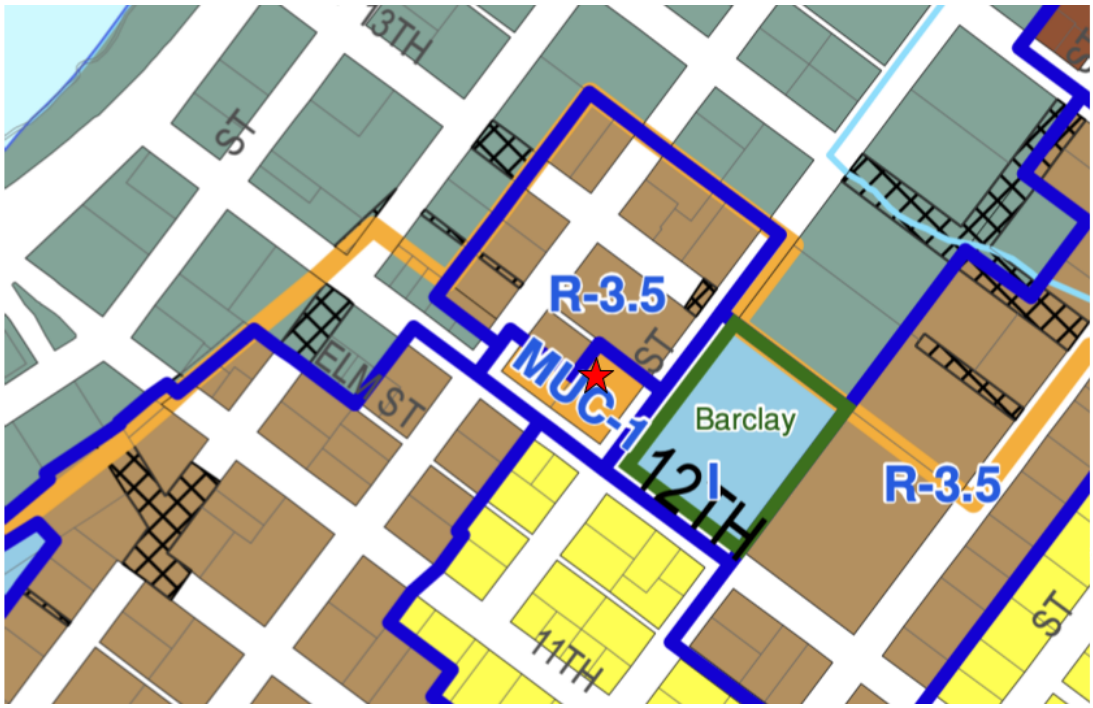
This project will allow The Father's Heart to continue to provide a temporary nighttime emergency warming shelter on the current site when the local temperature is forecast to fall below 33 degrees Fahrenheit (Including Wind Chill). Because the proposed use is a Shelter, and located in the MUC-1 zone, Conditional Use approval is required. The existing day use shelter, operating since 2012, and in 2016 was approved via a similar use determination in the MUC-1 zone (See Attachment B) is not part of this conditional use request.

II. SITE DATA

Site Map



Zoning Map



Zoning designation: Commercial Mixed Use (CMU-1)

Comprehensive Plan designation: Mixed Use Commercial (MUC)

Neighborhood Association: McLoughlin Neighborhood

Historic District: Mcloughlin Conservation District (MCD)

Tax lots: Map 22E31AA tax lots: 02200, 02300

Tax Lot	Area	Acres
02200	6,930 Sq. Ft.	0.16 ac.
02300	13,860 Sq. Ft.	0.32 ac.
Total	**20,790 Sq. Ft.**	**0.48 ac.**

Approximate building footprint: 4,637 sq. ft.

Adjacent Streets: 12th Street, John Adams Street, Washington Street

III. OREGON CITY MUNICPAL ZONING CODE COMPLIANCE

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

Chapter 17.29 MUC Mixed Use Corridor District
Chapter 17.50 Administration And Procedures
Chapter 17.56 Conditional Uses
The City Code Book is available on-line at www.orcity.org.

Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

REQUIRED CODE RESPONSES:

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.
The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

A. Drive-through facilities;
B. Emergency service facilities (police and fire), excluding correctional facilities;
C. Gas stations;
D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
F. Public and/or private educational or training facilities;
G. Religious institutions;
H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
I. Hospitals;
J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
K. Passenger terminals, excluding bus stops;
L. Shelters.

Applicant's Response: The proposed use of Shelter is a Conditional Use. Specifically, the proposed shelter is for an emergency temporary overnight warming shelter in addition to the existing day shelter use which has been in operation since 2012, and the use of which was approved in 2016 through a similar use determination (See Attachment B).

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

A. Distributing, wholesaling and warehousing;

...

K. Mobile Food Units, except with a special event permit.

Applicant's Response: The proposed Shelter use is not a prohibited use in the MUC-1 zone. This section does not apply.

17.29.050 - Dimensional standards—MUC-1.

A. Minimum lot areas: None.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

B. Maximum building height: Forty feet or three stories, whichever is less.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

C. Minimum required setbacks if not abutting a residential zone: None.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

E. Maximum allowed setbacks.

1. Front yard: Five feet.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

2. Interior side yard: None.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

3. Corner side setback abutting street: Thirty feet.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

4. Rear yard: None.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

F. Maximum lot coverage of the building and parking lot: Eighty percent.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Applicant's Response: The applicant does not propose any changes to the existing building or lot. This standard does not apply.

H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

Applicant's Response: The applicant is not proposing residential development. This standard does not apply.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all nonresidential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.

Applicant's Response: The existing building measures less than ten thousand square feet in floor area. This section does not apply.

B. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

Applicant's Response: The existing building measures less than ten thousand square feet in floor area. This section does not apply.

C. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Applicant's Response: The existing building measures less than ten thousand square feet in floor area. This section does not apply.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.050 – Pre-application conference.

A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.

2. *At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
3. *The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*

Applicant's Response: The applicant requested and attended a pre-application conference with City staff, which was held on December 9, 2020. The pre-application conference notes are included with this application package (See Attachment C) The applicant anticipates submitting an application within the six month timeframe. This requirement is met.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*

B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*

C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Applicant's Response: The applicant is proposing a Shelter in the MUC-1 district, which requires conditional use approval. Therefore, a Neighborhood Meeting with the McLoughlin Neighborhood Associaion is also required. The applicant attended the meeting of the McLoughlin Neighborhood Association neighborhood meeting on March 18, 2021. The McLoughlin Neighborhood Association noticed the meeting according to the requirements of the code. The applicant has submitted a copy of the email confirming that the applicant attended the meeting is included, and a summary of issues discussed at the meeting (See Attachment D).

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Applicant's Response: The site will be posted with public notice per the City's requirements prior to the hearing. This requirement will be met when the site has been posted.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permitee to construct certain public improvements, the City shall require the permitee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

A. Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued

by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

B. Guarantees. A permittee shall be required to provide a performance guarantee as follows.

1. Final Approved Design by The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permitee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.

2. Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permitee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.

C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

D. Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a

verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.

Applicant's Response: No changes to the building exterior or lot are included with this proposal. Therefore Public Improvements are not required and this section does not apply.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.

B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.

D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.

Applicant's Response: The applicant does not propose changes to the exterior of the building or the site. Therefore, public improvements are not required as part of the project. This section does not apply.

CHAPTER 17.56 CONDITIONAL USES

17.56.010 - Permit—Authorization—Standards—Conditions.

A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the Planning Commission or City Commission in accordance with the standards and procedures of this section. Any

expansion to, alteration of, or accessory use to a conditional use shall require Planning Commission or City Commission approval of a modification to the original conditional use permit unless authorized in this chapter.

Applicant's Response: The proposed application for a Shelter in the MUC-1 zone is a conditional use, and therefore, this section applies.

A. Conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the Planning Commission or City Commission after due notice and public hearing, according to procedure as provided in OCMC 17.50. The applicant shall provide evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district;

Applicant's Response: The site is located in the MUC-1 district. The proposed use is a Shelter, which is listed as a Conditional Use in that district. Therefore, this section applies.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

Applicant's Response: The proposed temporary emergency night shelter have been operating at the site since 2012 and the applicant proposes to continue the operations without changes to the site going forward, ensuring that the existing building and site are appropriate and suitable for the proposed use as detailed below:

Size: The existing size of the site is 20,790 sq. ft. and is not proposed to change as part of this application. It is suitable for the proposed use because it provides enough space for the existing building, which is based on the capacity of 49 overnight shelter guests. There is also enough parking on the existing site to accommodate guests who may have a car or bicycle to park, and for staff to park. In addition, the building (approximately 4,637 sq. ft.) only occupies about 22% of the site area, allowing for plenty of room to buffer the surrounding area from lighting, sound and other shelter operations.

Shape: The shape of the existing site is a polygon made up of two rectangles, and will remain the same with this application. The existing shape of the site is appropriate for the existing use because it allows for the existing building to be situated close to the 12th Street side of the site, with a parking lot to the east.

Location: The site is located at 603 12th Street Oregon City, at the intersection of 12th Street and Washington Street. The site's location is well suited for the proposed use, for several reasons. First, it is located in close proximity to downtown Oregon City. Many important destinations for The Father's Heart clientele, such as convenience stores, several churches, Barclay Park, medical offices and other shopping are walkable from here. In addition, the site is located in the lower part of Oregon City. This is particularly important to the shelter's clients because they are usually traveling on foot, and it is far easier to reach than a location on the city bluff. Finally, The Father's Heart is located across the street from a bus stop, which can facilitate non-car travel to and from the Shelter on below freezing nights when the emergency overnight shelter would be open.

Topography: The applicant does not propose to change the topography of the existing site, which is appropriate for the proposed shelter use. While there is a downward slope from east to west, it is not so pronounced that it makes access difficult, or creates other issues.

Existence of improvements and natural features: The main existing improvement on the site is the parking lot and the structure in which the proposed shelter is located. These characteristics are suitable for the use because as noted earlier in this repsonse, the building will not require any improvements to accommodate emergency night shelter clients. The existing parking area is suitable for the proposed use. There are no existing natural features on the site.

3. Development shall demonstrate compliance with OCMC 16.12;

Applicant's Response: OCMC 16.12 includes provisions for minimum public improvements and design standards for development. The requirements of 16.12 do not apply to this project, because no improvements in the right of way are proposed at this time.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Applicant's Response: The area surrounding The Father's Heart includes a mix of uses in downtown Oregon City, with the property itself zoned mixed use corridor (MUC-1), the properties to the north, west and south zoned medium density residential (R-3.5), a property to the east is also zoned mixed use downtown (MUD) and two properties to the south are also zoned low density residential (R-6). The property to the west encompassing Barclay Park is zoned institutional (I). All of the properties in the surrounding area of The Father's Heart are located within the boundaries of the McLoughlin neighborhood association.

Because no changes are proposed to the existing building or site, the proposed project will not significantly alter the character of the surrounding area in a way that substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district. In addition to the overnight emergency shelter, a day shelter has also been operating at this location for several years. The day shelter was approved in 2016 via a similar use determination, and the overnight emergency shelter is currently approved on a temporary basis through an emergency declaration by the City of Oregon City (See Attachment E). Therefore, since the shelter is not expanding its capacity, the conditional use approval to continue the shelter use of the will not have further effects on the character of the area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district. Finally, the overnight emergency shelter is an important neighborhood, Oregon City and Clackamas County social services partner, meeting critical and in some cases, lifesaving needs for some of the most vulnerable populations in the city and county.

The Father's Heart respects and values its neighbors and the ability for the temporary emergency shelter to be located in close proximity to the heart of downtown Oregon City at a location that is accessible to its clients. The Father's Heart maintains a strict Good Neighbor Policy to which clients must adhere in order to receive services that the shelter provides. The Good Neighbor Policy includes the following requirements related to the shelter in order to prevent impacts on the surrounding area:

- Respect our hours of operation by only being on property Tuesday - Fridays, 9:45am to 2:00pm *[or nights when it is below 33 degrees Fahrenheit];*
- No loitering, sleeping or camping on or near The Father's Heart property. This includes the park across the street, the woods (Abernbathy Chapel area), the private alleyway between us and residents, businesses across the street and residents of the McLoughlin neighborhood. Bothering any McLoughlin neighborhood residents will result in the loss of services;
- If one comes by vehicle to receive services, one must park inside the parking lot located at 12th Street/John Adams. No one, not even the owner of the vehicle, may remain in their vehicle;
- No raised voices, music, or any inappropriate behavior on or near the property.
- Sign up for services in the parking lot located at 12th Street/Washington;
- No drugs, drug paraphanelia, or alcohol allowed on property at any time;
- No business transactions of any kind. No exchanging of anything. No suspicious behavior;
- No going behind the building between the office and bike racks;
- All smoking of cigarettes or vaping in the middle of the parking lot only. Use cans for cigarette butts;
- No smpking of marijuana on or near the property;
- No pets of any kind fed on property or left on property;
- Respect EVERYONE.

With the Good Neighbor Policy above actively enforced, the proposed Shelter use, which is a necessary downtown use providing emergency day use and overnight shelter to those in Oregon City living and waiting on the streets for housing, this requirement is met.

5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.

Applicable Comprehensive Plan Goals and Policies for the Father's Heart Conditional Use Permit

Goal 1.1 Citizen Involvement Program *Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*

Policy 1.1.1 - *Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*

Policy 1.2.1 *- Encourage citizens to participate in appropriate government functions and land-use planning.*

Policy 1.4.1 - *Notify citizens about community involvement opportunities when they occur.*

Applicant's Response: The applicant respects and appreciates the neighbors in the surrounding area and will ensure that they are involved and listened to over time regarding the emergency overnight shelter use as well as other operations of The Father's Heart. To solicit feedback on the conditional use application, the applicant will meet with the McLoughlin Neighborhood association at their regular meeting on March 18th. The applicant will share information about the project and will listen to feedback and input from the neighbors, and will incorporate this into the project to the best of their ability.

Following approval of the proposed project by the City Commission, the applicant would hold a second meeting for McLoughlin neighborhood residents and property owners prior commencement of the overnight emergency shelter operations (not day use because that use is already approved). The purpose of the second meeting would be to specifically review and hear feedback on the DRAFT Community Engagement Plan outlined in Attachment G of this document.

Goal 2.4 *Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*

Policy 2.4.2 *Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*

Policy 2.4.5 *Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and child care facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.*

Applicant's Response: The ongoing affordable housing crisis has been exacerbated by the Covid-19 pandemic. Thus, homeless neighbors are a reality in Oregon City as well as every city in the Willamette Valley. The Father's Heart was established in order to provide services to these community members and to help transition them from houselessness to transitional and more permanent housing. In addition to places like parks, convenience stores, libraries, and medical offices, *shelters are essential facilities*. Shelters allow people in need to receive a meal, a shower, clothes, toiletries and overnight shelter in freezing weather and are a critical piece of a city's downtown service infrastructure. The Father's Heart has worked with Clackamas County, the broader Oregon City community and specifically the McLoughlin Neighborhood on ways to run the shelter so that the needs of both clients and neighbors are being met. For this particular application, the operations of the proposed temporary emergency night shelter would be limited to nights when the forecast temperature is below 33 degrees Farenheit (Wind Chill Included). Last season (2019/2020) the emergency night shelter safely sheltered 49 guests overnight for approximately 43 nights (or 2,140 bed nights) while requesting no cost reimbursement from the City of Oregon City. The most immediate way neighborhood livability is being addressed and maintainted is through The Father's Heart Good Neighbor Policy (See Attachment F). The Good Neighbor Policy ensures that clients respect the residential climate of the neighborhood in which the emergency shelter is located. Further, the DRAFT Community Engagement Plan (See Attachment G) provides specific ways that neighbors and community members can provide feedback to Shelter leadership and solve immediate and long term problems. This policy is met.

B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the Planning Commission.

Applicant's Response: The applicant understands that Conditional Use permits will likely stipulate restrictions or "conditions" in a number of areas as outlined in the section above. This criterion is met.

C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B. of this section unless otherwise indicated, as well as the minimum conditions listed below.

Applicant's Response: The applicant is not proposing changes to the site or building exterior as part of this application. Therefore, the dimensional standards of the MUC-1 zone (the zone in which it is located),

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.

Applicant's Response: The Father's Heart emergency night shelter is an existing use which has been in operation since at least 2012 with the City's permission (see Attachment B and Attachment E). No change of use or expansion of lot area or expansion of structure is proposed. However, if a change of use or expansion of lot area or expansion of structure is proposed, they shall conform to conditional use requirements. This criterion is met.

Recently, the City issued an emergency order to continue the operations of the emergency night shelter until March 31, 2021. Because the approval of the emergency night shelter use through the temporary emergency order is expiring, it must meet the requirements for a conditional use Shelter in the MUC-1 zone to continue to operate. Meeting the Conditional Use requirements is the purpose of this application. This criterion is met.

E. The Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the Planning Commission without the need to return for additional review.

Applicant's Response: The applicant understands that the Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the planning commission without the need for additional review. This criterion is met.

17.56.020 - Permit—Application.

A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in OCMC 17.50.080 to defray the costs of publication, investigation and processing.

Applicant's Response: With this submittal, the applicant is initiating a request for a conditional use. The applicant has met the submittal criteria, which includes: a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and the filing fee. This requirement has been met.

B. Before the Planning Commission or City Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in OCMC 17.50.

Applicant's Response: The application is for a Shelter in the MUC-1 zone, which is classified as a Type IV procedure. According to OCMC 17.50, the proposal requires a hearing before the Planning Commission and the City Council. The applicant understands that before these bodies may act on the application, these public hearings must take place. This requirement is met.

17.56.025 - Minor modifications to legal conditional uses.

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:

A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;

Applicant's Response: The proposed application is for initial conditional use approval of a Shelter in the MUC-1 zone. A minor modification is not proposed at this time. However, the applicant understands that modification to a structure for the purpose of enhancing the aesthetics of the building without increase in interior usable space is considered a minor modification. This requirement is met.

B. Except for shelters, a maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage; or

Applicant's Response: The application is for a Shelter use in the MUC-1 zone. The applicant understands that a maximum addition of up to 1,000 SF provided that the addition is less than 35% of the original building square footage for a Shelter use would not be eligible to be considered a minor modification. This requirement is met.

C. Revisions to parking alignment and/or related vehicle circulation patterns.

Applicant's Response: The proposed application is for initial conditional use approval of a Shelter in the MUC-1 zone. A minor modification is not proposed at this time. However, the applicant understands that revisions to parking alignment and/or related vehicle circulation patterns are considered minor modification of a conditional use. This requirement is met.

17.56.040 - Criteria and standards for conditional uses.

In addition to the standards listed herein in OCMC 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

...

H. Shelters.

1. Shelters shall be processed as a Type IV review.

Applicant's Response: The applicant's proposal for a Shelter in the MUC-1 zone is being submitted with the understanding that it will be processed as a Type IV review.

2. The shelter shall maintain a written community engagement plan include the following information:

a. Description of purpose and scope of services of the shelter;

b. Population to be housed at the shelter and the process and criteria for the selection of guests;

c. Bed capacity for nightly guests;

d. Hours of operations and curfew, if applicable;

e. 24 hour contact information; and

f. Explanation of how the shelter will address concerns/complaints.

Applicant's Response: The applicant has initially compiled the information below to meet the requirements of the community engagement plan. A draft of this plan was presented to the McLoughlin Neighborhood Association at its March 18th, 2021 meeting. Feedback on the plan will be incorporated and submitted to the City ahead of the first Planning Commission Hearing. A second neighborhood meeting will be held prior to the emergency overnight shelter commencing operations following expiration of the current emergency declaration on March 31, 2021.

<u>Description of purpose and scope of services of the shelter:</u>
The Father's Heart consists of a day use shelter (not the subject of this application) and an emergency overnight warming shelter that is contracted with Clackamas County for the purpose of saving lives on winter nights that reach 33F windchill or colder. The Father's Heart emergency night shelter provides shelter from inclement weather, a sleeping mat, blanket, an evening meal, coffee and water.

<u>Population to be housed at the shelter and the process and criteria for the selection of guests:</u>
The Father's Heart provides an emergency overnight warming center/shelter to those living outdoors. The shelter sends out an emergency notification to the emergency contact list of Clackamas County by noon on the day of operation. The shelter operates on a first-come first-served basis.

<u>Bed capacity for nightly guests:</u>
Normally, the emergency overnight shelter has a capacity of 49 guests, which has been modified to a maximum of 13 guests during Covid-19 restrictions, in order to provide adequate social distancing.

<u>Hours of operations and curfew, if applicable:</u>
The emergency night shelter operates from 6 PM to 7 AM. There is a 10 PM curfew for those who have checked in before 10 PM. If a bed is available, The Father's Heart receives new shelter guests at any hour.

<u>24 hour contact information:</u>

The following The Father's Heart staff can be reached 24 hours.

Robin Keating- Executive Director tfhrobin@gmail.com 831-809-3099	Jennifer Morris- Asst. Director & Program Manager tfhjennifer@gmail.com 971-940-5476

Explanation of how the shelter will address concerns/complaints:

The Father's Heart Executive Director and Program Manager are available 24 hours, either in person, by phone or email to address any and all concerns or complaints. In addition, in order to prevent community impacts TFH has adopted a Good Neighbor Policy, which outlines expectations of and to which it holds clients accountable for their behavior in the community (See Attachment F). TFH welcomes conversations with the broader community about any issues that arise because we can't fix it if we don't know it's happening.

3. *Shelters shall hold a meeting with the community prior to commencing operation, and a minimum of once a year each year thereafter. The purpose of the meeting is to discuss the community engagement plan and provide an opportunity for greater communication. Mailed notice of the meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public.*

Applicant's Response: In addition to participating in the March 18, 2021 McLoughlin Neighborhood Association meeting to meet the requirements of OCMC 17.50, the applicant will also hold a second public meeting with the community prior to commencing operation of the emergency night warming shelter under this CU permit. TFH will hold ongoing community meetings at a minimum of once a year each year thereafter to discuss the community engagement plan and to provide for regular input and communication with the surrounding neighbors. This meeting will be noticed to property owners within 300 feet of the site. In addition, the applicant is participating in the March 4th McLoughlin Neighborhood Association meeting. This requirement will be met once the meeting takes place.

17.56.060 - Revocation of conditional use permits.

The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or the City Commission, may revoke such permit upon determining:

A. *One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and*

B. *The unfulfilled condition is substantially related to the issuance of the conditional use permit.*

Applicant's Response: The applicant understands that the Planning Commission or the City Condition may undertake action to revoke this conditional use permit in accordance with Chapter 17.50 if conditions are not fulfilled and that condition is substantially related to the issuance of the conditional use permit.

17.56.070 - Periodic review of conditional use permits.

A. *The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such*

permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.

B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.

C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Applicant's Response: The applicant understands that the Commission may review this conditional use permit periodically in accordance with Chapter 17.50.

IV. Conclusion

The applicant respectfully concludes that all applicable requirements have been met with this application and looks forward to its approval by the City of Oregon City.

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

August 22, 2016

RE: My Father's Heart Similar Use Determination

To whom it may concern:

The following is a summary of a similar use determination made by the Community Development Director with respect to the "My Father's Heart" day shelter and ministry located at 603 `12th Street in Oregon City.

The initial conversation on the potential for locating the ministry at this location began on or about June 28, 2012 with an exchange of emails from Troy Kay and Teri Gant of My Father's Heart ministry, sent to Planner Pete Walter.

Staff requested information describing the proposed activities, prior use and other details pertaining to the ministry and the site. The site consists of 2 tax lots zoned MUC-1, Mixed Use Corridor 1 with street frontage on Washington, 12th and John Adams. The building was previously used by Clackamas County for a satellite Sheriff's office, and for the Clackamas County Sheriff's Department Community Corrections program.

Father's Heart described itself as a Non-Profit social service agency meeting the needs of no/low income individuals and families in Clackamas County. They are partially funded by Clackamas County and work specifically with Social Services, Community Solutions and Parole/Probation. They also work with Bridges To Change, CSAP, Iron Tribe and NARA, as well as the general public. They provide the following services:

- Clothing Exchange
- Hygiene Items
- Food Boxes (end of the month)
- Counseling
- Self Help Classes
- Computers
- Sack Lunches
- Possible Showers

On June 28, 2012, staff requested the following further information:

- What is the maximum number of people you expect to serve on a weekday / weekend?
- Do you anticipate any special parking needs / requirements?
- How does the sack lunch program function? Is it at a specific time every day or would people be able to come in at any time throughout the day and pick one up?

Staff received the following email response from Pastor Teri Gant:

> *"We plan on serving approx... 50 -60 people throughout the day, much like any other business.*

OREGON CITY

Community Development – Planning

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There are already 3-4 handicap parking spaces, if needed, so no need for more. There is also an ADA restroom on sight if one should be needed (from previous Sheriff & social service).

We are not open to the public on weekends; closed Saturday thru Monday. We are open 4 days a week; Tuesday thru Friday.

The sack lunch program is usually afternoon. If anyone should need one. However, we are willing to change whatever is needed to comply."

Following discussions with the Deputy City Attorney Jennifer Bragar, with copies and acknowledgment by City Attorney Ed Sullivan, and after reviewing the information provided, the MUC-1 zoning and the permitted uses for the MUC-1 zone, staff's decision was made to treat the proposed use as a permitted use under OCMC 17.29.020.H and P.

H. Offices, including finance, insurance, real estate and government;
P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

No further planning review was required since a change in use was not occurring. The determination above was made by the Community Development Director based upon the sufficiency of the information provided by the applicant.

OREGON CITY

Community Development Department

695 Warner Parrott Rd | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Public Disclosure:
The purpose of a pre-application meeting is to introduce the impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal (City Code 17.50.050). Omissions or failures by staff to identify all relevant applicable land use requirements or how they might affect a proposal may occur, either as a result of a limited pre-application submittal or the consideration of discretionary criteria.

All pre-application conference related communications, including these notes, are informational only. They do not substitute for a public hearing and no land use decision is rendered at this phase. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of the Oregon City Municipal Code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

Pre-Application Conference Notes
PA-20-45: Father's Heart Conditional Use

Pre-Application Conference Date: **12/9/20**

General Information:

Location: 603 12th Street. Includes taxlots 2200 and 2300

- Zoning: "MUC-1" Mixed Use Corridor
- Proposed Development: Emergency Overnight Warming Shelter use authorization for 49 occupants at a location that has an existing day shelter use. Shelters are a conditional use in the MUC-1 zone. No exterior changes to the building or site are proposed.
- Applicable overlay districts: Historic Overlay (building is not designated)
- Applications anticipated:
  - Conditional Use

Review Process:

Conditional Use review for shelters is a Type IV decision. The Site Plan review will be reviewed also as a Type III - It is the policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Type IV decisions require a minimum of one public hearing before the Planning Commission and one public hearing before the City Commission and involve the greatest amount of discretion and evaluation of subjective approval standards. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in

writing within the comment period) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. This is a Type IV process defined in 17.50.030 - Summary of the city's decision-making processes.

The applicant is entitled to a decision from the city for a decision of approval, approval with conditions or denial within 120 days of deeming the application complete, by state law.

The city commission decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

Background on Existing Use:
In 2012, following discussions with the Deputy City Attorney Jennifer Bragar, with copies and acknowledgment by City Attorney Ed Sullivan, and after reviewing the information provided, the MUC-1 zoning and the permitted uses for the MUC-1 zone, staff's decision was made to treat the Father's Heart proposed use as a permitted use under OCMC 17.29.020.H and P.
H. Offices, including finance, insurance, real estate and government;
P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
A letter written in 2012 is attached.

Approval Criteria:
All types of shelters are conditional uses in the MUC-1 zone. The applicant can apply for a conditional use for a temporary warming shelter, or can include the day shelter use as well. However, the background on existing use section contains information on the city's determination regarding the existing daytime use. The applicant is not required to include the day use in the applicant but is welcome to do so. The day use may continue operations under the findings from the 2012 letter.

"Shelter" means a congregate facility designed to provide overnight sleeping or daytime accommodation to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on-site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, transitional shelters, temporary warming shelters and other temporary or permanent spaces made available for sheltering individuals or families. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.

"Temporary warming shelter" means a shelter operating between the hours of seven p.m. and seven a.m. when the outside temperature is predicted to be thirty-three degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration.

"Day shelter" means a shelter utilized between the hours of seven a.m. and seven p.m. which does not contain sleeping facilities.

Chapter 17.56 Conditional Uses

Your application will need to show compliance with the following criteria:

The planning commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district;
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
3. Development shall demonstrate compliance with OCMC 16.12;
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use. *See attached comprehensive plan goals and policies that apply.*

Conditional use criteria specific to shelters:
H. Shelters.
1. Shelters shall be processed as a Type IV review.
2. The shelter shall maintain a written community engagement plan include the following information:

a. Description of purpose and scope of services of the shelter;
b. Population to be housed at the shelter and the process and criteria for the selection of guests;
c. Bed capacity for nightly guests;
d. Hours of operations and curfew, if applicable;
e. Twenty-four-hour contact information; and
f. Explanation of how the shelter will address concerns/complaints.

3. Shelters shall hold a meeting with the community prior to commencing operation, and a minimum of once a year each year thereafter. The purpose of the meeting is to discuss the community engagement plan and provide an opportunity for greater communication. Mailed notice of the meeting shall be provided to property owners within three hundred feet, the neighborhood association, and the city. The meeting shall be open to the public.

- *The City does not host this meeting or pay for notices, but we can help provide the mailing labels for the notices.*
- *This meeting needs to be held before operations begin, and it might be able to be combined with the required land use neighborhood meeting if all of the requirements of both meetings can be met.*

Transportation

- Transportation analysis will be waived for this request.

Neighborhood Meeting Required:
A meeting with the McLoughlin Neighborhood Association is required for a complete application per Chapter 17.50.055. OCMC 17.50.055 requires that you contact the Neighborhood Association and Citizen Involvement Committee(CIC). Contact info for the CIC is here: https://www.orcity.org/bc-cic

You may schedule your own meeting per 17.50.055: the meeting must be after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter

requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.

- Please include the Citizen Involvement Committee Chair, Bob LaSalle, in any Neighborhood Association meeting requests, notifications or correspondence. Bob can be reached at jeanbob06@comcast.net

Planning Review and Application Fees

The 2020 Planning applications and fees include:

- Conditional Use: $4,203
- Mailing Labels: $17 – or provided by applicant
- Fees will change in 2021
- There is no process to request a fee waiver, but County or other resources may be helpful
- Planning Fee Schedule

Applications, Checklists and Links:

- Land Use Application
- Oregon City Municipal Code

Planning Division

Kelly Reid, Planner with the Oregon City Planning Division reviewed your pre-application. You may contact Kelly at 503.496.1540 or kreid@oregoncity.org.

Building Division:

You may contact Mike Roberts, our Building Official at 503.496.1517 or by email at mroberts@orcity.org.

Clackamas Fire District:

Questions can be directed to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or michaelbou@ccfd1.com.

Oregon City Municipal Code Criteria:

The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:
OCMC 17.29 – Mixed Use Corridor District
OCMC 17.50 – Administrative Processes
OCMC 17.56 – Conditional Uses
OCMC 17.62 – Site Plan and Design Review
A template for your submittal with the applicable criteria will be been emailed by the City.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:
A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication

conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.
B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.

Item 8a.

Gmail

Katelin Brewer-Colie <katelinbrewer@gmail.com>

Fwd: REMINDER: Membership Meeting, March 18th at 7pm

Jesse A. Buss <jessebuss@gmail.com> Mon, Apr 5, 2021 at 10:53 AM
To: Katelin Brewer-Colie <katelinbrewer@gmail.com>
Cc: Marty Gant <mgant@rconnects.com>

Hi, Katelin:

We haven't used sign-in sheets since we moved away from in-person meetings at the start of COVID. And we don't have any notes, either. If you mean the meeting minutes, those won't be approved until after the next general meeting in early May. You're welcome to contact me after that meeting if you'd like a copy of the approved minutes.

The above having been said, you're welcome to use this email as confirmation that The Father's Heart attended our MNA March general membership meeting and presented on its anticipated application.

Sincerely,

Jesse

WILLAMETTE
LAW GROUP

Jesse A. Buss, *Attorney*
Willamette Law Group
411 Fifth Street
Oregon City OR 97045-2224
ph: 503-656-4884
fax: 503-608-4100
jesse@WLGpnw.com
www.WillametteLawGroup.com

You may also contact my assistant, Michael Peck, at mpeck@WLGpnw.com and 503-655-5745.

Note: this email and any attachments will NOT follow via U.S. Mail or fax unless otherwise stated above.

This message may contain confidential communications and/or privileged information. If you have received this message in error, please delete it and notify the sender.

[Quoted text hidden]

RESOLUTION NO. 21-06

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE FATHER'S HEART STREET MINISTRY FROM PLANNING CODE REQUIREMENTS ON A TEMPORARY BASIS

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines "emergencies" to include "any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering…., and includes, but is not limited to, severe weather"; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency"; and

WHEREAS, the City has received information from Clackamas County health officials and existing homeless service providers that there is a need for additional shelter resources during cold weather events; and

WHEREAS, The Father's Heart Street Ministry (TFHSM) located at 603 12th Street has available resources and space to provided needed shelter during the extremely cold weather (Exhibit A); and

WHEREAS, TFHSM is willing to provide shelter and is not requesting any monetary commitment or reimbursement from the City; and

WHEREAS, the zoning designation of the site requires that overnight use of the facility receive Conditional Use land use approval. TFHSM held a Pre-Application Conference, which is the first step in a Conditional Use process; and

WHEREAS, TFHSM facility has previously been approved to house up to 49 individuals from 6 p.m. to 7 a.m. each day that the outside temperature is 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration during the duration of the emergency; and

WHEREAS, due to current state-mandated COVID-19 restrictions, the current overnight capacity of TFHSM warming shelter facility is 13 individuals, but may change subject to updates to the state COVID-19 restrictions and guidelines; and

WHEREAS, the forecast identifies freezing weather; and

WHEREAS, the forecasted weather events are natural events that threaten the loss of life, injury to person or property or human suffering; and

WHEREAS, the City Commission is concerned that the expected conditions will require immediate shelter needs, response by city staff and other measures that are currently unanticipated.

NOW, THEREFORE, THE CITY OF OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby declares an emergency, limited to the Father's Heart Street Ministry (TFHSM) located at 603 12th Street due to forecasted severe cold weather. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from 6 p.m. on January 21, 2021 until 7 a.m. March 31, 2021.

Section 2. Based on the emergency identified above, the City Commission grants to TFHSM an exemption from the Oregon City Zoning Code for the sheltering of individuals from 6 p.m. to 7 a.m. each day the temperature 33 degrees or below, including wind chill factor, for the duration of the emergency, from January 21, 2021 to March 31, 2021. The number of individuals allowed shall not exceed the number of individuals allowed pursuant to the Oregon Health Authority under Section 4, and shall not exceed 49 individuals in any case.

Section 3. TFHSM must be authorized to temporarily provide shelter provided the facilities comply with the City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy (Exhibit B).

Section 4. TFHSM must comply with COVID-19 regulations by the state and the Oregon Health Authority which will likely limit the number of individuals onsite.

Section 5. City staff shall request, as necessary, any assistance required from other agencies, including the state of Oregon, Clackamas County, Clackamas County Fire District No. 1, the American Red Cross or other agencies.

Section 6. The City Commission adopts the following procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040:

__X__	L.	Order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

Section 6. This resolution shall take effect January 21, 2021.

Approved and adopted at a regular meeting of the City Commission held on the 20th day of January 2021.

ROCKY SMITH, JR., Commission President

Attested to this 20th day of January 2021:

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney

Attachment:

Exhibit A – The Father's Heart Street Ministry Request
Exhibit B- The City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy

The Father's Heart Street Ministry

Marty & Teri Gant
Founders

Robin Schmidt
Director

Office: (503) 722- 9780

603 12th St.
Oregon City, OR 97045

December 18, 2020

City Commissioners, Building Division and Fire Department of Oregon City

Thank you once again for allowing us to serve as a temporary emergency shelter during temperatures of 33 windchill or colder. Last season (2019/2020) our Emergency Shelter safely sheltered 49 guests overnight with a total of 2,140 bed nights. This year with COVID safety guidelines in place, we are safely sheltering 13 guests overnight. Although these guidelines have impacted the way we serve, we still continue to serve the most vulnerable in our community, while finding alternatives for those that would put us over our limit of 13.

At the beginning of the pandemic, we were able to place 15 of our guests that are elderly or disabled into hotels through a voucher program. The majority of those are now in transitional or permanent housing. Our Day Center numbers have dropped from an average 120 daily guests to 65 guests. Since then, we have been placing other clients into recovery homes, reentry programs and long-term housing through working with different agencies.

I mention all of the above because those efforts combined with the safety guidelines of COVID have significantly affected the amount of people we serve during the day. We recognize that the COVID safety guidelines allowing 13 to stay overnight will not be enough for the needs of those living unsheltered in our county. We contracted with Clackamas County through the Emergency Solutions Grant to place more of our most vulnerable citizens in hotels with wrap around services. This will allow us to serve more than the 13 allowed to stay safely in our facility.

When we are open for emergency temperatures, we will be taking the utmost precautions to keep our guests as well as our volunteers safe. We are providing a temperature check, questionnaire for possible COVID symptoms and giving each guest their own table, chair and mat to stay at for the evening. One guest at a time may use the restrooms, with the restrooms being sanitized after each use. All guests stay over 6ft. apart and required to wear masks except for eating or while sleeping. Guests remain separated throughout the night in their own area.

All volunteers and staff also have temperature checks, questionnaires for possible COVID symptoms, wear masks at all times and stay 6ft. apart. All hands are washed with soap and water or hand sanitizer frequently and all surfaces are also sanitized with bleach. In addition to this new protocol, TFH continues to meet the requirements for proper supervision, fire watch, and intake forms of HMIS.

We ask for an extension of our emergency warming shelter resolution which ends January 21st. Please grant us an extension from January 22nd through March 31st of 2021 as an emergency warming shelter. We are currently proceeding in the process of the pre app for a conditional use permit at this time. We have completed our first conference held with Planner Kelly Reid.

We are happy to report we have had no signs of COVID related sickness or COVID cases amongst the community we serve, our volunteers or staff since the beginning of COVID.

Sincerely,

Robin Keating, Executive Director
The Father's Heart Street Ministry

"I was hungry
and you gave me something to eat,

I was thirsty
And you gave me something to drink,

I was a stranger
and you invited me in,

I needed clothes
and you clothed me, …"

Matthew 25:35

OREGON CITY

CLACKAMAS FIRE DISTRICT #1

TEMPORARY EMERGENCY SHELTER POLICY

City of Oregon City and Clackamas Fire District #1 Joint Policy

The following policy is a collaboration between the City of Oregon City Building Official and the Clackamas Fire District #1 Fire Marshal for Temporary Warming Shelter's within the jurisdictional boundary of the Oregon City city limits.

This policy contains the minimal guidelines to allow a building not normally designated as an "R" (Residential) Occupancy (use of a building or structure, or a portion thereof, for sleeping purposes) to be used as a temporary shelter.

Registration:

Each year prior to opening as an emergency shelter the building manager shall contact the City of Oregon City Building Division to request approval. The approval will be subject to an on-site inspection to verify the building meets the minimum requirements of this policy. Written approval will be provided for building(s) being requested to be used as a Temporary Shelter. All buildings are subject to applicable Land Use Regulations and require written approval from the City of Oregon City Planning Division approving the use of the structure as a Temporary Shelter.

Time Limits:

If approved, a building may be used as a temporary shelter for a maximum of ninety (90) days within any twelve (12) month period of time beginning on the first (1st) day of occupancy or as approved by the local authority having jurisdiction. A thirty (30) day extension may be requested and will be reviewed by the authority having jurisdiction and a determination made depending on the weather requiring a need for additional temporary shelters availability.

Maximum Number of Occupants Allowed:

The maximum number of allowable temporary shelter occupants shall be calculated using an occupant load factor of one (1) individual for every thirty-five (35) square feet of room area.

Life Safety Requirements: The following minimum life safety requirements apply to all buildings being used as a temporary shelter.

1. **Fire Sprinklers:**

   It is not necessary for a building to have fire sprinklers installed to allow it to be used as a temporary shelter. However, buildings with an approved fire sprinkler system installed may have sleeping located on any building or floor area.

   In buildings without fire sprinklers installed, the temporary sleeping areas may only be located on the first (ground) or second floor. Sleeping areas are not permitted in basement areas of a non-fire-sprinklered building.

2. **Smoke Alarms and Detection:**

   - All temporary shelter sleeping areas shall be provided with approved smoke alarms or a complete approved smoke detection system.
   - All other areas of the building used for temporary shelter operations shall be equipped with smoke alarms or a smoke detection system as approved by the authority having jurisdiction.
   - Smoke alarms or Smoke Detection may be battery operated.

3. **Carbon Monoxide (CO) Alarms and Detection:**

   - All temporary shelter sleeping areas shall be provided with approved carbon monoxide alarms or a complete approved detection system in buildings that have a carbon monoxide source such as heater, fireplace, furnace, appliance or cooking source that uses, coal, wood, petroleum products and other fuels that emit carbon monoxide as a by-product of combustion. This would include buildings with an attached garage with a door, ductwork or ventilation shalt that communicates with the rooms intended for sleeping.
   - Carbon monoxide maybe battery operated.

4. **Means of Egress (Exits):**

   All floor levels with temporary shelter areas shall have a minimum of two means of egress (exits) from each floor level. All means of egress (exits) paths shall be maintained free of obstructions at all times. Exits from sleeping areas shall be as follows:

   - Sleeping areas located on the ground floor of a temporary shelter with an occupant load of 49 or less shall have at least one (1) exit and at least one(1) window qualifying as an escape or rescue window as defined by the current Oregon Residential Specialty Code.
   - All other floor levels used as temporary shelter sleeping areas that have an occupant load of ten (10) or more shall have at least two (2) exits from the area. The exits

serving the areas shall be separated by a distance equal to at least one-third (1/3) of the longest diagonal distance of the area.

5. **Emergency Evacuation Plan:**
All temporary shelters shall create and maintain an approved emergency evacuation plan which provides evacuation of all occupants in an emergency event. At a minimum, the emergency evacuation plan shall contain the following:

- Building floor plans. Building floor plans for each floor of the temporary shelter with sleeping areas clearly identified.
- Room size. The square footage of all rooms of the temporary shelter.
- Egress (exit) path. Building floor plans shall clearly show the egress (exit) paths from all areas of the temporary shelter. Egress (exit) path floor plans shall be posted throughout the temporary shelter.
- Life-safety systems. The emergency evacuation plan shall also include information about the fire sprinkler system, fire alarm system of the smoke detection systems.
- Location of the required fire extinguishers placed within the building.

6. **Fire Extinguishers:**

- Appropriately sized fire extinguishers shall be placed adjacent to the means of egress with clearly marked indicators as to the location.

7. **Fire Watch:**

- During sleeping hours a fire watch shall be maintained continuously. This means at least one responsible person at least 18 years of age shall be awake and assigned this responsibility. The fire watch person shall be equipped with a working flash light and have access to a phone or carry a cell phone on their person.

8. **Smoking or Open Flames:**

- Smoking shall not be allowed at any time inside the temporary shelter.
- Open flames shall not be allowed within the temporary shelter except for approved cooking appliance which require a flame for combustion fuel to operate.

9. **Documentation:**

- Documentation of all fire safety requirements including copies of the temporary shelter evacuation plan shall be maintained on site and shall be available for review at the request of the authority having jurisdiction.

10. **Responsible Person In Charge:**

- The authority having jurisdiction shall be notified of the Responsible Person In Charge of the temporary shelter and be provided with a means of contact. An alternate Responsible Person In Charge may be listed.

- The responsible Person In Charge is responsible to maintain the list of the aforementioned requirements are complied with.

11. Revocation:

- Failure to maintain the minimum requirements of the policy can result in the temporary shelter approval being revoked by the authority having jurisdiction.

City of Oregon City Building Official	November 29, 2017 Date
City of Oregon City Community Development Director	Date
Clackamas Fire District #1 Fire Marshal	November 29th, 2017 Date

Good Neighbor Policy

We value our location and most importantly our surrounding neighbors. To receive services from The Father's Heart we ask that you show respect to our neighbors by complying with the following guidelines (COVID 19 Phase 1) Those that refuse to comply will not receive services. Your compliance helps us be available to serve you:

- 6ft. distancing between other guests and volunteers at all times inside the facility, surrounding sidewalks and entire property.
- Respect our hours of operation by only being on property on Tuesday – Fridays, 9:45am – 2pm.
- No loitering, sleeping, camping on or near TFH property. This includes the park across the street, the woods (Abernathy Chapel Area), the private alley way between us and residents, the businesses across the street and on property of residents of the McLoughlin neighborhood. Bothering any McLoughlin neighborhood residents will result in loss of services.
- If you come in a vehicle to receive services, you must park inside the parking lot located on 12th St./ John Adams. No one, not even the owner of the vehicle, may remain in their vehicle.
- No raised voices, music or any inappropriate behavior on or near the property.

Service Guidelines

- Sign-up for services in the parking lot located on 12th St./Washington
- No drugs, drug paraphernalia, alcohol allowed on property at any time.
- No business transactions of any kind. No exchanging of anything. No suspicious behavior.
- No going behind the building between office and bike racks.
- All smoking cigarettes or vaping in the middle of parking lot ONLY. Use cans for cigarette butts.
- NO SMOKING OF MARIJUANA ON OR NEAR THE PROPERTY.
- No pets of any kind fed on property or left on property.
- Respect EVERYONE.

The Father's Heart
Street Ministry

The Father's Heart
Street Ministry

The Father's Heart Street Ministry

TFH is a private, non-profit, Christ based ministry focused on the needed resources of those living and waiting on the streets of Clackamas county for housing.

Resource Center Services for All Guests

All Services Provided with Safe Distancing and Sanitization Precautions

- **COVID 19 Phase 1 Guest Service Hours: 10am-2pm**
  - Take Out Meals and minimal Dine in Meals
  - Mail Pick up
  - Hygiene and Socks
  - Showers by appointment for Clackamas County residents

- **Computer Use by appointment only 2pm-3pm**

We exist to help those living on the streets with their immediate needed resources with respect, dignity and compassion. We know that when you are clothed, fed and showered that recovery, employment, housing, and stability are your next steps. Let us support you by listening, praying and guiding you. There is hope. You were never intended to live alone or unsheltered. God has a plan for your life and we are confident that His plan is good and best.

Vision Statement

"... to be the hands and feet of Jesus"... to be "His Hands Extended in Love" without regard to race, religion, age or gender.

ATTACHMENT G – DRAFT COMMUNITY ENGAGEMENT PLAN

Description of purpose and scope of services of the shelter:
The Father's Heart consists of a day use shelter (not the subject of this application) and an emergency overnight warming shelter that is contracted with Clackamas County for the purpose of saving lives on winter nights that reach 33F windchill or colder. The Father's Heart emergency night shelter provides shelter from inclement weather, a sleeping mat, blanket, an evening meal, coffee and water.

Population to be housed at the shelter and the process and criteria for the selection of guests:
The Father's Heart provides an emergency overnight warming center/shelter to those living outdoors. The shelter sends out an emergency notification to the emergency contact list of Clackamas County by noon on the day of operation. The shelter operates on a first-come first-served basis.

Bed capacity for nightly guests:
Normally, the emergency overnight shelter has a capacity of 49 guests, which has been modified to a maximum of 13 guests during Covid-19 restrictions, in order to provide adequate social distancing.

Hours of operations and curfew, if applicable:
The emergency night shelter operates from 6 PM to 7 AM. There is a 10 PM curfew for those who have checked in before 10 PM. If a bed is available, The Father's Heart receives new shelter guests at any hour.

24 hour contact information:

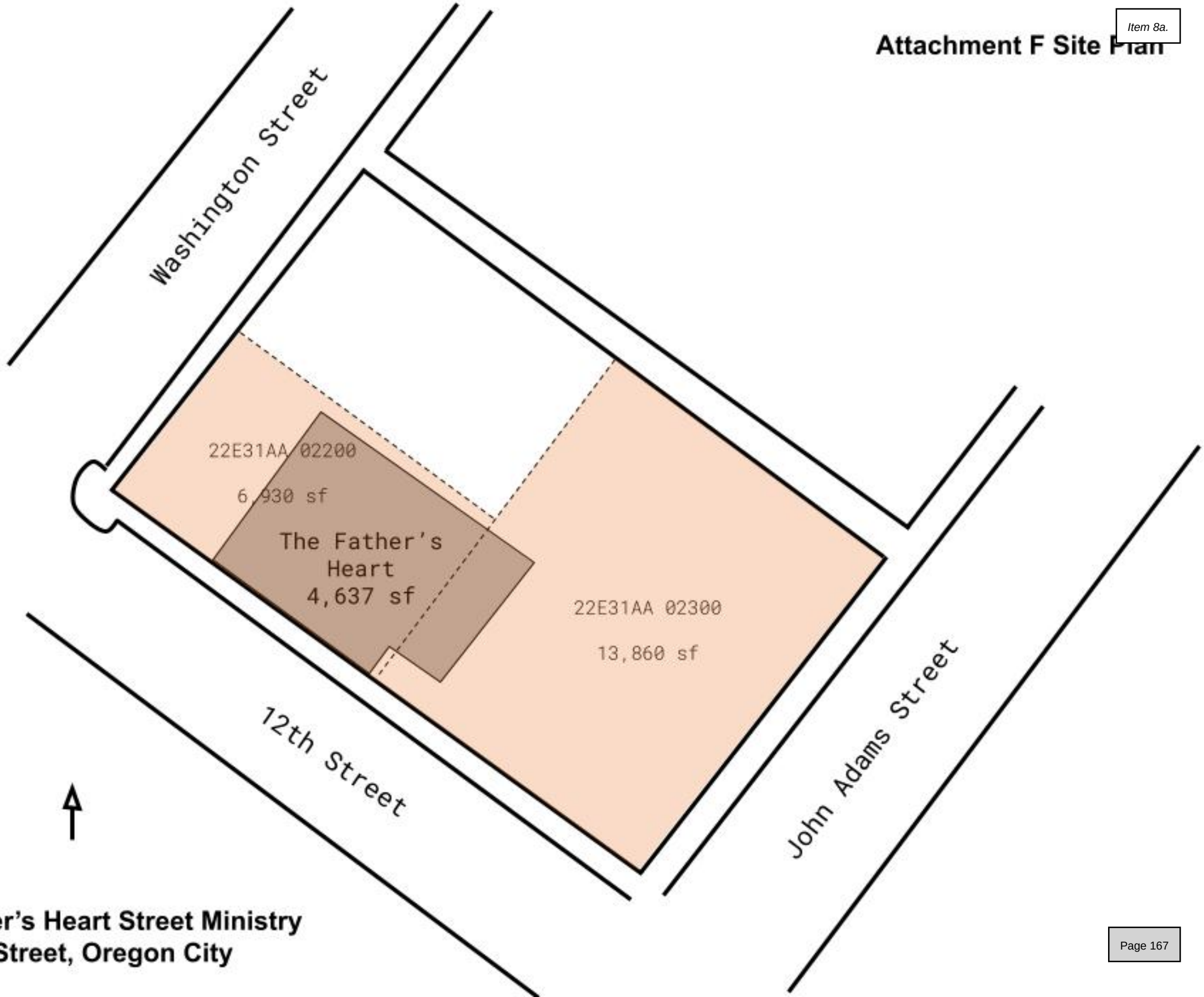
The following The Father's Heart staff can be reached 24 hours.

Robin Keating- Executive Director tfhrobin@gmail.com 831-809-3099	Jennifer Morris- Asst. Director & Program Manager tfhjennifer@gmail.com 971-940-5476

Explanation of how the shelter will address concerns/complaints:

The Father's Heart Executive Director and Program Manager are available 24 hours, either in person, by phone or email to address any and all concerns or complaints. In addition, in order to prevent community impacts TFH has adopted a Good Neighbor Policy, which outlines expectations of and to which it holds clients accountable for their behavior in the community (See Attachment F). TFH welcomes conversations with the broader community about any issues that arise because we can't fix it if we don't know it's happening.

Attachment F Site Plan



The Father's Heart Street Ministry
603 12th Street, Oregon City

Diliana Vassileva

From: Betty Johnson <bjohnson@crwater.com>
Sent: Friday, June 18, 2021 11:29 AM
To: Diliana Vassileva
Subject: RE: Land Use Application GLUA-21-00019/CU-21-00002
Attachments: 603 12th Street-GLUA-21-00019 Transmittal Fillable.pdf

Good morning Diliana,

The proposed development (603 12th Street) falls outside the District Boundary. No further land use notices are required from Oregon City pertaining to this development.

Have a great weekend,

Betty

Clackamas River Water

Betty A. Johnson
Engineering Associate

Ph: 503.723.2571 | 16770 SE 82nd Drive
Cell: 503.793.8145 | Clackamas, OR 97015-2439
Fax: 503.722.9259
www.crwater.com

This e-mail is intended solely for the intended recipient or recipients. If this e-mail is addressed to you in error or you otherwise receive this e-mail in error, please advise the sender, do not read, print, forward or save this e-mail, and promptly delete and destroy all copies of this e-mail. This email may contain information that is confidential, proprietary or secret and should be treated as confidential by all recipients. This e-mail may also be a confidential attorney-client communication, contain attorney work product, or otherwise be privileged and exempt from disclosure. If there is a confidentiality or non-disclosure agreement or protective order covering any information contained in this e-mail, such information shall be treated as confidential and subject to restriction on disclosure and use in accordance with such agreement or order, and this notice shall constitute identification, labeling or marking of such information as confidential, proprietary or secret in accordance with such agreement or order. The term 'this e-mail' includes any and all attachments

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From: Diliana Vassileva [mailto:dvassileva@orcity.org]
Sent: Wednesday, June 16, 2021 12:37 PM
Subject: Land Use Application GLUA-21-00019/CU-21-00002

Good afternoon,

The Planning Division has received an application for a Type III Conditional Use Permit. Please review the proposal posted here and provide your comments by July 2, 2021 to be included in the staff report. Comments received after this date will be forwarded to the Planning Commission at the hearing on July 12, 2021. The record will remain open until the public hearing is closed.

COMMENTS DUE BY:	July 2, 2021 to be included in the staff report
HEARING DATE:	July 12, 2021
HEARING BODY:	__ Staff Review; _x_ PC; ___ HRB; ___ CC
FILE # & TYPE:	GLUA-21-00019 (General Land Use Application)/CU-21-00002 (Conditional Use Permit)
PLANNER:	Diliana Vassileva, AICP, Assistant Planner, 503.974.5501, dvassileva@orcity.org

APPLICANT: The Father's Heart Street Ministry
OWNERS: PDA Properties
REQUEST: The applicant is requesting approval of a Conditional Use Permit for a shelter.
LOCATION: 603 12th Street, Oregon City, OR 97045, Clackamas County Map 2-2E-31AA, Tax Lot 2200 and 2300

Thank you.

Diliana Vassileva, AICP
Assistant Planner – Planning Division
She/Her
City of Oregon City
PO Box 3040
695 Warner Parrott Road,
Oregon City, Oregon 97045
Direct - 503.974.5501
Planning Division - 503.722.3789
Fax 503.722.3880

What's your Vision for Oregon City?

Website: www.orcity.org | [webmaps.orcity.org]webmaps.orcity.org | Follow us on: Facebook!|Twitter
Think **GREEN** before you print.

The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings here, we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell.

The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL

Date: _____

DISTRIBUTION OF APPLICATION			
	Building Division		Clackamas County Transportation
	Development Services		Clackamas County Planning
	Public Works Operations		Clackamas Fire District #1
	City Engineer		ODOT – Division Review
	Public Works Director		Oregon City School District
	Parks Manager		Tri-Met
	Community Services Director		Metro
	Police		PGE
	Economic Development Manager		South Fork Water Board
	Traffic Engineer		Hamlet of Beavercreek
	City Manager's Office		Holcomb Outlook CPO
	Oregon City Neighborhood Associations		Central Point / Leland Road / New Era CPO
	N.A Chair		Other – See Email List
	N.A. Land Use Chair		Natural Resource Committee
	Notice of the application mailed to all properties within 300 feet		Other:

COMMENTS DUE BY:	July 2, 2021 to be included in the staff report		
DECISION BODY:	Staff Review ☐ Planning Commission ☑ City Commission ☐		
HEARING DATE(s):	July 12, 2021		
DECISION TYPE:	Type I ☐ Type II ☐ Type III ☑ Type IV ☐		
FILE #S:	GLUA-21-00019/CU-21-00002		
PLANNER:	Diliana Vassileva, AICP	Phone 503.974.5501	Email dvassileva@orcity.org
APPLICANT:	The Father's Heart Street Ministry		
OWNER:	PDA Properties		
REPRESENTATIVE:			
REQUEST:	Approval of a Conditional Use Permit for a shelter.		
ROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-21-00019		
ZONING:	MUC-1, Mixed Use Corridor		
ADDRESS(ES):	603 12th Street, Oregon City, OR 97045		
TAX LOTS:	Clackamas County Map 2-2E-31AA, Tax Lot 2200 and 2300		

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☑	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached.
☐	The proposal would not conflict our interests if the changes noted below are included.

Signature Betty Johnson

Digitally signed by Betty Johnson
Reason: I agree to the terms defined by the placement of my signature on this document
Date: 2021.06.18 11:17:46-07'00'

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL

Date: _____

DISTRIBUTION OF APPLICATION			
	Building Division		Clackamas County Transportation
	Development Services		Clackamas County Planning
	Public Works Operations		Clackamas Fire District #1
	City Engineer		ODOT – Division Review
	Public Works Director	x	Oregon City School District
	Parks Manager		Tri-Met
	Community Services Director		Metro
	Police		PGE
	Economic Development Manager		South Fork Water Board
	Traffic Engineer		Hamlet of Beavercreek
	City Manager's Office		Holcomb Outlook CPO
	Oregon City Neighborhood Associations		Central Point / Leland Road / New Era CPO
	N.A Chair		Other – See Email List
	N.A. Land Use Chair		Natural Resource Committee
	Notice of the application mailed to all properties within 300 feet		Other:

COMMENTS DUE BY:	July 2, 2021 to be included in the staff report		
DECISION BODY:	Staff Review ☐ Planning Commission ☑ City Commission ☐		
HEARING DATE(s):	July 12, 2021		
DECISION TYPE:	Type I ☐ Type II ☐ Type III ☑ Type IV ☐		
FILE #S:	GLUA-21-00019/CU-21-00002		
PLANNER:	Diliana Vassileva, AICP	Phone 503.974.5501	Email dvassileva@orcity.org
APPLICANT:	The Father's Heart Street Ministry		
OWNER:	PDA Properties		
REPRESENTATIVE:			
REQUEST:	Approval of a Conditional Use Permit for a shelter.		
ROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-21-00019		
ZONING:	MUC-1, Mixed Use Corridor		
ADDRESS(ES):	603 12th Street, Oregon City, OR 97045		
TAX LOTS:	Clackamas County Map 2-2E-31AA, Tax Lot 2200 and 2300		

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☑	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached.
☐	The proposal would not conflict our interests if the changes noted below are included.

Signature Wes Rogers

Digitally signed by Wes Rogers
DN: cn=Wes Rogers, o=OCSD62, ou=Bond Manager, email=wes.rogers@ocsd62.org, c=US
Date: 2021.06.16 15:05:59 -07'00'

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

OREGON CITY
Community Development – Planning
698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL

Date: _____

DISTRIBUTION OF APPLICATION			
	Building Division		Clackamas County Transportation
	Development Services		Clackamas County Planning
	Public Works Operations		Clackamas Fire District #1
	City Engineer		ODOT – Division Review
	Public Works Director		Oregon City School District
	Parks Manager		Tri-Met
	Community Services Director		Metro
	Police		PGE
	Economic Development Manager		South Fork Water Board
	Traffic Engineer		Hamlet of Beavercreek
	City Manager's Office		Holcomb Outlook CPO
	Oregon City Neighborhood Associations		Central Point / Leland Road / New Era CPO
	N.A Chair		Other – See Email List
	N.A. Land Use Chair		Natural Resource Committee
	Notice of the application mailed to all properties within 300 feet		Other:

COMMENTS DUE BY:	July 30, 2021 to be included in the staff report		
DECISION BODY:	Staff Review ☐ Planning Commission ☑ City Commission ☑		
HEARING DATE(s):	July 12, 2021		
DECISION TYPE:	Type I ☐ Type II ☐ Type III ☐ Type IV ☑		
FILE #S:	GLUA-21-00019/CU-21-00002		
PLANNER:	Diliana Vassileva, AICP	Phone 503.974.5501	Email dvassileva@orcity.org
APPLICANT:	The Father's Heart Street Ministry		
OWNER:	PDA Properties		
REPRESENTATIVE:			
REQUEST:	Approval of a Conditional Use Permit for an overnight warming shelter.		
ROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-21-00019		
ZONING:	MUC-1, Mixed Use Corridor		
ADDRESS(ES):	603 12th Street, Oregon City, OR 97045		
TAX LOTS:	Clackamas County Map 2-2E-31AA, Tax Lot 2200 and 2300		

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☐	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached.
☑	The proposal would not conflict our interests if the changes noted below are included.

Must comply with the existing Joint Warming Shelter Policy between Oregon City Building Division and CFD1 (please attached)

Signature _____

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

OREGON CITY

CLACKAMAS FIRE DISTRICT #1

TEMPORARY EMERGENCY SHELTER POLICY

City of Oregon City and Clackamas Fire District #1 Joint Policy

The following policy is a collaboration between the City of Oregon City Building Official and the Clackamas Fire District #1 Fire Marshal for Temporary Warming Shelter's within the jurisdictional boundary of the Oregon City city limits.

This policy contains the minimal guidelines to allow a building not normally designated as an "R" (Residential) Occupancy (use of a building or structure, or a portion thereof, for sleeping purposes) to be used as a temporary shelter.

Registration:

Each year prior to opening as an emergency shelter the building manager shall contact the City of Oregon City Building Division to request approval. The approval will be subject to an on-site inspection to verify the building meets the minimum requirements of this policy. Written approval will be provided for building(s) being requested to be used as a Temporary Shelter. All buildings are subject to applicable Land Use Regulations and require written approval from the City of Oregon City Planning Division approving the use of the structure as a Temporary Shelter.

Time Limits:

If approved, a building may be used as a temporary shelter for a maximum of ninety (90) days within any twelve (12) month period of time beginning on the first (1st) day of occupancy or as approved by the local authority having jurisdiction. A thirty (30) day extension may be requested and will be reviewed by the authority having jurisdiction and a determination made depending on the weather requiring a need for additional temporary shelters availability.

Maximum Number of Occupants Allowed:

The maximum number of allowable temporary shelter occupants shall be calculated using an occupant load factor of one (1) individual for every thirty-five (35) square feet of room area.

Life Safety Requirements: The following minimum life safety requirements apply to all buildings being used as a temporary shelter.

1. **Fire Sprinklers:**

   It is not necessary for a building to have fire sprinklers installed to allow it to be used as a temporary shelter. However, buildings with an approved fire sprinkler system installed may have sleeping located on any building or floor area.

   In buildings without fire sprinklers installed, the temporary sleeping areas may only be located on the first (ground) or second floor. Sleeping areas are not permitted in basement areas of a non-fire-sprinklered building.

2. **Smoke Alarms and Detection:**

   - All temporary shelter sleeping areas shall be provided with approved smoke alarms or a complete approved smoke detection system.
   - All other areas of the building used for temporary shelter operations shall be equipped with smoke alarms or a smoke detection system as approved by the authority having jurisdiction.
   - Smoke alarms or Smoke Detection may be battery operated.

3. **Carbon Monoxide (CO) Alarms and Detection:**

   - All temporary shelter sleeping areas shall be provided with approved carbon monoxide alarms or a complete approved detection system in buildings that have a carbon monoxide source such as heater, fireplace, furnace, appliance or cooking source that uses, coal, wood, petroleum products and other fuels that emit carbon monoxide as a by-product of combustion. This would include buildings with an attached garage with a door, ductwork or ventilation shalt that communicates with the rooms intended for sleeping.
   - Carbon monoxide maybe battery operated.

4. **Means of Egress (Exits):**

   All floor levels with temporary shelter areas shall have a minimum of two means of egress (exits) from each floor level. All means of egress (exits) paths shall be maintained free of obstructions at all times. Exits from sleeping areas shall be as follows:

   - Sleeping areas located on the ground floor of a temporary shelter with an occupant load of 49 or less shall have at least one (1) exit and at least one(1) window qualifying as an escape or rescue window as defined by the current Oregon Residential Specialty Code.
   - All other floor levels used as temporary shelter sleeping areas that have an occupant load of ten (10) or more shall have at least two (2) exits from the area. The exits

serving the areas shall be separated by a distance equal to at least one-third (1/3) of the longest diagonal distance of the area.

5. **Emergency Evacuation Plan:**
All temporary shelters shall create and maintain an approved emergency evacuation plan which provides evacuation of all occupants in an emergency event. At a minimum, the emergency evacuation plan shall contain the following:

- Building floor plans. Building floor plans for each floor of the temporary shelter with sleeping areas clearly identified.
- Room size. The square footage of all rooms of the temporary shelter.
- Egress (exit) path. Building floor plans shall clearly show the egress (exit) paths from all areas of the temporary shelter. Egress (exit) path floor plans shall be posted throughout the temporary shelter.
- Life-safety systems. The emergency evacuation plan shall also include information about the fire sprinkler system, fire alarm system of the smoke detection systems.
- Location of the required fire extinguishers placed within the building.

6. **Fire Extinguishers:**

- Appropriately sized fire extinguishers shall be placed adjacent to the means of egress with clearly marked indicators as to the location.

7. **Fire Watch:**

- During sleeping hours a fire watch shall be maintained continuously. This means at least one responsible person at least 18 years of age shall be awake and assigned this responsibility. The fire watch person shall be equipped with a working flash light and have access to a phone or carry a cell phone on their person.

8. **Smoking or Open Flames:**

- Smoking shall not be allowed at any time inside the temporary shelter.
- Open flames shall not be allowed within the temporary shelter except for approved cooking appliance which require a flame for combustion fuel to operate.

9. **Documentation:**

- Documentation of all fire safety requirements including copies of the temporary shelter evacuation plan shall be maintained on site and shall be available for review at the request of the authority having jurisdiction.

10. **Responsible Person In Charge:**

- The authority having jurisdiction shall be notified of the Responsible Person In Charge of the temporary shelter and be provided with a means of contact. An alternate Responsible Person In Charge may be listed.

- The responsible Person In Charge is responsible to maintain the list of the aforementioned requirements are complied with.

11. Revocation:

- Failure to maintain the minimum requirements of the policy can result in the temporary shelter approval being revoked by the authority having jurisdiction.

City of Oregon City Building Official	November 29, 2017 Date
City of Oregon City Community Development Director	Date
Clackamas Fire District #1 Fire Marshal	November 29th, 2017 Date

OREGON CITY

Temporary Shelter Application

221 Molalla Avenue, Suite 200 - Oregon City, OR 97045
Phone: 503-722-3789 - Fax: 503-722-3880

Permit #:	
Date:	Recv'd:

SITE INFORMATION AND LOCATION	
Address:	
City/State/ZIP:	
Suite/bldg./apt. no.:	Project name:
Cross street/directions to site:	
Subdivision:	Lot no.:
Tax map/parcel no.:	

PROPERTY OWNER	
Name:	
Address:	
City/State/ZIP:	
Phone: 503.974.5501	Fax:

CONTACT PERSON	
Business name:	
Contact name:	
Address:	
City/State/ZIP:	
Phone:	Fax:
E-mail:	

REQUIRED INFORMATION		
Total Existing Building Area:	Square Feet	
Total Shelter Area:	Square Feet	
Number of Stories:		
Type of Construction:		
Onsite Cooking?	**Yes:** ☐	**No:** ☐
Number of Restrooms:		
Date Requesting to Open:		

NOTES

STAFF APPROVALS AND CONDITIONS				
	Intake	Building	Planning	Fire
Initials:				
Date:				

Diliana Vassileva

From: tree wrld <treewrld@gmail.com>
Sent: Monday, June 21, 2021 7:05 PM
To: Diliana Vassileva
Subject: Re July 12 public hearing /Father's Heart

Hi Diliana,
Thanks for the opportunity to offer our input re Father's Heart hearing.
As owner of a home quite near Father's Heart, I am firmly against Father's Heart maintaining and expanding their current services At Their Existing Location.
I want to be clear that I am not against social service, or specifically their work in the community. However, the current location of their facility is clearly inappropriate.
Personal and Property Safety is a big concern.
Since the FH has been a presence in the neighborhood, both I and my housemates have been both verbally assaulted and physically threatened While in Our Own Yard, by clients of FH who were also in our yard, and not at our invitation.
I have also seen the same clients remove personal items from both my front porch and my garden.
Regardless of the good intentions the founders and employees of FH, they are unable to control the behavior of their clients.
I am not sure how FH gained access for their facility in a residential neighborhood, but the idea of FH maintaining a presence in the current location, and especially expanding services is, in my opinion, not in the best interest of the clients, the facility, the city, or the neighborhood.
There has to be better options.
Thanks again for allowing me to express my opinion.
Sincerely,
A Concerned Neighbor

McLOUGHLIN
NEIGHBORHOOD
ASSOCIATION

July 2, 2021

TO: City of Oregon City Planning Commission

FROM: Wendy Marshall, Land Use Committee WM

RE: GLUA-21-00019/CU-21-00002
Conditional Use Permit for Warming Shelter
The Father's Heart, 603 12th Street

The McLoughlin Neighborhood Association (MNA) has reviewed the proposed application for an overnight warming shelter at the above-referenced address and offer the following comments:

Applicant's responses assume some of the standards do not apply because the building is existing. However, the application is for a *conditional* use permit. The use is not permitted outright and existing features of the site should be evaluated for compatibility.

17.29.050.D – building does not meet 20-foot setback requirement from the NE property line, and in fact, the building appears to be no more than 20 feet from the existing residence on 1206 Washington Street.

17.29.050.F & G – lot coverage including parking lot appears to exceed 80%. Applicant has indicated that the parking area will be utilized as a staging and registration area. Therefore, the lack of vegetated buffer allows greater impact on the neighboring properties.

17.50.050.B – the pre-application meeting was held on 12.09.2020, and the application was submitted on 6.14.2021. The submittal did not meet the 6-month deadline; therefore, the applicant must schedule a new pre-application conference before proceeding.

17.50.055 – Acknowledgment of attendance at the MNA meeting was provided but not a summary of issues discussed as the applicant indicates.

17.56.010.A.2 & 4 –
The site lies within the McLoughlin Conservation District, location of the original plat in 1844, and cornerstone of the historic, aesthetic, and cultural heritage of the City. The applicant has not demonstrated that the proposed use is compatible with, does not alter, and adds to the character of the neighborhood.

The situation is unique in that the operation has already been in use, so neighbors have had a real-time opportunity to understand the impacts. MNA has received complaints from neighbors that the operations are disruptive and problematic for the neighborhood. The full use of surrounding properties has been impaired by trespassing of the clients using the subject property. The applicant proposes no changes to the site to increase compatibility. As indicated above, there are insufficient setbacks and vegetated buffers from adjacent residential properties. The applicant has not addressed these issues.

The applicant states that this use had been in operation. The operation had been temporarily approved as an emergency measure while the applicant performed the required procedures for approval of the Conditional Use. This prior emergency approval shall not be considered as a precedent.

The daytime use had been operating without permits/approval since 2012 and was approved in 2016. However, the 2016 approval was done administratively with no notice to or review by the neighborhood.

17.56.010.A.4 – Good Neighbor Policy

How is the policy distributed? Do the clients sign an acknowledgment that it has been read and understood? Provide details on repercussions if it is violated. Please update the policy with respect to current/changing Covid restrictions. How is the neighborhood informed about and engaged in the policy?

Goals and policies –
Goal 1 – The applicant attended an MNA meeting as required for this application; they have otherwise operated in silence. This is not in the spirit of active community engagement.

Goal 2 –
McLoughlin Conservation District has created a sense of place, identity, and livable community. The application does not demonstrate how the proposed use enhances these goals.

Goal 5 –
The Conservation District was established to ensure the neighborhood's significance is not eroded. Adjacent historic landmarks are compromised by inappropriate activities on and surrounding the subject property.

Goal 6 –
Neighbors have reported loud noises coming from the property and its clientele. Noises by nature are not contained within the boundaries of a site but emanate to neighboring properties and diminish the livability.
Concerns were brought up by neighbors in the MNA meeting. The application does not appear to include any measures to mitigate the concerns, though the applicant indicates the neighborhood feedback will be incorporated.

McLOUGHLIN
NEIGHBORHOOD
ASSOCIATION

The neighbors have reported issues resulting from the property's use not only during the stated open hours, but also during all hours of the day and night. Loitering on site, on adjacent properties and the park; sleeping in these locations; loud music and yelling; drugs and alcohol use and smoking; pets tethered on and near the property have all been reported by the neighbors.

Although the center has stated business hours, the owners/managers are responsible for activities occurring as a result of the operations 24/7, not just during open hours.

17.56.10.D – applicant's response indicates the night shelter use has been permitted by the City since 2012. This is counter to the materials submitted. Only the day use operation is permitted and was approved in 2016.

17.56.040.H.2 – community engagement plan:
Some of the proposed plan elements are listed in this section. Applicant states that a draft plan is included in Attachment G, which is missing from the application, and that feedback on the plan will be incorporated and provided prior to the Planning Commission Hearing. When will this be done? Please provide a plan.

Describe in detail what measures are taken when a client violates any terms of any policies? Providing contact phone numbers is not sufficient.

Covid restrictions have changed since this information was provided in March. Are the stated restrictions on capacity still valid?

As part of the regular required meetings with MNA, provide affidavit of compliance with City of Oregon City/Clackamas FD #1 Temporary Emergency Shelter Policy and all other applicable regulations.

Diliana Vassileva

From: Dean Scrutton <dscrutton@gmail.com>
Sent: Thursday, July 8, 2021 9:40 AM
To: Diliana Vassileva
Subject: Father's Heart Petition

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Oregon City Planning Committee,

My name is Dean Scrutton (921 Center Street, Oregon City OR 503-312-0427) and my family and I are writing to ask you to please deny a permit for Father's Heart to have up to 49 guests per night at their location.

Moving from Portland recently, we have seen firsthand the challenges placing this type of service can have on a family neighborhood. This happened 3 blocks from our old home and it was terrible. Cars were broken into almost nightly, trash went up all over the place and it changed the character of the area, and frankly ruined it for our children very quickly.

We support compassionate homeless resources, but the location in the permit is not the right area in the Mcloughlin historic district and near a family neighborhood. There needs to be a larger network of services elsewhere, with larger support networks and buildings, and it should not be right in the middle of the neighborhood!

Thank you, Dean

Diliana Vassileva

From: Frances N <francesnadine52@gmail.com>
Sent: Thursday, July 8, 2021 1:59 PM
To: Diliana Vassileva
Subject: petition CU21-00021

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Frances McKenna @ 711 10th ST. 503-706-1659
I have no problem with homeless people spending the night on 12th ST. I was an Alcohol and Drug Counselor for many years and have no concerns about people getting help. My granddaughter volunteered there while in High School with no problem. I have lived in this neighborhood for five and a half years and have not had any issues with the people at My Father's Heart. I hope this helps make a decision since I'm sure you're only hearing from those against the expansion.

Diliana Vassileva

From: Jessica Murray <jessicamiddletonmurray@gmail.com>
Sent: Thursday, July 8, 2021 5:03 PM
To: Diliana Vassileva
Cc: Planning
Subject: Adjacent and Surrounding Neighbors Opposition Statements to CU-21-00002/GLUA-21-00019
Attachments: Neighbors Opposition Statements to CU-21-00002The Fathers Heart Shelter.pdf

Ms. Vassileva and the Oregon City Planning Commission,

Please see the attached 23 page PDF containing our combined introduction and 11 statements, completed by 15 individuals, in opposition to the conditional use permit application submitted by The Father's Heart Street Ministry. Please let me know if you have any issues accessing this document. Many of us plan to attend the Zoom public hearing on July 12th and will complete the required paperwork for that.

Also see this google spreadsheet link to our Unofficial Petition Opposing Conditional Use Permit CU21-00002 to see the Oregon City residents that have signed it and added additional written comments.

Thank you for your attention to this matter,

Jessica Murray
612 12th Street
Oregon City, OR 97045
503-737-5271

July 7, 2021

Oregon City Planning Commission,

We, the residents of all the adjacent properties and some surrounding properties of 603 12th Street, strongly oppose the conditional use permit application for an emergency use night shelter, CU-21-00002, as submitted by The Father's Heart Street Ministry. We urge the Planning Commission to deny this permit, as the applicant has not met all of the criteria.

While the current day shelter is not the subject of this application, it should be noted the use of the building did not go through any review, nor was there ever any notice to the surrounding property owners, residents, or the neighborhood association. This is the first time we have been sent notifications about the permits for The Father's Heart shelter, day or night use. The proposed use had been operating on a temporary, emergency basis due to unusual and extraordinary circumstances. The Father's Heart lists on its website that they currently operate an emergency use night shelter, although that claim is false. The last emergency permit expired on March 31st, and that temporary exception has no bearing on the current request and does not in any way set a precedent.

Our neighborhood, the McLoughlin Conservation District, is one of the oldest neighborhoods in Oregon City and the location of the original townsite. There are 19+ historic designated landmarks in the vicinity of 603 12th St., including all our homes. The proposed use does not contribute to the character and livability of this historic district.

As part of this application, The Father's Heart is required to have a Community Engagement plan, 17.56.040. Their application says it is attachment G, although there is no attachment G in their application. None of the adjacent or surrounding neighbors have ever seen or received said plan draft. There has never been a community meeting with the adjacent and surrounding neighbors to work with us or hear our concerns since they moved in in 2012. At the McLoughlin Neighborhood Association meeting with The Father's Heart March 18th, there was no acceptance of a community engagement plan. The applicant's included Good Neighbor Policy is only one-way and has not been agreed to by the surrounding neighbors or the MNA. We ask the Planning Commission to not grant this permit because they say they will do these things in the future, only as required by this application. In 9 years at this location, they have not done anything to engage the community in the historic, residential neighborhood that surrounds them.

Please read and review the following eleven statements from fifteen individuals, detailing our reasons for why the criteria for this application have not been met. Also, see our unofficial petition (in a separate spreadsheet), showing our shared opposition to this conditional use permit.

Signed,

Sharon and Clint Nicholson, Bibi Bachman and Richard Keyser, Michelle Schaefer, Jessica Murray, Jay Pearce, Allyson Foster, Tristan Murray, Heidi McKay, Dan and Pamela Kromer, Teri Poppino, Christine LeFever, and Mary Stivers.

Sharon and Clint Nicholson
1114 Washington Street
Oregon City, OR 97045
Clint.Nicholson@vesuvius.com

Subject: Type IV Application Conditional Use and Type III Application for Site Plan Review
Submitted by: The Father's Heart Street Ministry (TFH)
Position: We oppose this request.

To Whom it may concern:

We are writing, to ask you to carefully consider your decision regarding the conditional use application for The Father's Heart organization. We believe this request is not in the best interest of the neighborhood or the city. Our interest in this case is as members of the McLoughlin neighborhood. Living directly across the street from TFH has directly impacted the primary use of our residence. Because of this, we would like the City planning Commission to deny the Conditional Use Application for a temporary emergency night warming shelter.

We moved into this neighborhood in September 2016 excited to find an Historic home in the McLoughlin Conservation District. We understood that we were undertaking a responsibility which would require us to take on the maintenance of an historic home adding to the cultural heritage of Oregon City. Our home is in the location of the original townsite – plat in 1844. This application does not contribute to the character of the historic district. During the process of purchasing our home, we did some research into the operation of TFH. What we learned from this research is not reflective of what is occurring at TFH. Instead of being a place to help re-house those in need, from our observations and experience, TFH provides services to a group of regular patrons, enabling rather than providing support for their mental illness, and or sobriety, and or help to provide housing.

There are several instances where the Applicant has not met the requirements. Specifically:

17.56.010 Item A #2 p.13

- Size: the applicant indicates the amount of space used by the site allows for buffering of sound and lighting. Living across the street, we can attest to the fact that we can often hear shelter occupants yelling and shouting. They occupy both the parking lot in front and behind to smoke and loiter. Often, shelter occupants park on 12th at the side of our house, not in the parking lot as indicated in the response. The applicant indicates based on the site, that noise pollution is not an issue. However, this is not the case. In fact, the facility is often in violation of Title 9- 9.12.023 Noises prohibited – A. Unreasonable Noise and E. Yelling, Shouting and Similar activities in residential or public places. TFH clients often violate this code. **This requirement has not been met.**
- Location: (See attachment "A") the applicant indicates the site is well suited based on proximity to important destinations. While it is located near downtown Oregon City, not in downtown Oregon City (page 3 under existing conditions) it is approx. six blocks from the one convenience store, 7-11 at 705 Washington St., near the city bluff. While there are

several churches in proximity, I believe TFH occupants may only make use of St. Paul's Episcopal Church 822 Washington St. which provides meals on Thursday afternoons. Barclay park is mentioned as an important destination, unfortunately, the proximity to TFH, means the park has become another zone, which cannot be used by the neighborhood as designated. **This requirement has not been met.**

17.56.010 Item A. Criteria #4 p.14

– The applicant indicates the area surrounding TFH includes a mix of uses in downtown Oregon City. This is not accurate. TFH is the only MUC-1 in the middle of a residential area and is not located in Downtown Oregon City (See attachment "B"). The proposed use does not meet the characteristics of the zone. The location is in fact a SPOT ZONE. The applicant also indicates that approval to the application will not alter the character of the surrounding properties. This is not true. The overnight shelter increases the number of individuals entering the neighborhood in the evening and in the early morning hours creating an overlap since these are the hours when the residents are heading off to work and school and, in the evening, when they are returning. These two groups are not a good mix.

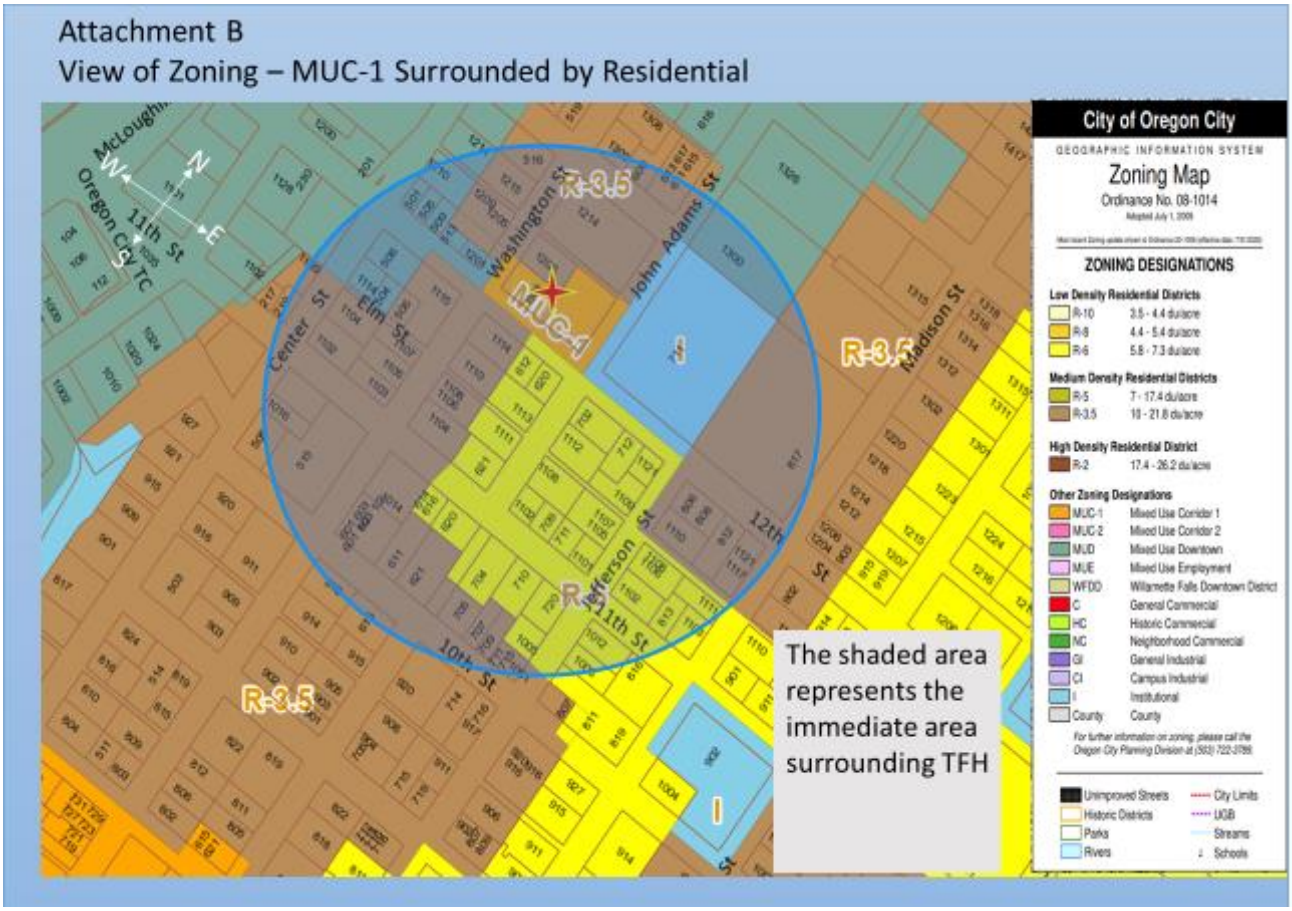
The shelter has had a significant impact on the residents and on the character of the area – it has become a dangerous part of the neighborhood impacting our ability to use our properties for their primary use due to the ongoing trespass by the clients of TFH. This also includes Barclay park, which cannot be used due to misuse (camping, drugs) by clients of TFH.

The applicant references a Good Neighbor policy. It is clear TFH does not respect or value its neighbors. This is evident based on the policy; it has had no effect on the neighborhood or the adjacent property owners as we did not agree to the policy, nor has it been shared with the neighborhood. We are subject to the impacts of the facility 24 hours a day, but the policy can only be enforced during operating hours. While the applicants indicate the policy is enforced, this is not true, nor is it possible when the shelter is close. **This requirement has not been met.**

Some specific impacts:

- The shelter has become an attractive nuisance drawing people from well outside Oregon City in need as well as those who bring a dangerous and nefarious element to the neighborhood. These individuals leave trash, use shrubs to urinate and defecate, and leave drug paraphernalia.
- When the shelter is closed or while waiting to open, individuals loiter on our property and in surrounding area. They use our property to wait, sitting on our steps or retaining wall and in some instances use our garden hose to drink.
- I (Clint) have mostly worked from home at this residence since 2017 and have witnessed an increase in abusive behavior from TFH clientele, parking in street as opposed to TFH parking lot, increase in trash on our property clearly from TFH (Brown paper bags with food that was handed out by TFH).
- I (Clint) have called Oregon City Police non-emergency multiple times since 2017 regarding TFH clientele arriving at TFH after hours, as often they quickly become disturbed, and agitated.

This all impacts our ability to use our property as intended. There is a real fear of those individuals, many of whom have potential mental illness issues and may be violent. It is necessary to use extra caution when departing/arriving at our residence, using our yard or working in our garage. We are often observed by the crowd that gathers making us minimize any street facing activities on our property. We caution Family/Friends when visiting to be conscious of their surroundings when arriving.



To: Oregon City Planning Commission

Re: Conditional Use Permit Application CU-21-00002

From: Bibi Bachman RN, BSN & Richard Keyser
1206 Washington St
Oregon City, Or 97045
bibibachman@gmail.com
R.gkeyser@gmail.com

We oppose The Fathers Heart's application for a conditional use permit on the grounds that the organization does not meet the suitability requirements for the CUP and the organization does not offer valid responses. In Addition, the organization is leaving out vital information which would hinder their capability of getting an approved CUP by generating an additional compounding negative impact on the immediate local community and a waste of resources of city emergency services.

Location (chapter 17.56.010): The Fathers Heart response to its location condition does not reflect the full picture of the surrounding area for the proposed CUP. The organization fails to mention that there are single family homes on 2 adjacent corners of the property, and our single-family property as their direct adjacent neighbor and Barclay Park directly across the street. The nearest business and other establishments that they state are in close proximity, are actually a couple blocks away, and they are not as convenient as the organization leads to believe. This blatant attempt to avoid the facts of the immediate residential area shows the true character of the organization in trying to avoid the topic, and inadvertently establishes the fact

that there is a negative impact on the local residents currently and it's not suitable for the character of the surrounding area. I have had 2 of their clients defecate on our shared space of our driveway in one week in which my 84-year-old mother witnessed, and I have made 2 non-emergency noise complaint calls to the city police in the early mornings. As of right now there is a negative impact on local residents due to my statements above, (human waste, indecent exposure due to defecating.) The Fathers Heart does not have control over their client's behavior and actions, how can they control it when they have an overnight shelter? This Condition Use Permit will only increase the negative impact on the local residents and businesses.

Topography (chapter 17.56.010): The organizations' response to the topography condition states that it's appropriate for the proposed shelter use. The entire property is surrounded by steep hills for its desired project. As they state, that most of their clients do not have their own means of transportation, how can this CUP be suitable, given that the road and sidewalk conditions aren't ideal and are inherently unsafe for individuals to travel up to in conditions when the temperature is 30 degrees (below freezing point) or colder. Every year we see icy roads and sidewalks that pose extremely dangerous conditions for their clients. Allowing them to run an overnight shelter is just inviting personal injuries and a waste of emergency response personnel and vehicles to be pulled away from more serious response calls. This permit is just inviting unforced accidents and injuries.

Overall, we see that The Fathers Heart Street Ministry does not meet the standards of the Conditional Use Permit given that they don't adequately meet the required criteria outlined in chapter 17.56.010 under location and topography and this application for the CUP is not suitable and viable for the character of the surrounding area.

Kindest regards,

Bibi Bachman RN, BSN & Richard Keyser

To: Oregon City Planning Commission
Re: The Father's Heart at 603 12th St, Oregon City, OR 97045
GLUA-21-00019/Conditional Use Permit CU-21-00002
From:

Michelle Schaefer
620 12th Street, Oregon City, OR 97045
chell.schaefer@gmail.com

I ask the Oregon City Planning commission to deny Conditional Use Permit CU-21-00002, submitted by The Father's Heart. I have lived at 620 12th St. with my family since January 2016, at which time The Father's Heart was not open. Within six months of purchasing my home, they reopened and the safety in the neighborhood drastically went downhill. I am a single mother of a young daughter and am very impacted by the safety concerns that occur regularly as a result of the clientele The Father's Heart brings into this neighborhood.

This Conditional Use permit does not meet the following criteria:

#2 The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features

Soon after The Father's Heart reopened in 2016, incidents began happening that forced me to call for police support on a regular basis. Examples of this include finding a homeless woman

sitting on my front porch stairs talking to herself and trying to light her hair on fire, someone pulled one of my bushes apart branch by branch as I tried to talk them out of destroying my property, while doing yard work I have been approached by men who are standing outside of The Father's Heart then cross the street to stand in front of me and make threatening comments, a man standing on my sidewalk staring into my living room at my young daughter for 15+ minutes without moving, and the list goes on.

When sharing this information with staff members at The Father's Heart, nothing has been done to remedy the situations. For the above reasons and many others, I felt forced to invest a lot of money in building a fence around my whole property to keep this often dangerous and threatening behavior at bay and to keep my young daughter as protected as possible.

In addition to the often-threatening behavior exhibited by The Father's Heart clientele, there is also a level of noise that is unacceptable, at all hours of the day and night. When the night warming shelter has been open in the past, almost every night there is at least one person yelling (often obscenities) and fighting. When my young daughter is woken up in the middle of the night because someone is screaming "FUCK YOU" at the top of their lungs, I have a serious problem with that! The complaints that I have made have gone unheeded.

#4 The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.

The night shelter does impair the use of the surrounding properties. Even with a fence around the perimeter of my yard my child cannot safely play outside, I cannot safely do yard work, we cannot sleep with people yelling across the street during any hour of the night.

After reading The Father's Heart's Good Neighbor Policy, I'm surprised. For every item on the list of requirements related to the shelter, I can share many examples of times when each of the criteria have NOT been met. It's a solid list of the behavior that occurs on a regular basis, not the behavior that is prohibited.

The Father's Heart invites this clientele into this neighborhood, then when their behavior escalates, The Father's Heart refuses services, which means that the clientele are left to fend for themselves – this creates a threatening and dangerous environment in an otherwise safe and quiet neighborhood. For example, frequently on cold nights when the shelter is open there are people on the sidewalk in front of my house yelling obscenities, spending the night at the park, damaging property, stealing, or many other unsafe and threatening behaviors.

Also concerning to me is that in the 4+ years that I have lived across the street from The Father's Heart, they have never shared this "Good Neighbor Policy" with me. When I have shared concerns with them with specific examples, they have not made any attempts to resolve the issues, and the issues continue.

As a neighbor of The Father's Heart, I ask that the Oregon City Planning Commission decline their request for a conditional use permit for a night use shelter or any expansion of their existing services.

To: Oregon City Planning Commission
Re: The Father's Heart at 603 12th St, Oregon City, OR 97045
GLUA-21-00019/Conditional Use Permit CU-21-00002
From: Jessica Murray
612 12th Street, Oregon City, OR 97045
jessicamiddletonmurray@gmail.com

I urge the Oregon City Planning Commission to deny Conditional Use Permit CU-21-00002, submitted by The Father's Heart. I have lived at 612 12th St. with my family since 2010, before The Father's Heart (TFH) moved into the office building directly across 12th street in 2012. We have two children, ages 12 and 5, and the front of our house directly faces their property. I feel this organization is not responsibly operating their day use shelter (nor their emergency approved previous night warming shelters), and therefore should not be granted the right to expand their services with this permit.
The Father's Heart have not met the following conditions for this permit:

17.56.010, #4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.

17.56.010, #5, Goal 2.4 Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Under condition 4, the staff report states, "The proposed night warming shelter is similar to the day shelter use and will not have additional significant impacts to the character of the surrounding area." Under condition 5, 2.4, it states, "The proposed night-time warming shelter will likely not have additional impacts to neighborhood livability beyond any existing impacts associated with the day shelter." The adjacent and surrounding neighbors have never responded to the previous permit requests, the only information they have for this staff report is from the applicant. I strongly disagree with both the above statements.

The presence of TFH day-use shelter has had a significant impact on my daily life and the lives of my children and impairs the use of my residence. During their hours of operation for the day-use, I have witnessed many incidents of people in crisis due to drugs or mental health, with police calls, during their operating hours. My children cannot play in the front yard unless I am right next to them, because they have been approached by TFH 'guests' multiple times. There are often people yelling and screaming, sometimes angry at having been asked to leave TFH, and they are turned out into the neighborhood. I have personally witnessed West Linn and Gladstone Police Officers drop off people from outside Oregon City at TFH.

The night shelter is not similar but is even more of a strain on the adjacent properties. Every single night that they have operated an emergency warming shelter, there are people outside talking, yelling, and smoking in the parking lot at all hours of the night, **in direct violation of MC 9.12.023 Noises Prohibited, letters A and E.** TFH states in their application that "curfew" is 10pm, but that they'll continue to take people if there is space. There are people loudly coming and going all night long, the police are frequently called due to increased incidents, and it deeply impacts our sleep and welfare.

I interviewed a former volunteer for the shelter. She said " the night shelter is mercy-based, so they take anyone, including people who are not their clients. They do not collect weapons, like other night shelters do, and we were warned that the night shelter was 'more of a danger' with more frequent police calls." The shelter empties at 7am and all those people (they say they have capacity for 49) are released into the neighborhood. Many do not leave, but stay in the neighborhood waiting for when the day use shelter opens, which is at the same time my kids and I are leaving to go to school. Additionally, unhoused people hear that there is a night shelter and come into the neighborhood looking for a place to stay even when they are not open for the warming shelter. This increases problematic activity in the neighborhood.

The issues with the unhoused population that are served by TFH, and drawn into this neighborhood by their presence, arise not only when they are officially open, but even more significantly, when they are not.

- I have found people sleeping on my porch swing and in my yard multiple times.
- We park on the street in front of our house because we do not have a driveway or garage; our cars have been broken into on multiple occasions and I have discovered someone sleeping in my car.
- People frequently park on the street in front of our houses, despite it being forbidden by TFH's "Good Neighbor Policy" (GNP) which carries a threat of losing services. A woman was living in her van parked directly in front of my house last year for a full week. I notified TFH and her services were not discontinued.
- I have had to call the police many times due to people suffering mental health and drug-induced crises or violently threatening my family or me on multiple occasions. I have spoken to the police more times than I can remember.
- At least 6-7 times, people have banged on my door, both day & night, demanding to know why the shelter is not open, asking for food, or seeking drugs.
- There are so many incidents of people yelling and in distress in this area outside of business hours, that I don't even call the police anymore unless it's a severe situation because it happens so frequently.
- Their GNP states: *Respect our hours of operation by only being on property Tuesday - Fridays, 9:45am to 2:00pm [or nights when it is below 33 degrees Fahrenheit].* There are often people sitting or sleeping on their property when closed. Once or twice a week.

The former volunteer I interviewed stated, "They literally protect very dangerous people. The cops would come by to show us pictures looking for people, and although volunteers recognized them, Robin [Executive Director] would say 'we have confidentiality' and refuse to help the police. Many of the guys there scare me, I wouldn't be alone with them." She also shared with me that Robin and TFH work closely with Mike Cross who runs *Free on the Outside,* a safe haven church specifically for sex offenders, run out of the Hilltop Community Church in Oregon City. There are known sex offenders who frequent TFH at both the day shelter and emergency night shelters. She said "TFH turns a blind eye to criminality. The Father's Heart is bringing these people to a location that is directly across the street from families with small children. That they can actually put other people's children in danger for this is reprehensible."
<u>Those children are MY children.</u>

TFH states in their application (pgs. 19-20), in response to **17.56.040, letter H** as part of a requirement for a **Community Engagement Plan** that the staff is available 24 hrs. a day.

"The Father's Heart Executive Director and Program Manager are available 24 hours, either in person, by phone or email to address any and all concerns or complaints." However, very few neighbors actually have the contact information for the directors. I was only given this information after I reached out to them over Facebook messenger just last year in response to an incident and requested to meet with them. None of the staff members reside in Oregon City, and are not close-by to deal with issues. On a number of occasions have not answered or responded when called. The Father's Heart is responsible for its property and their patrons 24 hours a day, not just when they are open.

I did have one sit-down meeting with the Executive Director, Robin Keating, and Program Manager, Jennifer Morris, last year at my request to discuss on-going issues and my concerns about their lack of Covid-19 protocols as witnessed from my residence. That meeting was the first time I had seen or heard of their "Good Neighbor Policy" that they mention in their *applicant's response to Criteria #4 (pgs 14-15) and again under "Explanation of how the shelter will address concerns/complaints" under 17.56.040 - Criteria and standards for conditional uses (pg 20).* They had nothing on it at that time stating anything about the neighboring residences. I made it very clear to them at that time that they needed to adapt it and give this policy to ALL the adjacent and surrounding neighbors, as well as their contact information with a clear process for submitting concerns and reporting incidents. They did not do that. None of my neighbors that I have talked to have seen or or heard of the GNP. Their exclusion policy only works for their clients, when they are open, not for all the other people that are drawn here by this *attractive nuisance.* The Father's Heart are not good neighbors.

I fully believe that all people deserve help and services. This proposed shelter should be provided in a different location that does not *substantially limit, impair or preclude the use of surrounding properties,* allowing us to *protect and maintain our neighborhood*. Conditions #4 and #5 for this conditional use permit are not met. Please deny this permit application.

July 1, 2021
To: Oregon City Planning Commission

From: Jay Pearce

1214 Washington St., Oregon City
Board Member, Treasurer: Homeless Solutions Coalition of Clackamas County
Member: McLaughlin Neighborhood Association

Disclaimer:

(I am responding to this matter as a resident of the contiguous neighborhood to the Applicant, and as a private citizen. My viewpoint, responses and opinions are my own and do not reflect in any way any positions or opinion of either the Homeless Solutions Coalition of Clackamas County or the McLaughlin Neighborhood Association. I cite the references above only to provide background information.)

I am writing in opposition to, and requesting denial of:
GLUA-21-00019 Conditional Use Permit CU-21-00002
-submitted by PDA Properties
c/o Gary Wheeler, 34856 E Columbia Ave., Scappoose, OR 97056/The Father's Heart (TFH).

When TFH moved to Oregon City nine years ago there may have been reason to believe it was delivering services to a homeless population that was not adequately served in other parts of the city and/or county, thus the subsequent waiver granted for its permitted conditional use zoned within a residential, historic neighborhood.
However, in recent years multiple and various resources and organizations addressing the needs of the homeless population throughout Oregon City and Clackamas County have been developed. Collectively these other organizations and service providers have more than attained the original purpose and goals of TFH (witness the development and growth of the Homeless Solutions Coalition of Clackamas County). All neighbors in the McLaughlin Conservation District, regardless of their proximity to the TFH site, support the aims and goals of helping the truly needy and the underserved homeless population and many actively work to support these efforts. But as a service provider to the homeless TFH has already outgrown and overextended its ability to achieve its mission at the current site and should be encouraged to relocate to a more adequate facility in expanding its role.

This site does not meet the requirements for conditional use, as applied for, on several grounds as cited in Oregon City Code Mixed Use Corridor District Chapter 17.29; Conditional Uses Chapter 17.56; Lawful Non-Conforming Uses, Structures and Sites Chapter 17.58; and Site Plan and Design Review Chapter 17.62. The discrepancies are noted below by Section number:

1. **Chapter 17.56.010 Conditional Use- Section A.1** – *Underlying District*

   The applicant states "The site is located in the MUC-1 district", which is true. However, this type of "spot-zoning" (MUC-1 in the midst of a R-3.5 zone) is in dispute as to the original granting of "Shelter" as a permitted conditional use in this zone. There was a waiver granted to allow this Class C Office space to be used as a "Shelter" in the first place. The neighborhood does not believe there is substantial equivalence of this waivered use compared to any other commercial interests in the MUC-1 and will address this zoning issue as a separate legal matter under Mixed Use Corridor District Chapter 17.29 and Lawful Non-Conforming Uses, etc. Chapter 17.58, as cited above.

2. **Chapter 17.56.010 Conditional Use-Section A.2** – *Characteristics of the Site Suitable for the Proposed Use Considering Size, Shape, Location, Topography, Existence of Improvements and Natural Features*

   Size: The facility at 603 12th St. is not adequately sized for its current mission as service provider for the homeless (single small bathroom, one shower, no kitchen/food prep), much less in an expanded role as a residential shelter. Most of the building is configured as office, lobby, bathroom and storage space with only one small portion of the building (former "meeting room" space) open to the proposed reconfiguration. In addition, there is a constant and ever-present street population allowed to circulate outdoors in the parking lots of TFH and adjacent streets and park, many exhibiting mental health and drug abuse problems. This is due to the "Exclusion Policy" of TFH which does not allow these people inside,

leaving the neighbors to deal with the external problems. This issue is more fully described in response to Section A.4

Location: The site is not as conveniently located as the Applicant suggests. TFH is a four-block walk up steep hills/streets from the OC Transit Center/downtown OC which is where most of TFH clientele originates (very difficult for the handicapped/physically impaired to reach, even on TriMet). The clients are not there to shop "convenience stores", or to attend church as the Applicant implies. And I am astonished they note access to Barclay Park as a positive attribute of their location. TFH does not monitor, much less patrol, the activity in Barclay Park which includes drug trafficking, vagrancy, littering and other "un-neighborly" activity. OC Police Dept. data supports the neighborhood view that Barclay Park usage is compromised negatively by TFH clientele. It is also doubtful that TFH clientele are there to access the one family practice medical office or other "shopping" in the neighborhood as stated in the Applicant's response.

The neighbors have contended for some time that the TFH facility, for day or night use, should not be allowed in a historic residential neighborhood despite its complicity with its disputed permitted use. Much negative anecdotal evidence confirms this thesis, which takes into account the lack of mental health or drug addiction treatment/counseling at the current location, the primary causes of homelessness. (See HSCCC data). In fact, TFH policies of exclusion actually prevent these services from even being considered for delivery as a result of the inadequate facility and absence of any interventional or behavioral health training of anyone on TFH staff.

Topography: As stated above, it is a steep climb to the TFH facility from the OC Transit Center. Not that I would support the idea, but a trip up the City Elevator would be much easier access to the bluff area above downtown as the Applicant's response alludes to. And Tri-Met services a plethora of other more suitable locations in the City.

4. Chapter 17.56.010 Conditional Use – Section A.4

The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district

The Applicant Response to this section is perhaps the most egregious distortion of the factual situation. The entire neighborhood for blocks around the TFH facility is residential. In fact, historic residential.

The TFH facility is not "downtown" in any way.

The Mixed Use Corridor district referred to in their response (*incorrectly indicated as "east" of TFH, the MUC1 is actually west. And the reference to "..MUD…downtown" in the application is not clearly understood*) consists of only two other businesses, both at the corner of 12th St. and Washington St. One is a headquarters office for a janitorial company which incurs no retail traffic and the other is a Chiropractic Clinic with scheduled retail activity only and two apartment residences on its lower floor.

TFH is not similar to either business, or any other business within the entire North End in any way.
TFH, as stated above, has impacted the area for years with unsupervised external activity jeopardizing quiet enjoyment of surrounding residential properties. Aggressive panhandling, vagrancy/camping, illegally parked vehicles, loud incoherent shouting and ranting at all hours, littering, drug sales in areas unseen by TFH staff - all are contrary to the character of the surrounding residential neighborhood. Two families living directly across 12th Street from the facility cannot let their minor children play unsupervised outdoors. During good weather literally dozens of people are permitted to "hang out" and play basketball in the TFH parking lot. No commercial businesses would permit or be permitted such activity. Illegal activity in Barclay Park has been cited previously.
The **"Good Neighbor Policy"** cited in the Applicant's Response has not been adhered to in any way and is a clear misnomer. Neighbors have observed violations of every single component of the Policy on a regular basis. And because the policy is violated on such a regular basis there is a consistent population of "excluded" individuals who habituate the surrounding neighborhood but are prohibited access to the TFH facility itself. Neighbors are left to deal with the attendant problems. OC police are burdened with a disproportionate response rate to the TFH area as a result of this policy. TFH personnel are untrained and not on any consistent neighborhood patrol or interaction.

5. Chapter 17.56.010 Conditional Use – Section 5

The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use. Applicable Comprehensive Plan Goals and Policies for the Father's Heart Conditional Use Permit Goal
1.1 Citizen Involvement Program Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.
Policy 1.1.1 - Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.
Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.
Policy 1.4.1 - Notify citizens about community involvement opportunities when they occur.

As stated above in Section 4, there has been no perceptible active interaction between TFH personnel and the neighborhood on a consistent basis, such as TFH staff monitoring behavior outside the facility and reducing external activity.

As a Charter Member of the Homeless Solutions Coalition of Clackamas County (originally formed as the Oregon City Homeless Solutions Coalition) and now as a Board Member of the non-profit HSCCC, I have had the opportunity to interact personally with many TFH personnel over the years, especially its Founder, Terri Gant, now deceased. The neighborhood impact issues cited here have existed for some time.
If The Father's Heart wishes to expand its mission and services as indicated by this Conditional Use Request, I would encourage the Planning Commission and City Commissioners to deny this request as stated, revoke the Permitted Use waiver originally granted and support the idea of TFH personnel volunteering at an appropriately-configured and professionally-managed facility in conjunction with the homeless solutions plans and goals of Clackamas County and Metro.

To: Oregon City Planning Commission
From: Allyson Foster
Re: The Father's Heart Conditional Use Permit Application

My name is Allyson Foster. I've been involved with homeless outreach since 2008. I volunteered with Operation Nightwatch, Portland, for about 8 years. One of my main reasons for moving to the Father's Heart (2015) was proximity, the other from concerns surrounding the murder of my co-volunteer by a sex offender guest, and the failure of ONW to begin background checking. I served at TFH for about 3 years in the clothing closet and as a shower attendant. I want to lead with the statement that I have a passion to serve this population.

I believe that our life's purpose needs to include loving our neighbors as ourselves. The question is "who is our neighbor, and how can this be best accomplished? The houseless are certainly our neighbors and obviously need help. However, our giving should not enable people. Giving needs to have structure and be matched by effort on the part of the people we are serving. We need to build sustainability rather than dependency and be facilitators of their growth. A nonprofit should not only effectively contain damage to the surrounding environment, but also actively help individuals move toward dignified self-sufficiency. We need to love people enough to get to the core of their reason for being houseless and address it appropriately. The addicted need to be held accountable and aided toward treatment, the mentally ill need to be treated, and the able but unwilling to work need to be given a time limit for handouts, then cut off. Except for the truly incapable, they need to be active participants in their own betterment. When we do for others what they are capable of doing for themselves, we not only cripple them, but take resources away from the truly needy.

I have had the opportunity to get to know many of the regular guests at TFH personally, outside of the shelter setting. Many are likable. However, most are at best opportunists and professional takers. Many are active addicts and engaged in regular criminal activity. I can give more details if anyone is interested. When I became aware of the ongoing struggles of the literal neighbors of TFH, I was led to examine my position on their presence here. Because truly helping these people is beyond the scope of what this nonprofit can offer, I believe that it is unconscionable to make life hard for the decent hard-working residents of the area. They deserve to live their lives in their neighborhood in peace and safety.

My strong recommendation is to prohibit further growth of TFH at this location. If immediate survival needs are the concern, this could be accomplished with mobile units in nonresidential areas.

- Allyson Foster, former TFH Volunteer

Dear Oregon City Planning Commission,

My name is Tristan Murray and I am 12. I will be entering 7th grade at TUM-wata (formerly Ogden) Middle School. I am asking the Planning Commission to deny the conditional use permit for the night shelter, CU-21-0002.
They do not meet criteria #4: ***The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.***

We moved into our house at 612 12th Street in Oregon City when I was one year old, before the Father's Heart was there. I have grown up with this place directly across the street, the front of our house faces their entrance and parking lot. It has really affected my childhood. I have had many interactions with the homeless people who go to The Father's Heart, and most of them were not good.

- One winter when it snowed a lot, and they had the night shelter open, I was out playing in the snow in my front yard with a friend. A woman came out of the shelter, walked across the street and tried to get me and my friend to leave with her. We said no and ran inside and told my mom.
- I used to walk home from the bus stop at the Jackson campus for Springwater School, and I once had a homeless man who tried grabbing me on 12th street and I ran home, let myself into the house, and locked the door.
- When I was younger I used to play almost every day with the neighbors around the corner, and every single time we walked to each other's houses we had to have a parent or their older brother walk us about 90 ft. because it wasn't safe to be on the street out front alone, even just running one house around the corner.
- I was never allowed to play in our front yard unsupervised. I didn't ever feel safe. I now have a 5-year-old brother and he can't play out front either, unless my parents are there. My parents have had many conversations with us about what to do if we encounter someone under the influence of drugs or having a mental health crisis.
- I have seen many incidents with violent and yelling mentally ill or high people, where the police were called, in front of our house. More than 10.
- When they have had the overnight shelter, there are people talking and yelling and smoking in the parking lot all night long. My brother and I have been woken up because of activities across the street.
- My mom and I once found a woman sleeping on our porch swing, when we were leaving for school in the morning. She was out of it and obviously on drugs. My mom gave her some food and an old blanket and asked her to leave or that we'd call the police.
- There are a lot of scary people across the street. Sometimes they sleep on the property when they are closed or are hiding behind trash cans. I have been yelled at by people from across the street at night many times.

I know homelessness is a serious issue, especially in freezing weather. I hope the city can find a better solution than a shelter at this location. I feel that The Father's Heart should have some responsibility for the people they bring into our neighborhood. Their operations have **limited and impaired** my experience living here. Please choose to deny their permit for the safety of all the kids who live close to this shelter.

Sincerely,
Tristan Murray

Date: July 8, 2021
To: Diliana Vassileva, Assistant Planner
dvassileva@orcity.org, (503) 974-5501
From: Heidi McKay 709 11th St
heidiandlulu@gmail.om, (503) 544-4455
Re: The Father's Heart, 603 12th Street
Type III Land Use Application
GLUA-21-00019 and CU-21-00002

We oppose the above-mentioned Conditional Use Permit application to expand services for a night warming shelter at The Father's Heart.

The information below is taken from the "Type IV Application Conditional Use Review and Type III Application for Site Plan Review submitted to the City of Oregon City dated April 8, 2021 by The Father's Heart Street Ministry."

Goal 2.4 *Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*

Applicant's Response:

"*The ongoing affordable housing crisis has been exacerbated by the Covid-19 pandemic. Thus, homeless neighbors are a reality in Oregon City as well as every city in the Willamette Valley. The Father's Heart was established in order to provide services to these community members and to help transition them from houselessness to transitional and more permanent housing. In addition to places like parks, convenience stores, libraries, and medical offices, shelters are essential facilities. Shelters allow people in need to receive a meal, a shower, clothes, toiletries and overnight shelter in freezing weather and are a critical piece of a city's downtown service infrastructure. The Father's Heart has worked with Clackamas County, the broader Oregon City community and specifically the McLoughlin Neighborhood on ways to run the shelter so that the needs of both clients and neighbors are being met."*

I would like to speak specifically to the highlighted portion of the applicant's response above: *"The Fathers Heart was established in order to provide services to these community members and to help transition them from house listeners to transitional and more permanent housing."*

At this time there are no mental health professionals or paraprofessionals that are involved in the facility. They have no records which quantify their success of transitioning houseless folks into transitional or permanent housing and many of the clients are habitual, coming back year after year. The services they receive are sometimes inappropriate, like an

entire cantaloupe or a large bag of clothing which usually end up in our neighborhood. This speaks to the TFH misrepresentation, that they are focusing on transitioning these houseless clients. They do not have the professional knowledge, resources or understanding to support these clients and instead give them inappropriate volumes of clothes and food, only further burdening the neighborhood and not addressing the underlying needs of their clients. At this time, I feel further enabling them to sleep in the shelter is not a positive move that the city should support. Every night the shelter is open there will be 50 individuals (many of whom are registered sex offenders and the severely mentally ill) sleeping in the facility with a few non-professional, and untrained volunteers. After the doors of the facility are then open at 7 am for clients to leave, children in the neighborhood are walking to and waiting for their bus. This is not a not the way a city upholds the safety of its patrons. This is a clash of two demographics who should not be anywhere near one another.

Policy 2.4.2 *Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*

Speaking to the applicants second highlighted above quote… "*The Father's Heart has worked with Clackamas County, the broader Oregon City community and specifically the McLoughlin Neighborhood on ways to run the shelter so that the needs of both clients and neighborhood are met."*

The vibrancy of our neighborhood is one of my top priorities. I worked with the city for over six years to revitalize Latourette Park. I also spearheaded and executed the first ever painted intersection at 11th and Jefferson. The installation of a lending library, created by the Oregon City High School construction team, was also something I instigated and executed. These are the ways in which I have tried to offset the increase in crime, mentally ill and unstable passerbys, and to establish the safety needed for me to let my son out of the house to play basketball, on his street in front of our house. When I read the applicants response "The Father's Heart has worked with Clackamas County, the broader Oregon city community and specifically the McLoughlin neighborhood it" it deeply frustrates me. I've been extremely involved in my community for over 13 years and done so much work to offset what has happened since TFH has moved in and I have never had one single communication from anyone at that facility. My husband and I are both mental health professionals and we are extremely concerned for the safety of our own children and all of the children in our community due to the knowledge and understanding that there is not a single mental health professional supporting any of the clientele that is revolving through that facility. At this time, I don't believe that TFH has the values of our community or the values of the City in mind when serving its clients. TFH directly impacts many business' ability and ongoing efforts to create vibrancy, working in direct opposition of TFH clientele. To grant them permissions to increase their services would be a great negative blow to our livability and safety.

This is a humanitarian crisis, it's time for the city to take ownership for this epidemic and not put the safety or vibrancy of the community in jeopardy. It's not fair to put this large glaring issue on the shoulders of one religious organization with little knowledge or effective support strategies.

Thank you for listening.

In Gratitude,
Heidi McKay

Date: July 4, 2021

To: Diliana Vassileva, Assistant Planner

dvassileva@orcity.org, (503) 974-5501

From: Dan and Pam Kromer, 1112 John Adams Street

Dkromer914@gmail.com, plpk914@aol.com, (503) 657-4474

Teri Poppino, 720 11th Street

turretmoon@gmail.com, (971) 930-0074

Re: The Father's Heart, 603 12th Street

Type III Land Use Application GLUA-21-00019 and CU-21-00002

We oppose the above-mentioned Conditional Use Permit application to expand services for a night warming shelter at The Father's Heart.

The information below is taken from the "Type IV Application Conditional Use Review and Type III Application for Site Plan Review submitted to the City of Oregon City dated April 8, 2021 by The Father's Heart Street Ministry."

Chapter 17.56 Conditional Uses Application

17.56.010 – Permit – Authorization – Standards – Conditions.

A. 4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;*

Applicant's Response:

> … Because no changes are proposed to the **existing building or site**, the proposed project will not significantly alter the character of the area… Therefore, since the shelter is not expanding its **capacity**, the conditional use approval to continue the shelter use of the (sic) will not have further effects on the character of the area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.

We've highlighted the words above because we'd like to speak to that language.

True, the proposal does not involve changes to the physical location. The building itself will remain static. It is the operations that will become dynamic and increase capacity as services change from current practices of limited hours and days of operations (from 4 hours/day, 4 days/week) to longer hours (overnight) and more days of operation (possibly weekends). Their capacity will increase as well with more foot traffic through the neighborhood and in the

immediate area, during all hours of the night. We are concerned that problem behavior (and, in our case, criminal) we've endured at the hands of their clients will increase as more people are drawn to the location, during all hours of the day and night. Residents in the surrounding area already have had to deal with car break-ins and other acts of vandalism during the night. This will only increase if The Father's Heart is open at night.

The "surrounding area" of The Father's Heart is our neighborhood, a residential area. The behavior of some of their clients has altered the feel of our neighborhood and necessitated us to change the way we move and live herein. Other than attending a McLoughlin Neighborhood Association meeting when they are required to by the City, in order to get approval on a change in their Conditional Use Permit, there has been no attempt by The Father's Heart to reach out or communicate with neighborhood residents directly surrounding them about issues or impacts their services and clientele bring to the area. Many were surprised that a written "Good Neighbor Policy" even existed, let alone being practiced by The Father's Heart.

The Father's Heart states in this document that they maintain a strict "Good Neighbor Policy" to which clients must adhere in order to receive services that the shelter provides. This has not been our experience. The following are some examples we, neighborhood residents, have experienced over the years by clientele utilizing The Father's Heart:

1. Dan Kromer was walking on Washington Street just south of 11th when he noticed a man following him. This disturbed fellow accosted Dan and accused him of trying to steal his bag of cans. The man verbally threatened him and then tried to strike Dan with a small pair of num-chuks. Dan is a Parkinson's patient and felt vulnerable, unable to physically defend himself. Dan ran from Washington to 11th, hoping to rouse neighbors to his aid. Unable to do so, he ran up the steps on Jefferson Street to 10th and 9th Street. He saw the man looking up and down side streets trying to find him. Dan was finally able to return to the safety of his home. He is no longer able to run and is concerned about how he will escape in the event it happens again.
2. A woman removed a package that had been delivered to the Kromers' front porch. A neighbor across the street saw what was happening and shouted at her, she dropped the package and ran to The Father's Heart. Pam followed the woman into The Father's Heart and was told by staff, "you are not allowed to be in here."
3. Another time a woman set up a camp under the Kromers' maple tree in their small front yard. The police were called, and they moved the woman along. She relocated to the neighbors' yard across from the front doors of The Father's Heart and stayed there until the police returned and took her away.
4. Pam Kromer walks and runs through the neighborhood alone every day. (She used to run with her large Airedale, Rosie, but Rosie has since died.) She has noticed a marked decrease in people behaving erratically in the immediate area since The Father's Heart has reduced their hours and days of operation due to COVID-19.
5. Dan and other neighbors have called non-emergency several times over the last eight years regarding individuals at Barclay park who were yelling, cursing, and/or exhibiting threatening behavior towards other park users or people walking by, either passed out and non-responsive or dead; drinking alcohol excessively or intoxicated; leaving large

amounts of litter/garbage in the park. The common denominator here is that these individuals appeared to have been using the services offered by The Father's Heart. These types of incidents were pretty much non-existent on the days that The Father's Heart was closed as well as during the reduced hours over the past year due to the COVID-19 outbreak.

Signed,

Dan Kromer, Pamela Kromer, and Teri Poppino

To: Oregon City Planning Commission
From: Christine LeFever
809 Washington St.
christinelefever@comcast.net
971-322-5182

My interest in this case is to show that the very existence of *The Father's Heart* is detrimental to the well-being of our neighborhood and to urge you to deny their conditional use permit application. I represent myself.

My husband and I live on Washington Street just a block from 7- Eleven on the same side of the street. We have lived here since 2006.

I understand that police from neighboring towns and cities having learned of the existence of *The Father's Heart* have been known to drop transients off there. A reputation has grown, and now it is shared among these transients that Oregon City has a place for them. It is evident that this neighborhood is now crawling with people who are either mentally ill and or, in some cases of a criminal leaning.

We on Washington, Center and High streets are nearest to downtown Oregon City where there is a transit center which brings the transients easily into our neighborhood and for that very reason I do not regard the current location of *The Father's Heart* to be at all a good presence for we, the tax payers in this very neighborhood. The number of these transients has multiplied exponentially yearly. Again, the lure is *The Father's Heart*. It is an **attractive nuisance.**

I have not called the police for the following, other than once. These are merely annoying and bothersome situations that have occurred while *The Father's Heart* has been active in our neighborhood:

- On two different occasions, I opened my door to our wrap front porch only to find a homeless man sleeping there! These were two separate times with two different men.
- Often someone stashes debris or even treasured bags of returnable cans and bottles in our Oregon Grape hedge.
- Cigarette butts on the street and sidewalk have become ubiquitous.

- On several occasions I have been asked if the house is a museum and if someone lives here. This question is unnerving.
- On one occasion our stairwell to the basement was used by someone who left a brown paper bag with an empty bottle of alcohol of some sort. At that same time, excrement was left in the stairwell too, and it is not likely that an animal went down there for that purpose.
- On the one occasion when I called the police, I was walking under the bridge to go down the steps to downtown. This was early in the morning. A person was sleeping in that tunnel. He was completely covered, and I was alarmed at his presence. I do not know if the police did anything. Although I never saw the person, I assume it was male.
- Tourette's syndrome or schizophrenia? Yes, there have been two different men who roam up and down Washington Street to and from 7-Eleven screaming and yelling profanities to where I have on numerous occasions run outside to see that no one is being harmed. They seem to obviously suffer from Tourette's Syndrome or perhaps schizophrenia and some of the things they shout as loudly as they can are not only offensive, but violent.
- On July 4th this year while in my front yard a peculiar man came walking down the street in the middle of the northbound lane expounding with certainty about what seemed like courtroom talk. He was carrying a garden tool, long like a hoe, but it was clearly a grass edger. His right arm would heist this tool vehemently into the air. He appeared to be oblivious to anyone else. Meanwhile a car came driving up behind him and had to swerve into the oncoming lane to proceed. Incidentally, northbound is the way to *The Father's Heart*.
- On July 6th my husband was approached while enroute to the 7-eleven by an older woman who shrieked words about having been raped. She was vile in her appearance and approach. He ignored her, but she followed him, still screaming and yelling.
- On July 6th a contractor working in our front yard told me that a woman who was obviously not mentally well came walking up the sidewalk where she turned and flipped him off, twice and then did the same to the house.

The Good Neighbor Policy doesn't hold with me. Good neighbors do not behave in such a manner. They do not enforce this policy outside their own facility.

The proposal by *The Father's Heart* will indeed *alter the character of the surrounding area* by virtue of the transient beings continuing to infiltrate our neighborhood.

By the very size of The Father's Heart, I see that their approach to helping others is not a great help at all to the overall homeless situation. This organization should be somewhere with professionals to deal with the bulk of their visitors. Instead we now have planted right here in our beautiful, historic neighborhood a free-for-all lure for disreputable people to come and hang out.

To: Diliana Vassileva, AICP
Assistant Planner
dvassileva@orcity.org

From: Mary Stivers
1111 John Adams
Oregon City OR 97045
marycarolyn@gmail.com

Re: The Father's Heart
603 12th St
Oregon City OR 97045
General Land Use Application GLUA-21-00019/Conditional Use Permit CU-21-00002

July 6, 2021

I oppose the above-mentioned permits for a night warming shelter at The Father's Heart. My response is based on section 4, specifically their good neighbor policy.

In part, they state the following:

"The Father's Heart maintains a strict Good Neighbor Policy to which clients must adhere in order to receive services that the shelter provides.

"The Good Neighbor Policy includes the following requirements related to the shelter in order to prevent impacts on the surrounding area:
Respect our hours of operation by only being on property Tuesday-Fridays, 9:45am to 2:00pm (or nights when it is below 33 degrees Fahrenheit);
No loitering, sleeping or camping on or near The Father's Heart Property. This includes the park across the street, the woods (Abernathy Chapel area), the private alleyway between us and residents of the McLoughlin neighborhood. Bothering any McLoughlin neighborhood residents will result in loss of services;
No raised voices, music, or any inappropriate behavior on or near the property.
Respect EVERYONE.
With the Good Neighbor Policy (in part above) actively enforced, … this requirement is met."

I have lived in my home on John Adams for over 31 years, well before the Father's Heart moved in around the corner. I've seen many changes to what was a safe and peaceful neighborhood, because of TFH. Since The Father's Heart opened, there have been many instances of their clients who use, or tried to use, their services that have committed violations against both local laws and their good neighbor policy.

- An alley runs along the side of my home and yard. I've found too many empty alcohol containers discarded there to count. I've also found used syringes on my parking strip. Strangers have come into my backyard at night. Because of this, I had to have a different fence installed, at a great expense. Men come and sit on my front porch and refuse to leave. Men have come to my door, begging. None of these things ever happened before The Father's Heart moved in.

- They may have a policy of not letting people in who are either drunk or on drugs or who possess either of those. But when they turn these people away, they simply turn the

corner and come into the neighborhood, often in front of my house or onto my porch. I don't feel safe when this happens.

- They are definitely not quiet. One man stands on the corner and screams obscenities. I've heard many, many arguments and fights directly in front of my home and the people were not from this neighborhood. I've had to call the police on several occasions, including once when one man threatened to kill the other in a tone of voice I believed.

- I interviewed several neighbors and businesses in the area. They all wish to remain anonymous, out of fear of retaliation. One resident gets off of work at 10:30 PM. Her door is on the side of her residence and she's come home, in the dark, to find clients of The Father's Heart sleeping in her yard. Several other neighbors have been threatened and chased. Another lady has been verbally abused and physically threatened. Eateries I've spoken with state they have their garbage cans gone through and garbage scattered around, the clients of The Father's Heart accost patrons and beg for money, then refuse to leave. Others use the garbage cans as a bathroom.

- Both neighbors and businesses have had things stolen.

If the temporary warming shelter is approved, the clients will have to leave The Father's Heart at 7:00 AM. The facility reopens at 9:45. This gap is the time children are leaving for schools and waiting for the school bus. Where do we expect the people leaving The Father's Heart to be during this time? In the neighborhood. Why would they go anywhere else?

The parts of the Good Neighbor Policy I quoted have never been "actively enforced." Once the people leave the facility, they're on their own. If the policy is not enforced now, why would anyone expect it to be enforced when more people are using it?

I urge you to deny this request by The Father's Heart.

Sincerely,
Mary Stivers

Thank you for reading and reviewing our combined statements.

We collectively urge you to deny General Land Use Application GLUA-21-00019/Conditional Use Permit CU-21-00002.

As evidence by our combined statements, the criteria has not been met.

To: City of Oregon City
Fwd: Father's Heart Street Ministry
cc: Marty Grant PDA Properties
Subject: Addendum, Proposed land use agreement
Date: 6/24/2021

Message to the City of Oregon City and interested members of community, including donors.

Attached is addendum to proposed land use agreement for "The Father's Heart" at 603 12th St. Oregon City, OR 97045. Addendum motions for proposals on behalf of patrons and supporters.

Also included are:
- Agreement to Addendum
- Disclosure of Verbal and Written Liability
- Disclosure of Witness to correctness of applied forms.

Phone is out of minutes, computer is far from reach. Working on getting help to be available by phone. Been worried about incoming calls being jammed, outgoing mail tapped in connection to investigations pending with State and Federal Authorities and Oregon Law Center. Will be available at Fathers Heart and by phone as soon as possible. Thank you!

From: Zach Roberts
Wages for Workers Campaign

6/23/2021

Addendum
Proposed Land Use Agreement
603 12th St.
Oregon City, OR 97045
"The Father's Heart Street Ministry"

Consideration to implement the following updates to the service of the property:

- Open twenty-four hours a day, seven days a week.
- Service to any in community with need.
- Employer of homeless citizens, encourages applications to welfare.
- Equal share of provisions, incomes to all who perform duties on behalf of shelter (and non workers)
- Current employees may continue working; democratic process of order
- Redraft of charter

This proposal is intended to improve the conditions of life for homeless citizens and the value of donations from citizens. Approval would be a significant first step in helping the homeless and removing tensions from communities.

Submitted by: Zach Roberts
Signature: Zachary Roberts
Date: 6/24/2021

6/23/2021

Agreement to Addendum

We, citizens of Oregon City, agree to the proposals of the addendum to the proposed land use action. Upon agreement of three or more witness, we motion for the proposals of the addendum to be implemented.

Witnesses

① Zach Roberts. Zachary Roberts. 6/23/2021
② Dominic Harrell 06/23/2021
③ Noah Bayley 06/23/2021
4. Irene Mason 06/23/2021
⑤ Fran Mertz Fran Mertz 6/24/21

I, Zachary Roberts, testify that names and signatures were lawfully aquired with the support of the citizens' personal decision. Disclosures for petition were true and accurate; privacy of individuals has and will remain protected in good faith to United States Constitution, and liability to be held by the petionor below.

Name: Zachary Roberts
Signature: Zachary Roberts
Date: 6/24/2021

Disclosure
Verbal and Written Liability

I, Zach Roberts, state official liability to all statements in association with "Wages for Workers". Any and all statements associated with my name or associations That I'm affiliated with are liable to myself upon certification of witness testimony.

Name: Zachary Roberts
Signature: Zachary Roberts
Date: 6/24/2021

Disclosure
Witness Statement

I, Zach Roberts, testify respectively to the following consideration:

Subject: Zach Roberts, Addendum to Public Land Use meeting, Wages for Workers
Witness: Zach Roberts
Statement: I began asking for support for an addendum to a Public Land Use Agreement in effectual progress at "The Father's Heart Ministry", address 603 12th St. Oregon City, OR 97045, on Thursday June 24th, 2021. I mistakenly wrote "June 23rd" on the addendum agreement. The addendum itself was also drafted on "~~6/24/2021~~ ZR "6/24/2021"; not "6/23/2021". Officially the addendum and the agreement to the addedum are are dated as "June 24th, 2021" or "6/24/2021". All signatures dated for 6/23/2021 were to a misunderstanding of date by first signee and campaigner, Zach Roberts. Once noticed, witnesses were informed of error. All other disclosures about campaign and liability are attested to by Zach Roberts, and other witness to subject.

1

The witness hereby submits his statement for review by necessary due process.

Name: Zachary Roberts
Signature: Zachary Roberts
Date: 6/24/2021

2

Contact Information
Zachary Roberts
19300 Mollala Ave. Oregon City, OR 97045
(503) 915-9353
zroberts91@outlook.com

Zach Roberts
300 Molalla Ave.
Oregon City, OR 97045

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I SUPPORT WOUNDED WARRIOR PROJECT®

THANK YOU FOR MY FREEDOM

City Hall of Oregon City
625 Center St.
Oregon City, OR 97045

~~P.O. BOX 4438~~
~~PORTLAND, OR 97208-4438~~

[redacted]

To: Oregon City Planning Commission
Fwd: Oregon City Municipal Hall
CC: Marty Gant, Josette Godsy
From: Zach Roberts
Subject: Proposed Land Use Action
Date: July 9, 2021

Good afternoon!

This is a request to discuss an alternative course of action for the property at: 603 12th St. Oregon City, OR 97045.

For the interest of the homeless and non-homeless residents that seek help from, and work at, the facility.

The concern is that the facility is zoned in an area where it would be lawful as a full-time overnight shelter. This proposed action encourages current staff to consider the value of amending policy of the property to be a full-time facility.

Attached is a charter plan for the “Church of Jesus”, with an updated procedural outline for ministry services at the location of interest. As more locations associate with the charter by identity, more services for the community should become viable.

The proposal includes a property trade from the current property owner: PDA Properties, to a new property owner: U.S. Bank. The ministry hopes to pay lease on the property held by the bank.

Application for Land Use Action included with email; available at city hall for property owner and representative to sign if agreed.

Consideration of the proposal for the facililty to be a full-time overnight shelter increases the value of services for the homeless, and the value of donations to the shelter. The charter and procedure outline progressive philanthropic policies and procedures that could afford wages to jobless citizens, and housing for homeless.

With respect to current staff and volunteers, we hope that acceptance of this course of action would be beneficial to any interested at the property.

Thank you!

Regards,

Zach Roberts

Church of Jesus

Mission

To share the gospel of the Holy Bible, and receive any who seek help from our Lord.

Demand

Any that lack water, food, clothes, or shelter; searching for Christian ministry.

Supply

Provisions gathered from collections of tithe offerings, and workers ready to serve the community.

Structure

A non-profit free assembly of religion.

Organization

Baptized congregants are disciples of the Lord. Among disciples are called deacons, elders, and overseers; charged with the official duties of maintaining law and order of the Church. At various times and places, the Roman Catholic, Eastern Orthodox, and Evangelical emerge as associations of the Christian church; united by faith in the Son of God, Jesus.

Incomes

The church of the Lord Jesus receives provisions that meet the demand of the charter; goods and currency.

Costs

The church may carry property, property tax, water, electric, garbage, and sewer as costs. After operation cost payments, ten percent of the revenue is donated as tithe, for the community and to fellow churches. The remaining balance is distributed as a daily wage for a day of work. Church officials work together to save financial assistance for the congregation, and community, as needed.

Tax

Revenue from the budget for the charter not subject to taxation. Employee payroll and wealth deposits are subject to taxation; as fielty to the established ruling authority

Doctrine

The Holy Bible is the authority on all matters within the Christian free assembly of Lord Jesus, the basis of decision and agreement among fellows. Charter enumerations to be subject to the Holy Bible, and submitted to the United States government, in subjection to the established ruling authority. All church members are liable to the meaning of scripture to each other and to non-church members, and to the law of the United States government.

Amendment

The charter, established under the United States government, is subject to review, amendment, and acceptance, by the agreement of fellowship, according to the Holy Bible.

Drafted: Zach Roberts

Edited: July 7, 2021

Procedure

1. Check in
    a. Primary
        i. Steps 1 - 7
    b. Secondary
        i. Steps 1, and 4 - 7
2. Clothes
    a. Outfit
        i. Socks
        ii. Undergarments
        iii. Pants
        iv. Shirts
        v. Sweatshirts
        vi. Jackets
        vii. Hats
        viii. Gloves
        ix. Sundry
3. Wash
    a. Shower
        i. List sign up
4. Water and Food
    a. Water
        i. Upon request
        ii. Faucet, cooler, and packaged
    b. Food
        i. Upon request
        ii. Meals
            1. Breakfast: 7-9 am
            2. Lunch: 12-2 pm
            3. Dinner: 5-7 pm
        iii. Inventory
            1. Open receivable
            2. Total daily ration
            3. Necessary, sufficient
5. Shelter
    a. Daily count
        i. Maximum capacity
        ii. Contact nearest property
            1. Shuttle
    b. Ordinance curfew
        i. Adjustments, exceptions subject to review and approval
    c. Supervision paid
6. Resources
    a. Literature
    b. Electronic
        i. Phone

            ii. Computer
        c. Mail
            i. Address and delivery
        d. Counseling
            i. Clinical connections
            ii. Welfare process
            iii. Career
7. Employment
    a. Work
        i. Uphold and maintain shelter
            1. Policies
                a. Holy Bible
                i. Authoritative
                ii. Subject to 7.a.i.1.a.
                b. U.S. Constitution
                i. Governing rules
                ii. Federal and State
                c. Charter regulations
                i. Specify compliance measure 7.a.i.1.b.
                ii. According to 7.a.i.1.a.
                iii. Subject to agreement
                1. Patrons and Staff
            2. Procedures
                a. Duties and tasks developed in steps 1 - 7
                b. Receive donations
                i. Water
                ii. Clothes
                iii. Food
                iv. Currency
                1. Coin
                2. Notes
                3. Checks
                4. Debit
                v. Misc
                1. Manage essential
                2. Donate non-essential
                vi. Delivery
                1. Zone
                c. Administration
                i. Forms
                1. Pass to inquiry
                2. Advise
                3. Complete filing and communication
                4. Hiring documents
                5. Memorandums
                ii. Standard forms
                1. Accounting

        2. Administration
        3. Operations
    iii. Records
        1. Manage and maintain
d. Accounting
    i. Maintain budget
    ii. Manage bills and payments
    iii. Process payroll
e. Operations
    i. Daily procedures steps 1 – 7
    ii. Inventory
        1. Water
        2. Food
        3. Clothes
        4. Daily shelter count
    iii. Task fulfillment
        1. As needed

Proposal

Property trade

Prospect: The Father’s Heart Street Ministry

Prospector: Zach Roberts

Property: 603 12th St. Oregon City, OR 97045

Buyer: U.S. Bank

1600 Molalla Ave. Oregon City, OR 97045

Agent: Josette Godsy
Client Relationship Consultant
(503)657-2380 direct
(503)657-2331 branch
josette.godsy@usbank.com

Seller: PDA Properties

34856 E Columbia Ave. Scappoose, OR 97056

Agent: Gary Wheeler

Refer to:

Marty Gant, Robin Schmidt, The Father’s Heart
(503)722-9780
Information: Proposed Land Use Action. Meeting: July 12th, 2021.

Value:

The Father's Heart

July 10, 2021

Dale & Maribeth Gehring

I am concerned as a lifelong resident in the McLoughlin Neighborhood. Oregon City is affected more now than ever with the issues surrounding many major urban areas in our country. Homelessness and all its causes are just one of many issues facing us. I believe there is a real need and one which communities can address. But short-term actions which leave people with the feeling of "at least we did something," in fact avoid the heart of the issues and the problems only fester and grow. This is undeniably what is happening before us today.

The proposal to add overnight accommodations at Father's Heart will add 59 new residents to our neighborhood. In the past anyone finding their way to Father's Heart for meals would either have to leave the area or stay in several of our parks to find a place to sleep. They were nameless transients in our community wandering the streets waiting for their next meal. Going forward with a shelter there will be no reason for them to leave, others will follow and we will have a growing community of homelessness. Portland's answer to "their problem" will be to send people to us. This is a fact, and it is occurring today.

Oregon City, and certainly the McLoughlin Neighborhood has limited resources and capacity. When demand exceeds our ability to supply true support, we will be no different than where Portland finds itself today. We do not have the ability to affect the lives of everyone in the homeless community, so let's make a difference for the ones we can. I know the homeless community is not a homogeneous group. Drugs, Mental Health, Broken Homes……all contribute. Every one of these conditions will require resources on the road to recovery.

My real-life work experience brought me in direct contact with several of these conditions. The most common one was drugs. We had programs for people asking for help for their addiction problem, and if they stayed in the program, they could keep their job. We also had a Second Chance program for those who tested positive on a random drug test. They kept their jobs and were given a 1-year probationary period. **100% of the time** those that asked for help succeeded and those that were caught never made it.

With our limited resources I believe we need to focus on those that need and want help. If we choose to bring people into our community/home that are unable to help themselves, we are in affect adopting them. With adoptions there are expectations, responsibilities, and accountability. Put very crudely without a willingness to change and both parties doing their part, the shelter will just become another feeding station to spread the blight of homelessness.

My questions and concerns go beyond food and a place to sleep. That is not adoption, and it will not change our current course. If we stop there, there will be consequences largely only impacting the immediate de facto parents in the neighborhood. This is where we could say Not In My Neighborhood. There are real consequences. Property values are affected, I have had cars broken into multiple times and equipment stolen out of my fenced backyard. Our parks and library have become way points for afternoon naps and drugs. Our children feel unsafe walking through the McLoughlin House Park and down the steps to downtown. Often there are men sleeping on benches and in the tunnel, and there are signs of them urinating or defecating in the area.

There is a problem. Are we going to step up and fix what we what we can or are we going to take half measures and bear the consequences?

We have the following questions:

- Are the new residents seeking support to change their condition?
- What are the expectations for those being housed and fed? What will they be doing when they are not eating or sleeping at the shelter? Wandering through our neighborhoods or working on improving their situation?
- Would the residents be provided resources for drugs, mental health, employment etc.?
- Are there any "Adoptive Parents", i.e., Police, Fire, City Government, Schools, Faith based orgs, and are they willing to provide the additional support needed?
- What resources are they willing to provide and what would they be accountable for?
- To provide the services needed what space would be required beyond a place to sleep and eat?
- Is the current location the best place for a shelter like this? As a tax paying resident of this neighborhood who works hard to provide a home and a safe place for my family to live, I would say no it is not. I would urge you to consider locating this shelter further from a neighborhood.

Let's make a real difference. I am not in favor of any half measure that perpetuates and grows the current problem. I believe we should help those seeking help with the resources required. We can't solve the whole problem so let's pick those in need who are wanting help to change their situation. Taking half measures is a veiled attempt to "do something that feels good" and check a box, while asking the local neighborhood to chaperone societies orphans. It is unfair to the homeless and to their neighbors.

Sincerely,

Dale Gehring

817 Center St., Oregon City

503-709-6914/gehringdng@gmail.com

Diliana Vassileva

From: Miss K. Freeman <misskfreeman@yahoo.com>
Sent: Sunday, July 11, 2021 4:49 PM
To: Diliana Vassileva
Subject: Father's Heart

Follow Up Flag: Follow up
Flag Status: Flagged

Iam writing to strongly oppose the application for Father's Heart allowance up to 49 guests.

This type of business never should have been allowed in a residential neighborhood to begin with.

It would be much more helpful- and functional being closer to other amenities and services the government and state have to offer. ie food stamps, job assistance offices etc. Not to mention closer to public transportation, grocery stores and day by day necessities for life.

I also don't know of any other "homeless shelter" that operates minimal hours- and very few days a week. Website says 16 hours a week open. Leaving their "clients" to roam around the neighborhood after closing at 4pm- with no other services or places to go. Stuck. Not to mention so many days and hours closed- rather pitiful services falling short. Perhaps instead of adding people- they could add service hours and days. Not very accommodating or helpful for the "clients" they have now-

I realize we need such a place in Oregon City. And I realize they have obviously gained enough stability to expand- and good for them for wanting to do more- but it needs to be in a bigger facility- closer to other services- and absolutely no way in a residential.

I also have great concerns for that high number of occupancy per square footage. That ratio in any other type of residence or business would not be allowed. Per not only City Code-, but also Fire Code. Unlike say a convenience store, or fast food restaurant where occupancy is a revolving door- this request is for guests per night. Not safe for anyone in any manner. Inside the facility- and surrounding neighbors.

It's time- time for them to move out and on- to be able to grow as needed- benefiting their ability to provide- the clients ability to receive better services and options around- and neighbors have their neighborhood back.

Thank you,

Kari Freeman
503-502-9093
916 Washington St
Oregon City, OR. 97045

Sent from Yahoo Mail on Android

Oregon City Building and Planning

221 Molalla Ave

Oregon City, OR 97045

I am Tina Irvine the Owner of 909 Center Street, Oregon City, OR 97045. I understand that there is a request to allow for a Conditional use Permit to allow Father's Heart to expand their services and allow 49 individuals at night. I would like to request that they not be allowed to do so.

As the single mother to my 12 year old son, I purchased my dream home on Center Street in October of 2020. I am also the Owner of Express Employment Professionals here on main street in Oregon City, 900 Main Street since 2015. I built my life and business here because I love this city and want to protect the integrity, livability, and to continue to provide a safe place for me and my son to live.

While I am all to aware of the homeless issues our city faces, I would like to express that the location, size and location of this increased service is less than ideal. My major concerns is where do 49 people go after the evenings shelter has closed? Drawing in additional individuals

Within the last two weeks, I have seen several transients, with their carts full of belongings and leaving them on my street corner. On center street, I have witnessed nudity by transients at McLoughlin House.

As a Business Owner, in Oregon City with my business being on Main Street, I already experience a lot of homeless and trainset individuals that are at times, aggressive, threatening and in general do not treat our neighbor and community with much respect. On several occasions I have had to contact the local safety officers to manage these individuals.

Increasing the # of beds at Fathers Heart is without question is only going to increase these types of incidents. I want to be clear in that as an Oregon City Rotarian I have volunteered and made meals and have dopped off safety PPE during COVID to help support the efforts. I'm not opposed to Father's Heart, I value their mission; I simply do not want their shelter increased in bed size at the expense of my quality of life, home value and business expense.

In the fall my son will enter middle school and will need to take the bus. His bus stop is on 9th and Washington; as it already sits on a very busy road it frightens me to think of the people he maybe exposed to while waiting for the bus each day.

Thank you for your consideration -

Tina Irvine

900 Center Street, Oregon City OR 97045

7-29-21

Oregon City Planning Commission

I am a close home owner and neighbor of Tfh.

I wrote a previous letter before the first hearing relating several negative experiences and serious safety concerns , (including being physically threatened on my own property), both I and my fellow housemate have sustained during involuntary interactions with Tfh.

I have also sustained repeated trespassing and theft (from my porch, immediately next to my open screen door , on my property, on multiple occassions at my home at the hands of Tfh clients.

I feel my experiences reflect potential interactions that occur city-wide.

It's great to support those who need it, but in the right way and in the right location.

I am still perplexed as to how Tfh gained permission from the city in the first place to set up their facility in this location. I believe there should be a hearing about that, rather than even thinking about a plan to enhance services at this time. How is it that Tfh managed to avoid applying for any kind of permission of permit in the first place?

Adding services, and alowing this small residential location to expand their servicess short sighted and will not end well in my opinion.

Oregon City has had it's share of challenges, and I believe is now at the critical point of managing it's growth in an appropriate way that is good for everyone, including Tfh.

This decision made by the Commission will be a big part of the foundation of what Oregon City will be in the future. We want to be able to look back and see that we can be humane and supportive of our fellow man, while also elevating the city to it's higher potential. It is a very special city, and It is a decision that will stay with us.

I see it as proactively planning, rather than doing damage control due to lack of foresight.

Thank You Very Much,

A Concerned Neighbor

Diliana Vassileva

From: Rachael Schweiger <r_r_schweiger@yahoo.com>
Sent: Thursday, July 29, 2021 10:43 PM
To: Diliana Vassileva
Subject: Father's Heart

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing to strongly oppose the application for Father's Heart allowance up to 49 guests.

This type of business never should have been allowed in a residential neighborhood! Nor should they have been allowed to bus people into Oregon City and leave them here with inadequate services and help that they need! It would be more helpful and functional closer to other amenities and services the government and state have to offer. ie public transportation, food stamps, job assistance offices, mental health resources etc. They operate minimal hours and leave their "clients" to roam around the neighborhood with no other services or places to go. They have taken over all the forest area between Willamette Falls Hospital and 213. Citizen clean it weekly and it still looks terrible, full of stolen grocery carts and garbage everywhere! What is the city doing about that?

I don't see how 49 people plus workers would be allowed in such a small space. Is that high number of occupancy per square footage even allowed? That ratio in any other type of residence or business would not be allowed per City or Fire code!

As a close neighbor, I don't appreciate having these facilities in my neighborhood and clients roaming around needing help they aren't getting, especially mental health! I'm a single mom with 4 kids and the clients will often sit in front of my house, yell at us in our home, can be found in our yard and our our property. I adamantly oppose 49 guests per night and request you move Father's Heart to a more conducive location for the clients and for the safety of your people in residential Oregon City!

Thank you,

Rachael Schweiger
503-201-9434
911 Washington St
Oregon City, OR. 97045

July 9-21

Oregon City Planning Comm.

My name is Sandra Peterson - 914 Wash St. Oregon City. I am totally opposed for the Allowance of Fathons' Hearts Application to allow up to 49 people to stay at night.

This area is a residential area. We, the residents maintain our homes and properties - pay our taxes. I have already had cars staying long hours in front of my house. Sleeping and throwing their empty cans on my property. I feel if this application is approved - the conditions will only worsen.

I'm also displeased that the planning commission DID NOT inform the residents in a timely. It seems they were trying to push this proposal through under the table.

Sandra Peterson

Diliana Vassileva

From: Mary Zellharie <mzellharie1of5@gmail.com>
Sent: Friday, July 30, 2021 2:51 PM
To: Diliana Vassileva
Subject: Fathers heart hearing for permit to have a warming shelter

Follow Up Flag: Follow up
Flag Status: Flagged

Planning commission

This letter is in regard for the Fathers Heart Warming Shelter. I have been a volunteer at the Warming Shelter at Fathers Heart for several years. It is a pleasure to serve since they have rules which reflect their expectations of their guests. The rules are fair and respect both guests and neighbors. The guests are expected to be courteous towards neighbors and I have not seen anyone being rude or obnoxious .
This Shelter saves lives. It has social workers to help guests solve some of the barriers that keep them from moving into housing. They have clothing and food and showers for those in need…. And this is the only shelter in the Oregon City area. We can't ignore or hide from the needs of our neighbors.
Please grant this permit.

Sincerely
Mary Zellharie

Sent from my iPhone

Diliana Vassileva

From: Eugene Zaharie <zaharie@comcast.net>
Sent: Friday, July 30, 2021 2:50 PM
To: Diliana Vassileva
Subject: Father Hearts warming center

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, Soon the Oregon City Planning Commission will consider a Conditional Use permit sought by Father's Heart. I urge you to grant this permit to Fathers heart which has a long and successful presence in Clackamas County providing services to people in need. I live in Clackamas County (Milwaukie) and have volunteered in warming shelters in Portland, Milwaukie, as well as Fathers Heart which is well managed with very caring and competent staff. Please say yes we Can Save Lives by granting the Use Permit. Sincerely Eugene Zaharie

Sent from my iPhone

Non-Official Petition Opposing GLUA-21-00019/CU21-00002

The undersigned Oregon City residents urge the planning commission to deny the conditional use permit application CU21-00002 for a temporary night warming shelter at The Father's Heart at 603 12th Street Oregon City, in the Historic McLoughlin District. The Father's Heart sits in a long-standing residential neighborhood. The characteristics of the space are not suitable for the overnight shelter of 49 individuals per night; considering size, shape, location, and topography. It will continue to alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.

We realize homelessness is a growing problem in our city, county, state and nation. We compassionately understand the need for a warming shelter. However, allowing overnight shelter in this primarily residential neighborhood will negatively impact the livability and viability of the increasingly vibrant community we continue to establish. We urge the city council to address houseless and homeless issues in our community from a humanitarian perspective. This responsibility should not fall on the residents and business owners in this one neighborhood. Overnight shelters should be located near medical providers, social services, and other resources that will help houseless and homeless individuals transition from their current situation. This location does not meet those requirements.

We urge the Planning Commission and the City Commission to deny GLUA-21-00019/CU21-00002, as requested by The Father's Heart Street Ministry.

Timestamp	Email Address	First & Last Name or Busi	Oregon City Address	By selecting the below, I am signing this non-official petition.	Are there any additional comments you would like to add?
6/28/2021 12:24:52	monicalwright@gmail.com	Monica Wright	1005 Jefferson street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 12:26:20	caraleethygeson@yahoo.com	Caralee Thygeson	620 11th st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 12:40:19	akthygeson@gmail.com	Adam Thygeson	620 11th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	We've had multiple negative issues with people experiencing homelessness with our home and our neighbors' homes as well. Father's Heart does good things, but it definitely should not be expanding, and frankly, it should be looking to relocate out of this residential neighborhood.
6/28/2021 12:54:10	amyhobbsha@gmail.com	Amy Ha	1109 Jefferson Street Oregon Cit	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 13:00:45	Cathleen.schaff@gmail.com	Cathleen Schaff	707 10th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 13:01:11	brian.schaff@gmail.com	Brian Schaff	707 10TH ST	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 13:02:15	cschaff@lhs.org	Sarah Schaff	707 10th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 13:03:34	elizabethkhart@comcast.net	Elizabeth Morris	704 11th St, Oregon City, OR	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 13:15:10	jaimee@refineryboutique.com	Refinery Consignment	900 Main St Ste 108 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 13:16:50	jmichaelsonwebster@gmail.com	Jaimee Webster	1110 Hood View St, OC 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 13:37:01	kennycrippen@gmail.com	Kenny Crippen	1213 JQ Adams St.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 15:08:59	cmasshardt@hotmail.com	Cheri Masshardt	1210 Jackson Street Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/28/2021 17:42:24	chell.schaefer@gmail.com	Michelle Schaefer	620 12th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

Timestamp	Email Address	First & Last Name or Busi	Oregon City Address	By selecting the below, I am signing this non-official petition.	Are there any additional comments you would like to add?
6/28/2021 20:01:50	attaingreatness@gmail.com	Phuong Ha	1109 Jefferson St. Oregon City O	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	I believe that overnight shelters should be located near medical providers, social services, and other resources that will help houseless and homeless individuals in a better supported manner, none of which are near the Father's Heart facility. Additionally, The Father's Heart talks about their "Good Neighbor Policy". My concern is that the policy DOES NOT cover anyone leaving the facility before and after. Numerous cases in which we, the neighbors living in the neighborhood, have had to witness the same people leaving the facility, sleep, urinate, rummage through private property, steal and other disorderly conduct that would otherwise not be so, if the facility was properly located near desired location that had the resources and utilities needed.
6/29/2021 13:57:12	cmasshardt@hotmail.com	Cheri Masshardt	1210 Jackson Street Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/29/2021 18:02:59	dbeasleym@gmail.com	Denise Beasley	301 Madison St., Oregon City, OI	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	A homeless shelter is a wonderful idea. Unfortunately, the location of Father's Heart is contributing to crime and other disruptions in the surrounding neighborhood. Please encourage a change in the location that is not near homes. Thank you.
6/29/2021 19:05:33	purmack@gmail.com	Cameron Purcell	1113 john adams st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Our daughter is afraid to go out in the front yard without a parent because she was approached and verbally accosted by a homeless person. She had to climb and jump over our fence to get away. We have also had upon returning home from work, homeless people lingering on our front porch, and yard.
6/29/2021 20:42:05	ecreesor@gmail.com	Erika Reesor	1303 JQ Adams Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
6/30/2021 15:44:01	marycarolyn@gmail.com	Mary Stivers	1111 John Adams	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/1/2021 11:20:38	r.gkeyser@gmail.com	Richard Keyser & Bibi Ara	1206 Washington st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/1/2021 12:06:34	dingathomasha@gmail.com	Dylan Ha	1109 Jefferson Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/1/2021 13:01:20	multijay@teleport.com	Jay Pearce	1214 Washington St.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

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7/1/2021 13:09:46	greg@gregorylefever.com	Gregory LeFever	809 Washington Street, Oregon (	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	The Father's Heart, while well intentioned, is an inadequate solution to solving local homelessness, while presenting a potentially significant negative impact on the McLoughlin neighborhood. This negative impact is due to roaming transients, some of whom are drug users and some of whom are mentally and behaviorally challenged. The presence of users of The Fathers Heart intentionally or unintentionally attracts other homeless and disadvantaged persons, all of whom would be better served by a larger facility offering more and better services for them. Please deny this Conditional Use Permit. ~ Greg LeFever, 809 Washington, Oregon City 97045
7/3/2021 12:21:08	n.stewart@comcast.net	Nick Stewart	1110 Washington Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/6/2021 13:10:59	amanda.alwine@me.com	Amanda Alwine	1102 Jefferson st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Oregon city needs a comprehensive plan to deal with the homeless crisis before any further services are provided at Fathers Heart. Their organization is not equipped to tackle the magnitude of this alone. It is taking its toll on the neighborhood and downtown.
7/6/2021 17:55:30	sharon_nicholson@mentor.com	Sharon Nicholson	1114 Washington St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	The location of this shelter, whether for day use or emergency cold weather overnight use is not a fit for a neighborhood filled with families and children.
7/6/2021 18:56:41	clint.nicholson@vesuvius.com	Clint Nicholson	1114 Washington St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Inappropriate location for this this facility.
7/7/2021 0:31:04	imhereforyou_always@yahoo.com	Michele Hayes	813 11th st Oregon city or 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/7/2021 17:11:45	sross@mrportland.com	Steve Ross	20418 S Driftwood Drive	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	After watching the previous daily activity around the facility as it was being used for a social needs center, I feel it would be unfair to the local neighbors to increase the area disruptions and discomfort by the proposed increased daily actions of the those using the proposed facility. I know for a fact that the members of the planning commission would not want to live next to the facility with increased activity based on past social activity problems. If you do feel comfortable then you should buy the local homeowners homes and move into the area.
7/7/2021 18:36:42	noramay9926@yahoo.com	Nora May	1110 Jefferson st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/7/2021 18:44:53	mayisaiah01@gmail.com	Isaiah May	1110 Jefferson St Oregon city, OI	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Oregon City
7/7/2021 19:34:38	reesorcurtis@gmail.com	Curtis Reesor	1303 JQ Adams St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

Timestamp	Email Address	First & Last Name or Busi	Oregon City Address	By selecting the below, I am signing this non-official petition.	Are there any additional comments you would like to add?
7/7/2021 19:34:38	turretmoom@gmail.com	Teri Poppino	720 11th St.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/7/2021 20:37:05	jessicamiddletonmurray@gmail.com	Jessica Murray	612 12th St.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	The Father's Heart is not responsible with how they operate the day shelter, they should not be permitted to expand their services.
7/7/2021 20:39:12	murrc76@gmail.com	Colin Murray	612 12th St.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	There needs to be a solution for local homelessness issues that does not have such a pervasive negative impact on the surrounding community.
7/8/2021 7:53:22	sitegardengroup@gmail.com	Max White	901 11th st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	This is a community full of young children and as a parent myself, I do not want to allow an environment which endangers the groups of children in this community.
7/8/2021 9:31:49	dscrutton@gmail.com	Dean Scrutton	921 Center Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Thank you for your consideration and please deny this permit which would continue to alter the character of this historic neighborhood for the families that live here!
7/8/2021 14:19:02	heidiandlulu@gmail.com	Heidi McKay	709 11th st Oregon city	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/8/2021 15:21:46	Cathleen.schaff@gmail.com	Cathleen Schaff	707 10th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	I live 2 blocks away. Currently, Father's Heart doesn't seem to have a handle on their day use facility let alone provide an overnight shelter. Furthermore, they moved into our neighborhood in 2012 under the radar and are trying to do the same with the shelter permit. They've not once engaged any of us (their neighbors) to introduce themselves or offer transparency or conversation about their presence or plans in our community. Maybe if they actually canvassed their neighborhood they would hear first hand our negative experiences since they moved in and offer suggestions/solutions instead of hiding and attempting to slide things through without considering the impact on our homes, safety and children. We've tried engaging them when incidents occur to no avail. We've had to resort to calling code enforcement and police. This isn't acceptable and we oppose the use of this facility as a shelter. It's not an appropriate space. It should be relocated to a business area that can offer mental health support, job resources and health care.
7/8/2021 16:44:46	ehansen06@gmail.com	Emily Fukuda	716 Center Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	The influx of homeless due to Fathers Heart has made our neighborhood increasingly unsafe particularly while trying to raise my three small children. They constantly hang out all day across from our house at the McLaughlin house, they leave needles and trash in our yard, they sleep behind our fence in the 7-11 parking lot and in the tunnel under the stairs, they have yelled at us and attempted to steal from us. Please move them away from the neighborhood!
7/9/2021 18:08:27	Derekrsilva@gmail.com	Derek Silva	1206 Grant St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/9/2021 18:15:31	Andrewdaviddominiqueha@gmail.co	Andrew Ha	1109 jefferson st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

Timestamp	Email Address	First & Last Name or Busi	Oregon City Address	By selecting the below, I am signing this non-official petition.	Are there any additional comments you would like to add?
7/9/2021 19:07:30	heathersilva62@gmail.com	Heather Silva	1825 Davis Rd	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Please deny this
7/9/2021 19:07:51	oregoncityrob@hotmail.com	Robert Silva	1825 Davis Rd	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/9/2021 19:21:02	llejs4@gmail.com	Leanne Sevy	1205 13th st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/9/2021 19:21:34	zirkled75@gmail.com	Debra Zirkle	1206 Madison st .	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/9/2021 19:27:29	whitej68@yahoo.com	Janette White	1117 Madison St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Please realize that our residential area is important to us and should be an area where we feel safe and secure. And there should be a better place to house the homeless.
7/9/2021 19:29:49	gailbeagley59@gmail.com	Gail Beagley	1505 Harrison St.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Please Deny this.. to much GARBAGE!!!
7/9/2021 20:02:34	tsteca@hotmail.com	Triton Property Managem	1114 Washington Street, Oregon	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	This is not good for our neighbors who have worked to live in the area.
7/9/2021 21:16:33	macy.hashop@g.austincc.edu	Macy Hashop	985 Hazelwood drive Oregon city	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Oregon City
7/9/2021 21:18:05	natewolfberg@gmail.com	Nathan Wolfberg	985 Hazelwood Drive Oregon Cit	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/9/2021 21:22:34	kwolfberg@hotmail.com	Karen Wolfberg	1020 11TH Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/10/2021 4:46:32	Susans304@gmail.com	Susan Scharbach	1108 John Adams	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	As a close neighbor toTFH,I have experienced several negative events first hand.The idea of adding add'l services to an already inappropriately located resource is not the answer.
7/10/2021 6:21:53	dwheelerwffllc@gmail.com	Don Wheeler	19714 Wheeler Farm Rd	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/10/2021 7:16:47	meells114@gmail.com	Miranda Silva	1206 grant st, Oregon city, OR	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/10/2021 8:29:44	bluedoorvirtual@gmail.com	Shelly Smith	1526 17th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	This shelter placement adversely impacts one of the city's least affluent neighborhoods.
7/10/2021 13:37:24	bjoshiro2914@gmail.com	Bonnie Oshiro	716 10th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

Timestamp	Email Address	First & Last Name or Busi	Oregon City Address	By selecting the below, I am signing this non-official petition.	Are there any additional comments you would like to add?
7/10/2021 14:35:38	gehringdng@gmail.com	Dale Gehring	817 CENTER STREET	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Father's Heart feeding shelter has had a negative impact on the livability of our neighborhood. It has brought people to our town who wander the streets between meals and sleep in the parks. We have had numerous thefts from our fenced backyard and vehicle break-ins. Just giving people a place to sleep will not solve the issue of their homelessness. A neighborhood is not a place for a homeless shelter.
7/10/2021 14:40:21	gehringmb@yahoo.com	Maribeth Gehring	817 Center St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	A neighborhood is not an appropriate place for a homeless shelter. Having Father's Heart in our neighborhood has brought crime and people wandering through our streets between meals. It has affected the livability our this area and has also negatively impacted property values for the homes adjacent to their property.
7/10/2021 16:24:31	semradjamie@gmail.com	Jamie Wheeler	19714 wheeler farm rd, Oregon c	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/10/2021 17:20:34	g.mckillip@yahoo.com	Gretchen Nation Mckillip	810 Jackson Street OC	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	The increase in thief and littering/garbage since the opening of TFH is an embarrassment to our area and city. If they are allowed to include overnight accommodations, it will be a disaster for the neighborhood. Please do not approve the this permit.
7/10/2021 17:24:52	carrierltd@aol.com	Brian Carrier	810 Jackson Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/10/2021 18:26:27	kitty.m.owens@gmail.com	John & Kitty Owens	915 John Adams St.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Dear Planning Commission: We have one little piece of old Oregon City left and this will make it unlivable.
7/10/2021 20:48:20	semradjamie@gmail.com	Jamie Wheeler	19714 wheeler farm rd, Oregon c	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/11/2021 7:41:36	heathersilva62@gmail.com	Heather Silva	1825 Davis Rd	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Please deny this
7/11/2021 12:15:04	zweigart.a@gmail.com	Ashley Zweigart	1720 14th St Oregon City, OR 97	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/11/2021 15:50:33	heathersilva62@gmail.com	Heather Silva	1825 Davis Rd	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Please deny this
7/12/2021 15:06:49	cmbd53@gmail.com	Cheryl Dexter	191 Valleyview Drive	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/12/2021 16:07:43	Tina.Irvine1@expresspros.com	Tina Irvine	909 Center Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/12/2021 16:09:48	zirkled75@gmail.com	Debra zirkle	1206 Madison st .	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

Timestamp	Email Address	First & Last Name or Busi	Oregon City Address	By selecting the below, I am signing this non-official petition.	Are there any additional comments you would like to add?
7/12/2021 16:33:42	dkromer914@gmail.com	Dan Kromer	1112 John Adams Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	YES.....writtens comments already submitted to the Planning Commission
7/12/2021 17:53:23	plpk914@aol.com	Pamela Kromer	1112 John Adams Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	See written comments that were submitted to Planning Commission on July 7, 2021
7/12/2021 19:07:49	rld49@comcast.net	Robert Dexter	191 Valleyview Drive	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/13/2021 8:56:41	jillfuge@gmail.com	Melinda Jill Fuge	1311 lincoln st. Oregon city or 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	This would hurt family neighborhoods and crime would increase. Unsafe
7/14/2021 7:30:43	francescairena@gmail.com	Francesca Anton	formerly 123 High Street, Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Thank you. As an active resident of the McLoughlin neighborhood for 21 years, The Father's Heart has been both a huge challenge and for many a source of crime since its inception. The founder, who was essentially kicked out of her former space, greatly misrepresented her aims when approaching both the city and the neighborhood --- I know because I listened to her and then watched the mess unravel. From my perspective, the essential problem was that she required NO accountability in terms of respectful behavior from the people who used the center. So, of course, there was terrible abuse. She could have required every person to enter their information in a notebook, and been very clear that if the neighbors had film of them behaving inappropriately they would be banned from the center. Simple. She refused, and thus created a monster of license and harm to the very fabric of our neighborhood. The nearby neighbors have had to change their modest lifestyles greatly to accommodate the bad behavior, along with the Parks and Public Law Enforcement staffs throwing up their arms in frustration that there doesn't seem to be any solution. I want to emphasize here to the City Council that IF YOU DON'T REQUIRE ACCOUNTABILITY FROM THE HOMELESS, NO MATTER WHAT THE SOURCE OF THE HOMELESSNESS IS, THERE WILL BE NO PLACE FOR THEM THAT WORKS FOR BOTH ANY COMMUNITY OR THE HOMELESS THEMSELVES. If the founder of The Father's Heart had opened up this center in a more upper class OC neighborhood, it would have NEVER lasted this long. I suggest the City Council close it down immediately so the neighborhood can begin to heal, and meanwhile come up with a solution that includes accountability. Everyone, including the homeless, will benefit from this approach. Please don't turn your sight away from the truth of this problem, and give the OC residents the reprieve they are so in need of.
7/17/2021 18:39:11	bobmargfoss@gmail.com	Robert and Margaret Foss	Oregon City Address	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	How many people have you got into housing so far? Who are you partnering with for that?
7/17/2021 19:07:13	wheaton.kaleigh@gmail.com	Kaleigh Wheaton	17381 Wake Robin Circle, Oregon City OR 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

Timestamp	Email Address	First & Last Name or Busi	Oregon City Address	By selecting the below, I am signing this non-official petition.	Are there any additional comments you would like to add?
7/17/2021 19:50:43	karla.laws@gmail.com	Karla Laws	419 Roosevelt St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	We need to stop these operations around residential homes. Homeless cannot be tracked and there is too much crime, littering, and child sex offenders in this city. Homeless are not traceable. Kids need to come first homeless or not. Our neighborhoods cannot have operations of nonprofits acting as a business within our neighborhoods, the churches can't so why should The Father's Heart?
7/17/2021 20:06:16	dannieadamson@ymail.com	Dannie Adamson	502 Roosevelt Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/17/2021 20:19:20	timwravercontriction@comcast.net	Tim Weaver	18021 Chickaree Dr	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Residential neighborhoods are not the place for homeless camps
7/17/2021 20:50:26	kermt13@q.com	Tracy Noble	18049 Newell Ridge Drive	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/17/2021 20:53:40	Rae@raegordon.com	Rae Gordon	1212 13th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	The services should be in a commercial district like they were before they relocated to a residential area.
7/17/2021 21:30:01	kostow@onemain.com	Kathryn Kostow	915 Clearbrook Dr. Oregon City, Or 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/18/2021 9:02:43	bxgirl1124@Gmail.com	G Ramos	1713 8th #2 St 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/18/2021 9:27:27	deana.watkinson@hotmail.com	Deana Watkinson	13425 Applegate Terrace	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Stop giving non-tax paying criminals and drifters more power than the hard working, tax paying citizen!!!!!! The homeless go where they are invited. Shut down the invitation. Our city has suffered ever since they opened their doors. THE OC CRIME DATA SUPPORTS THAT STATEMENT. Crime skyrocketed when they moved in.
7/18/2021 9:30:02	bwatkinson@picknpull.com	Brendon Watkinson	13425 Applegate Terrace	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	This place should have NEVER been allowed to open it's doors in a residential neighborhood
7/19/2021 23:52:06	misspatty76@hotmail.com	Jen Lantz	530 Logus Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/20/2021 8:38:33	gavery@gavery.com	Gary A. Avery	418. Barclay Hills Drive	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/31/2021 21:09:00	Dlmul1@msn.com	Dan Murooney	915 Madison st	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/31/2021 21:15:08	cchance00@comcast.net	Candice Chance	923 9th Street, Oregon City, OR 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/31/2021 21:31:38	eleanorwynn3@gmail.com	Eleanor Wynn	I live in West Linn but empathize with the neighborhood	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	I have donated to Father's Heart and agree with the mission but not at the cost to the neighborhood. It needs to be relocated.

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7/31/2021 22:07:41	robbiehollister12@gmail.com	Robbie Hollister	616 10th st oregon city, OR 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/31/2021 22:19:23	mitchellbasecamp@aol.com	Kathy Mitchell	223 Monroe St Oregon City OR 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
7/31/2021 22:51:55	mindyjones456@icloud.com	Mindy Jones	911 JQ Adams St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/1/2021 5:29:14	katheryn.j.richardson@gmail.com	Katheryn Richardson	16012 apperson blvd oregon city 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/1/2021 6:28:41	automotiveoutfitters@hotmail.com	Troy Cooper	12830 Joys Dr Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/1/2021 7:26:44	kimamcrobbie@gmail.com	Kim Mcrobbie	445 Buckner ln. Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	The homeless situation is out of control. They are not therapist or social workers. This does not belong in our community. Help find jobs and stop addiction not give a place to gather and be filthy in our yards.
8/1/2021 8:48:59	debramulrooney@gmail.com	Debra Mulrooney	915 Madison Street, Oregon City 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Expanding services to the houseless in our neighborhood is not sustainable. We have experienced an increase in street and lawn debris, been solicited for money at our door by a person "representing" The Father's Heart, found a vagrant rummaging through our garage, and have had to retreat from our yard when someone under the influence was behaving erratically in front of our home. Our trash can and re-cycling are strewn about for us to clean up, police activity has increased, and it is no longer comfortable to walk after dark without some means of defense. Father's Heart clients appear to have multiple addiction, mental, and physical health issues and poor or non-existant social support networks. This organization needs to be evaluated and centralized outside of our neighborhood.
8/1/2021 8:58:30	raccomins@yahoo.com	Ruth Ozbek	14416 Brittany terrace Oregon city Oregon 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/1/2021 9:09:44	Rhyde29@gmail.com	Ron Hyde	15832 Stables pl	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/1/2021 9:14:46	carmenhild@gmail.com	Carmen Hildebrand	135 Valley view dr	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	I do not live in the immediate neighborhood of the shelter, however the increase in transients in OC since Father's Heart moved to town has been enormous. Additional services being offered would just continue to increase the number of homeless in town, and the livability issues that come with that increase for residents. I use to walk my dog at Clackemette Park, but not anymore. It's truly unsafe with all of the homeless people there, many with uncontrolled dogs.
8/1/2021 10:13:23	shawncowen75@gmail.com	Shawn Cowen	19308 Leland Road, Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

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8/1/2021 11:17:31	smorris101@hotmail.com	Steve Morris	704 11th Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/1/2021 13:00:21	terrystewart1@gmail.com	Terry Stewart	818 4th St, Oregon City, OR	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	I have lived in this neighborhood for 25 years and restored multipe homes here. I have personally experienced vandalism and theft over the past several years both to my personal residence and rentals. I have had to build fences and padlock the gates and crawlspaces in order to keep individuals out. I have found human feces on my properties as well as trash. My daughter has experienced confrontations on early mornings walks, especially on the promanade and surrounding area. The McLoughlin District is a residential neighborhood with families, children, elderly, etc. This sort of facility needs to be located outside of a residential area.
8/2/2021 1:07:33	andrewd949@gmail.com	Andrew Dykstra	Sassafras Way, Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/2/2021 9:53:45	contrerasbrad@yahoo.com	Brad Contreras	702 12th St	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/2/2021 12:22:46	desipritchard@yahoo.com	Desi Pritchard	19330 Towercrest Dr.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	This shelter has negatively affected the neighborhood. Walking and using the dog park area has become risky. Please do not allow them to build an overnight shelter.
8/3/2021 16:53:46	milliesteve.williams7@gmail.com	Steven Williams	1065 Woodlawn avenue 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/4/2021 10:15:59	balzerediger@gmail.com	Jenelle Balzer-Ediger	209 Jefferson st OC,OR	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Washington St hill congestion is busy enough without adding additional pedestrians crossing the road for temporary sheltering.
8/6/2021 12:44:06	jkeyantash@verizon.net	John Keyantash	611 10th St.	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	I appreciate the efforts to try to support the growing homeless community, but the 603 12th St. address is the wrong setting. A charity such as The Father's Heart should be situated in a more commercial district, such as along 99 E in Oregon City, where sizeable numbers of homeless congregate/pass through. Directing the homeless "up the hill" to the fringes of a residential neighborhood for support services makes no sense, for them nor the permanent residents of the McLoughlin Historic District. Public support for this charity would be enhanced if it were properly sited.
8/6/2021 12:53:20	mkeyantash@verizon.net	Marjorie Keyantash	611 10th St., Oregon City OR 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

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8/6/2021 20:25:50	dmtjt@q.com	Darlene Trevino	906 Jefferson Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	A neighborhood where children live is not an appropriate place to set up a homeless shelter. Furthermore, if you had theses people sitting around drinking alcohol, smoking marajuana and cursing like drunken sailors would you want them in your neighborhood? If you continue to allow these sort of activities our once beautiful city will become an extension of the mess that has been created in Portland. We do not want the mess or the crime that comes with a homeless shelter. Your first responsibility is to the citizens of this city not to any outside group or special interest groups.
8/6/2021 21:14:53	bmcgreg2010@gmail.com	Betsy McGregor	911 Jefferson St, OC 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/6/2021 21:26:52	Lupigeezer@bellsouth.net	Cathleen Richey	Cherry Lane MHP, Oregon City, OR	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/7/2021 5:05:11	debbienorvell@ccgmail.net	Debbie Norvell at Heidi's Too	707 Madison OC, OR 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	I used to sit at the park across the street from My Fathers Heart before they were there, now I don't feel safe in that area. The homeless men have degraded our neighborhood. Please move MFH out of OC!
8/7/2021 10:27:56	vazogo@gmail.com	Dorine Buse	13612 Gaffney Lane	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/7/2021 10:45:51	tracyndev@yahoo.com	Tracy Johnson	14246 Murren Way	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	We cannot allow OC to look like/be like PDX. Also this brings more crime and drug issues.
8/7/2021 12:51:41	dmtjt@q.com	Darlene Trevino	906 Jefferson Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	A neighborhood where children live is not an appropriate place to set up a homeless shelter. Furthermore, if you had theses people sitting around drinking alcohol, smoking marajuana and cursing like drunken sailors would you want them in your neighborhood? If you continue to allow these sort of activities our once beautiful city will become an extension of the mess that has been created in Portland. We do not want the mess or the crime that comes with a homeless shelter. Your first responsibility is to the citizens of this city not to any outside group or special interest groups.
8/7/2021 13:00:45	bilweb07@yahoo.com	Bill Webster	1110 Hood View St. Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Oregon City
8/7/2021 23:53:22	victoriasvintage@aol.com	Rebecca Victoria	11981 Hazel Park Oregon City, Oregon 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Please do not do this. Our community already has a homeless problem we don't need to attract more homeless people into this town. Keep it safe for children and families.
8/8/2021 0:03:15	adv4aikido@aol.com	Anthony Victoria	11981 Hazel Park Drive	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	Additionally, The Father's Heart facility should be permanently closed and the shelter relocated to down town Portland.
8/8/2021 20:55:53	gretchennation@yahoo.com	Gretchen Nation	810 Jackson Street	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/9/2021 6:52:08	hannahrosalita@gmail.com	Hannah-Rose Bigelow	903 Madison Street, Oregon City, OR, 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	

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8/9/2021 13:14:51	katelyn.c.victoria@gmail.com	Katelyn Victoria	11981 Hazel Park Dr. Oregon City, OR 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/9/2021 13:51:28	pattyhead79@gmail.com	Leah Hugon	914 12th st Oregon City 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/9/2021 13:52:30	hannahrosalita@gmail.com	Hannah-Rose Bigelow	903 Madison Street, Oregon City, OR, 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/9/2021 14:04:34	nthugon@gmail.com	Nathan Hugon	914 12th St Oregon City, OR 97045	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	
8/9/2021 15:16:31	plpk914@aol.com	Pamela Kromer	1112 John Adams St. Oregon City	I agree that the Oregon City Planning Commission should deny the conditional use permit CU21-00002.	We have lived in the McLoughlin Conservation District for 28+ years. We support the aims and goals of helping the truly needy and the undeserved homeless population and the many who actively work to support these efforts. But over the course of 9 years, we have firsthand experienced TFH having outgrown and overextended is ability to achieve its mission at the current site. Expanding hours, or services for a night warming shelter will only exasperate the many problems we as neighbors have had to endure. TFH should be encouraged to relocate to a more adequate facility in expanding its role.

Diliana Vassileva

From: Kent Blair <503kento@gmail.com>
Sent: Monday, August 2, 2021 8:54 AM
To: Diliana Vassileva
Subject: The Father's Heart conditional use permit

Follow Up Flag: Follow up
Flag Status: Flagged

Planning Commission

My name is Kent Blair and I am writing today in support of The Father's Heart's conditional use permit. My wife Debbie and I have been volunteering at The Father's Heart for the past three and one-half years both at the day shelter and the emergency warming shelter. We have found our work there to be rewarding and are grateful for the opportunity to give a hand up to some of our societies most vulnerable citizens.

During our time at The Fathers Heart, we have been consistently impressed by the staff, volunteers and most of the clients desire to create an environment of calm and respectful behavior. There is a consistent diligent effort to be a good neighbor at all times. The clients themselves often hold one another accountable to appropriate behavior.

As I'm sure the commission is aware, the problem of homelessness is a growing and complex issue where no quick fix is available. Moving the homeless from one neighborhood to the next is not getting us closer to a solution. It is my view that more intense targeted efforts are needed and this is where the emergency warming center comes into play. By providing this life saving act of compassion, it gives the staff and volunteers the ability to build a relationship with the clients that builds respect and trust. This relationship is then used to initiate the beginning steps roward self sufficiency. During our time at The Father's Heart we have seen clients progress from full dependency to complete self sufficiency.

Our society won't solve homelessness with a single grand solution but we can make great strides with a series of small acts of compassion. I believe that the emergency warming shelter at The Father's Heart is a key step on the road to self sufficiency for many of Oregon City's homeless population. I urge the commission to approve The Father's Heart's application.

Thank you for your time,

Kent and Debbie Blair
19464 Wilderness Dr
West Linn OR 97068
503-841-8769

Diliana Vassileva

From: coccbobcats@tutanota.com
Sent: Monday, August 9, 2021 8:06 AM
To: Planning
Subject: Conditional Use Permit for Father's Heart

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Commissioners,
I live just a few blocks from the Father's Heart facility. I have lived in this neighborhood for over 15 years.
I strongly oppose the conditional use permit you are considering.
I have no doubt that what may start with a temporary warming shelter a few times a year will quickly evolve into other uses like a cooling center a few times a year and more.
Regardless of this, the location is in a neighborhood and next to a school and parks, it doesn't fit the use of the location.
The people who want to expand their services offered in this facility should find space in an area already zoned for this purpose. After all, I wouldn't open a business in an area that isn't zoned for it then ask to be allowed to run my business anyway.
I know many of my neighbors also oppose this Permit and I hope you will too.

Casey Flesch
Oregon City
--
Sent with Tutanota, the secure & ad-free mailbox.

Diliana Vassileva

From: Dave Morris <dave@hcfclackamas.org>
Sent: Friday, August 6, 2021 9:21 AM
To: Diliana Vassileva
Subject: Regarding GLUA-21-00019; & CU-21-00002 Father's Heart Street Ministry

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

My name is Dave Morris, I am a resident of Clackamas County residing in the area of unincorporated Clackamas County near Oregon City, Gladstone, Milwaukie and Happy Valley. I am the Lead Pastor of Hillside Christian Fellowship. We have two campuses, one in Damascus and one in Gladstone. I serve on the Homeless Solutions Coalition of Clackamas County board and am the Advisory Team lead to that board. I have helped with the emergency warming shelters in Clackamas County for the last six years, and Hillside has contracted with the County and taken the lead for two of the past five years. Personally, I have worked with the marginalized of Clackamas County and Multnomah county for the past 35 years.

I am in full support of The Father's Heart Street Ministry application for conditional use & general land use. In emergencies, the need for expeditious mobility and efficiency is necessitated and mandatory to save lives and protect people. Unincorporated portions of our county can move in those expeditious manners when the County has determined a "State of Emergency", however, as you know, those entities desiring to assist within municipal cities often cannot, without the proper permits. The Father's Heart Street Ministry has been an asset since they opened their doors to both Oregon City and Clackamas County at large. The bed spaces they can provide are needed, as well as their love, compassion and desire to assist men, women and families of our cities and county.

I advocate on behalf of Father's Heart, our marginalized neighbors and on behalf of many within the faith community of Clackamas County, to grant the general land use and conditional use permits necessary for their expanded use for overnight sheltering in times of extreme weather/conditions.

Thank you for your time and consideration in this most important subject matter.

Sincerely,

Pastor Dave Morris & the family members of Hillside Christian Fellowship

--
Dave Morris
Lead Pastor

hillside

loving God, loving people, serving others

NEW EMAIL: dave@hcfclackamas.org

Diliana Vassileva

From: Jessica Murray <jessicamiddletonmurray@gmail.com>
Sent: Monday, August 2, 2021 6:24 PM
To: Diliana Vassileva
Subject: Another Letter for the Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

August, 2, 2021

To the Oregon City Planning Commission and City Commission,

Many neighbors, including myself have written and spoken about the impact that The Father's Heart Street Ministry's current location and operation has had upon our daily lives, in response and opposition to their request for a conditional use permit to be open as a nighttime warming shelter. As I have detailed in a previous statement for the last meeting I feel they do not meet the conditions, specifically: CHAPTER 17.56 CONDITIONAL USES 17.56.010 #4: *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.*

I would like to share a narrative of ONE DAY, this weekend, when TFH was closed, to illustrate why I feel this condition is not met. On Sunday 8/1, my neighbor, Pam Kromer, came over midday to ask for the number for our OCPD Homeless Liaison, Dan Hanes. She let me know that there was a homeless woman in distress and sleeping in the yard of the house on the corner of John Adams and 12th Street, and that the police had already come out once, called by different neighbors on John Adams, Amy and Cameron Purcell because they woman had been screaming at them and threatening them. I walked over with Pam and saw that she and Teri Poppino, another neighbor, had put a big lawn umbrella over the woman (named Cody), for fear that she may die in the sun. The woman seemed in and out of consciousness. Terri and Pam had given her food and water and were attempting to calm and care for her. Cody noticed me and started to get increasingly agitated by my presence, and so I stepped away to deescalate the situation. I urged Teri to call the paramedics, but she said Cody was refusing medical help. I called Brad, the new owner of that home, to check in with him and he said he'd been aware the police had shown up earlier and the officer told him he knew her, that she was mentally ill, and there was nothing they could do. Brad chose not to "trespass" her from the prosperity because he said "she'll just end up in someone else's yard".

Later on, at about 5:45pm, I was leaving the house (612 12th) with my 5 year old son to go pick up my husband who was having car trouble. We were on the porch and noticed Cody walking down 12th on our side of the street toward Washington, and as soon as she saw us she started screaming at us. It was difficult to understand exactly what she was saying, but she was gesturing at The Father's Heart and yelling about them being closed. My next door neighbor Michelle Schaefer (620 12th), came out on her porch, hearing the yelling. Cody then became even more agitated and moved toward my car. She then tripped and fell in the street. After getting up, she put herself in front of my car and was blocking me from being able to get to my car. I put my son behind me and told him to go in the house. Michelle and I both kept our voices very calm and told her that we wished her no harm, but that if she didn't continue on, we would call the police. Cody then started yelling, "fucking call them, do it, I will kick your ass before they get here" and some other things I couldn't understand. We said "I'm sorry you're upset, but you need to keep moving on. The shelter is closed now." I didn't call the police because they'd already come that morning, and nothing was done. After about 10 minutes of yelling at us while we stood on our porches, and threatening us, we got her to disengage and continue down 12th street. I do not know where she was headed, and I sincerely hope she is okay and did not cause issues for other neighbors or businesses.

When we, the neighbors who surround TFH, recount these incidents, they are not all in the past. They are numerous and continue to occur. People come to this area for services at The Father's Heart and find them closed. Just that same morning of 8/1, around 10am, I was out in front of my house gardening and I heard a man walking down Washington

toward 12th yelling at cars, he walked up to the doors of TFH on 12th, and upon seeing them closed he started scre profanities and banging on the doors. I sent my 5 year old inside immediately. I backed out of sight and watched him, cautiously prepared to call the police if necessary. After a few minutes, the man went around on the Washington side, continuing to yell "I'm a beggar! How am I supposed to eat now?" He continued walking down Washington yelling at passerbys and cars, moving toward Corner 14.

The woman, Cody, was not even aware of what day it was. This man was obviously not expecting TFH to be closed. How can people in distress or in the midst of a mental health crisis know when The Father's Heart is open and closed? We, the neighbors, are left to deal with these situations, from mild to severe, long after the volunteers and the staff of TFH have gone home. The staff don't even live in OC, and are not close by, and even if they came here, what would they really do? All the times I've called in the past, nothing has been done. They don't have any more mental health or medical training than any of us do. There were 10 neighbors in 6 different homes that were affected and involved with Cody, trying to help her or threatened directly by her. Many of us gave up our afternoons. I had to send my 5 year old son inside TWICE yesterday, Sunday, because of upset, metally ill people who came here for services at The Father's Heart. I couldn't leave my porch and get to my car. These are just a couple of examples of how the location of this shelter *alters the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses* - from one day.

TFH is an attractive nuisance. From my vantage point across the street I see multiple people a day come up here when TFH is closed. Some react poorly, others don't, but they all disappear into the neighborhood. Events like this one Sunday, have an unfair impact on the neighbors - of our safety, our time, and our mental and physical energy. These incidents are anxiety-producing. To open a nighttime shelter will only tax us further. If these people did not know what day it was or what the hours were, do we really expect people seeking a place to sleep to know whether or not TFH is open for their "conditional use"? No, they will continue to come here, and then the neighbors will have to deal with both potentially dangerous incidents and caring for people in distress, day AND night. These situations turned out okay, despite the loss of time and energy, but is it worth the risk that one time it will not turn out okay, that one of us may get hurt or worse?

By approving this permit, and allowing them to expand their service further, the surrounding neighbors will not only be impacted when they are open (people talking all night long, smoking, fighting, yelling - which we can hear from inside our houses), but also when they are NOT open, by homeless people, some mentally ill and/or under the influence, coming to this area seeking services and finding them closed. We desperately need more resources - mental health responders, social workers, and addiction counselors - to help these people in need. The Father’s Heart may have good intentions, but they do not have any of these resources. Please deny GLUA-21-00019/CU21-00002, as they do not not meet condition 4, as listed above.

Thank you for your time and consideration,

Jessica Murray

Community Development - Planning
695 Warner Parrott
Oregon City, Or 97045

Attn.: Planning Commission

Re; Land Use

August 2, 2021

Dear Commissioners,

In relation to the upcoming public hearing on August 9th, 2021 regarding The Father's Heart Street Ministry at 603 12th Street, Oregon City OR 97045. I cannot attend the hearing as I will be well into my evening sleep while it is being conducted.

I highly oppose this facility and any proposed activities related to this facility. As a long term resident or Oregon City I have noticed the consistent decline in the neighborhood since this facility has opened. This facility draws in mentally ill and drug addicted individuals that would normally not be in the neighborhood and it is not fair to residents who moved to this area to escape the mess that is Portland and large incorporated areas. I get up at 3 am to walk my dog prior to going to work, which I have to be at by 5 am. Since this facility has opened I now have to carry defensive tools while I walk due to the undesirables walking the streets all hours of the day and night. As a woman I feel my safety is at risk every morning I am out.

Please deny any and all activities associated with this facility, and in addition <u>have it closed down permanently</u> since the neighborhood never had a chance to vote on the opening of it in the first place.

Thank you for your time and consideration

Lyn Illa

Diliana Vassileva

From: Diliana Vassileva
Sent: Monday, August 9, 2021 11:36 AM
To: Diliana Vassileva
Subject: FW: Overnight Shelter & Supportive Housing

Importance: High

From: Sage Cerulean <Aquammarine1@aol.com>
Sent: Friday, July 30, 2021 8:10 PM
To: recorderteam <recorderteam@orcity.org>
Subject: Overnight Shelter & Supportive Housing
Importance: High

Hello Mayor Lyles Smith and Commissioners,

My name is Sage Cerulean and I reside in the Barclay Hills neighborhood. I want to say that the proposed change to the Father's Heart so they can provide overnight shelter is a good stepping stone to helping the houseless get into supportive housing under the Housing First model. I also want to ask if the city will team up with providers who follow that model.

This link provides a basic understanding of how the Housing First model works.

https://endhomelessness.org/resource/housing-first/

Thank you
Sage Cerulean
Pronouns: they/them/theirs

Diliana Vassileva

From: Diliana Vassileva
Sent: Monday, August 9, 2021 11:51 AM
To: Diliana Vassileva
Subject: FW: Homeless Shelter Idea

From: Sage Cerulean <Aquammarine1@aol.com>
Sent: Monday, August 9, 2021 10:00 AM
To: recorderteam <recorderteam@orcity.org>
Cc: Rachel Lyles Smith <rlsmith@orcity.org>; Rocky Smith, Jr. <rsmith@orcity.org>; Denyse McGriff <dmcgriff@orcity.org>; Frank O'Donnell <fodonnell@orcity.org>; Adam Marl <amarl@orcity.org>
Subject: Homeless Shelter Idea

Hello Mayor Lyles Smith and Commissioners,

My name is Sage Cerulean and I live here in Oregon City in the Barclay Hills neighborhood.

As the housing crisis continues and more people find them houseless, we need to look beyond relying on just The Father's Heart to provide services. I like the idea of providing small homes like Clackamas co did for the veterans village so they have temporary shelter until they are able to get into more stable housing. I also like the approach that the City of Portland is taking to do this and have included an article about it. I believe this is how we should be handling it here too. Just "sweeping" those camping does little to actually help and forces them to simply find another and possibly unsafe place to sleep. It will be best if this located close to public transportation.

https://www.kgw.com/article/news/local/here-are-the-sites-being-considered-for-portlands-city-run-homeless-villages/283-5ae50725-66c0-47b8-bf5a-4e1688fd52c1

Thank you
Sage Cerulean
Pronouns: they/them/theirs

Diliana Vassileva

From: Sharon Harvey <shazzashops@yahoo.com>
Sent: Sunday, August 8, 2021 11:55 AM
To: Diliana Vassileva
Subject: TFH - Proposed Overnight Shelter

Follow Up Flag: Follow up
Flag Status: Flagged

Since being made aware of the proposed efforts to open TFH ministries as an over night shelter I have
endeavored to educate myself about this group and the proposal.
As a member of our Oregon City community I am strongly opposed to this proposition made by Mr. Wheeler
and Mr. Gant.

I have taken the time to talk to neighbors and drive by the facility, under it current operation of
providing lunches Tuesday - Friday. One friend observed a man, wearing no pants, having what was
clearly a psychotic episode. I also witness a person with mental issues yelling, pacing, and gesturing
around the facility. Both incidents were in the mid morning. And need I remind you this is a local
neighborhood with families all around the building.

The issue of the unhoused is a complex and difficult issue and one I would support if the circumstances
were at least better than this proposal for the unhoused and nieghbors. This proposal is any but ideal
and has complete disregard for our community. There are those who do not like to admit that there are
unhoused individuals that need to be in institutions and will talk about freedoms etc. What about our
neighborhood's right to be free of the rise in thefts that often occur when the unhoused population
increases. The loss of some businesses that have to close because of theft. I refer you to the
Burgerville store on 92nd which closed, hopefully temporarily in this case, due to increased crime
and vandalism related to the homeless encampment nearby. This is just one of hundred of businesses
affected by this situation. I do not wish for this to become a problem for our local businesses that are
still struggling with Covid-19 mandates and financial problems associated with Covid.

Along with the theft and vandalism mentioned above, there are also reports by neighbors of men masturbating in their yards. One woman came home to find a naked man in her back yard. We first need to keep our community members safe and help prevent incidents like these, not bring in more people who would increase the problem.

This proposal is unacceptable for our community and especially for the neighbors residing around this facility and for others that have to deal with the unhoused that these facilities draw into the local parks and under our bridges.

Currently we have to pay, through our taxes to clean up after these people that leave their trash everywhere and I dread to think of their bathroom habits. Where in this proposal are these issues addressed? I expect it is not address, not thought of by the board of TFH. It will be left up to our tax dollars again to clean up the mess.

It is also interesting to note that board President Marty Gant resides in Estacada, and the property owner, Gary Wheeler lives in Scappoose. But both are happy to encourage unhoused individuals into our community of Oregon City. I suggest Mr Gant open a facility in Estacada.

Sincerely,
Sharon Harvey

Dear Planning Commission…

In response to all of the negative feedback to the application for the Warming shelter please consider the following…

- We have successfully operated a warming shelter in this location since 2012
- We are saving lives when temps get low
- We are actually helping the community by providing a place for those in need to **get out of the cold and not seek refuge throughout the city and neighborhood**
- We have an accountability process in place as to behavior
- This is a humanity issue that the city should not/cannot turn its back to
- The outcry to houseless individuals behavior **is a very small percentage** as to all we serve…less than 5%
- We are working with OCPD, many agencies, housing programs and our own qualified staff to resolve issues for those that cause problems
- The houseless are from this county and this city…statistics prove that
- This permit process is about night warming center and not day time services
- Many/Most of the feedback is about day services, not factual information, is embellished, is scripted, is fear motivated, is rumors, and has been rallied by a very small group of individuals
- If not at our location, then where?
- We are qualified and experienced in operating the warming program for Clackamas County
- There is a false narrative as the quality of case management staff that are employed by TFH
- Most understand the need…those speaking the loudest just want it somewhere else
- Oregon City leaders encouraged TFH to apply for the permit. I have never heard anyone say they would deny a state of emergency warming to those in need…this permit would allow for better planning, organization, community involvement, and would be in line to their request

This is a brief overview and I am sure I have left out many positive, factual, and important points…the houseless crisis is real…though out the region… and The Father's Heart is a positive successful agency that has helped hundreds to find their place in society with fundamental human needs, jobs, help in crisis and yes a place they now call home…their own apartment or house…Lives are changing virtually every day because of the work we do…please don't allow emotion and unfounded opinions to decide the fate of those in need when cold out…

Respectfully

Marty Gant

President

The Fathers Heart

Diliana Vassileva

From: The Father's Heart <tfhrobin@gmail.com>
Sent: Monday, August 2, 2021 11:47 AM
To: Diliana Vassileva
Cc: Marty Gant; Jennifer Morris
Subject: Conditional Use Permit for an Emergency Warming Shelter

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission,
I want you to know that we have heard the concerns of neighbors that have contacted us. In the emails below, I have removed the name of the neighbor's email address and name. It is the same neighbor. I send this to show that we are willing to talk with our neighbors that are willing to call or have a direct conversation with us. I think these emails show that we listen, we are open to suggestions on how we can improve our services. I gave this neighbor my personal phone number to call me with any concerns. This neighbor has called me at times. I or my husband have responded by coming directly to The Father's Heart in a timely fashion.

I also received a phone call from a neighbor that told me that she could not rent out her bedroom because of someone she believed to be from The Father's Heart was walking through her neighborhood cursing. While no one has control over people like to walk in the neighborhood, I am aware of two very verbal men that frequent the neighborhood, both suffer from schizophrenia. One is someone that does not receive services from us. He is housed in West Linn and walks between the cities of West Linn and Oregon City. The other has received services from us for many years. This first gentleman fits the description I was given.

The second person that fits this behavior has been coming to The Father's Heart for years. We have clothed him, made showers available to him and fed him. He is tormented by voices and yet is very kind. We have been working with Mental and Behavioral health trying to reach him when no one else has not been able to. I am glad to report that since we improved the frequency of a medical doctor being at The Father's Heart weekly, we were able to get him engaged with the doctor. He was taken to the hospital and treated for a severe infection, placed on medication for his mental health and has been in our hotel voucher program for a few months now. We are doing our best to see where he can live with much needed supportive services.

After I spoke with this neighbor and clarified that there were people other than the unhoused that walk the neighborhoods that battle schizophrenia, we seemed to come to an understanding that this is a complicated issue for all of us.

It should also be understood that the neighbors that have stated they were not a part of the making of our Good Neighbor Policy are correct. The title comes from us conveying to our guests that it is important for US to be good neighbors. Most of the things listed in the policy were either established through the founder of TFH, some has been added as times change needs change and the most recent change was made after a conversation with a neighbor across the street. The neighbor met with me and brought up the discomfort they felt with a line of people on the sidewalk. We have changed our main entrance to the Washington St. entrance in hopes that it would be move the majority of people people being served standing in the corner parking lot and a minimal amount of people on the sidewalk coming to receive their mail or use the restroom.

Thank you for your consideration. I hope that you see that we are mindful of our surrounding housed neighbors and at the same time we want to save lives through providing an emergency warming shelter.

Robin Keating, Director of Human Services
The Father's Heart Street Ministry

From: **The Father's Heart .** <tfhrobin@gmail.com>
Date: Wed, Jun 10, 2020 at 4:01 PM
Subject: Re: Man in the neighborhood
To: (Removed)

"J",
Thank you for letting me know. The description doesn't fit anyone that comes to mind, but I will pass it on to my staff to keep their eyes open. That is not okay. I would be curious if he was released recently from jail. I have learned that sometimes the "new faces" are being released from jail and they are not from around here. I would also think you would have to be under the influence of something to knock on someone's door in the middle of the night or at the very least have mental health issues.

In any case, this is not okay. Any cross streets given near this home that I could be aware of?

I will look into this matter seriously,

Robin Schmidt

---------- Forwarded message ---------
From:
Date: Wed, Jun 10, 2020 at 4:27 PM
Subject: Re: Man in the neighborhood
To: The Father's Heart . <tfhrobin@gmail.com>

Thanks Robin. I gave the neighbor your email. It was posted on NextDoor. It was the McLoughlin neighborhood, this one, which is why I reached out. I think it was Saturday night.

"J"

> On Jun 10, 2020, at 4:04 PM, The Father's Heart . <tfhrobin@gmail.com> wrote:
>
> Do you know what night this was? I did have someone come this morning and ask to use the phone to call out of state. I did not recognize him as coming before, but now that I think of it he had long blonde hair and cap. I will see if he comes tomorrow.
>
> Thanks again,
>
> Robin

Virus-free. www.avast.com

Sun, Jun 7, 2020 at 12:02 PM wrote:

Robin,
This was posted last night in NextDoor for the McLoughlin neighborhood. Another issue of knocking on doors. The description of the man is at the end. Not sure if it's one of your guests, but if it is I wanted you to know. Another reason why clear boundaries and guidelines in the neighborhood are important.

Man Knocking on Door Near Midnight

A man knocked on our front door just now, said he was new to the area and asked to take a shower in our home. It makes me VERY uncomfortable that he felt it was okay to approach our front door at midnight let alone with that request. He appeared to be under the influence of something according to my husband. I usually feel very safe and relaxed in this neighborhood but this was an odd occurrence and makes me uncomfortable, especially having a young child. We will definitely be double checking that all doors and windows are secured, keeping lights on and probably not sleeping much tonight. Just wanted to spread the word. Stay safe! Person 1 Hair: Long, blonde, wearing flat bill hat Top: Carhartt brand/style jacket Age: 25-30 Sex: Male Race: White Physical Build: Thin, maybe 5'10" 160lbs I have reported this information to the police.

"J'"

--
Robin Schmidt, Executive Director
The Father's Heart Street Ministry

---------- Forwarded message ---------
From: **The Father's Heart** <tfhrobin@gmail.com>
Date: Fri, Dec 4, 2020 at 9:05 AM
Subject: Re: Services and Good Neighbor Policy
To: Jessica MIddleton Murray <jessicamiddletonmurray@gmail.com>

Good Morning "J",
I hope you are doing well. Just checking in to get your important perspective on how we are doing across the street from you. We hope to be starting our emergency warming shelter soon. This year, because of COVID, we are limited to less than half of what we have been able to take in the past years. It should prove to be very quiet. We are working with Clackamas County in placing the homeless that meet certain criteria in hotels since shelter is limited during this time due to COVID regulations.

Do you have anything you would like to share with us from the recent months regarding how we are doing in your area?

Thank you,

Robin Keating, Executive Director
The Father's Heart Street Ministry

Hi "J",
I hope you and your family are doing well. I wanted to let you know that we have finished providing our emergency warming shelter this year as of 3/31/21. I hope that you have found us to be a good neighbor.

In our efforts to always be looking for ways to improve what we do, would you have any observations and perspectives you would like to share with us? We want our neighbors to know that we are more than happy to talk with them about any concerns they may have regarding the services we provide and how we provide them.

In our office visit a while back, you made some wonderful suggestions regarding the lines of people on 12th St. Has that improved since we made the main entrance on Washington St. and the secondary entrance on 12th St.?

At this time, we plan to continue to make the parking lot on the corner of 12th and Washington where our guests can smoke and the parking lot across from your home for parking only. It seems to be working well.

Our number of people receiving on site services is about 1/3 of what it was pre COVID. This is due mainly to the large amount of our guests that are elderly or with serious chronic health issues being referred by us into hotels. Another reason our count is down is due to several of our previously chronically homeless guests are in their own apartments now.

We have been working very hard to find ways to help our guests reach sustainability. By working with mental health professionals, OCPD and other experts in Social Services, we are seeing more people reached with individual services that they have needed for so long.

Thank you for taking the time to read this email. Please don't hesitate to call. 503-722-9780. I look forward to any feedback you could give us on how we've been doing through the winter season, especially pertaining to our Emergency Night Shelter.

Giving Hope to the Houseless,

Robin Keating, Director of Human Services
The Father's Heart Street Ministry

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

August 22, 2016

RE: My Father's Heart Similar Use Determination

To whom it may concern:

The following is a summary of a similar use determination made by the Community Development Director with respect to the "My Father's Heart" day shelter and ministry located at 603 `12th Street in Oregon City.

The initial conversation on the potential for locating the ministry at this location began on or about June 28, 2012 with an exchange of emails from Troy Kay and Teri Gant of My Father's Heart ministry, sent to Planner Pete Walter.

Staff requested information describing the proposed activities, prior use and other details pertaining to the ministry and the site. The site consists of 2 tax lots zoned MUC-1, Mixed Use Corridor 1 with street frontage on Washington, 12th and John Adams. The building was previously used by Clackamas County for a satellite Sheriff's office, and for the Clackamas County Sheriff's Department Community Corrections program.

Father's Heart described itself as a Non-Profit social service agency meeting the needs of no/low income individuals and families in Clackamas County. They are partially funded by Clackamas County and work specifically with Social Services, Community Solutions and Parole/Probation. They also work with Bridges To Change, CSAP, Iron Tribe and NARA, as well as the general public. They provide the following services:

- Clothing Exchange
- Hygiene Items
- Food Boxes (end of the month)
- Counseling
- Self Help Classes
- Computers
- Sack Lunches
- Possible Showers

On June 28, 2012, staff requested the following further information:

- What is the maximum number of people you expect to serve on a weekday / weekend?
- Do you anticipate any special parking needs / requirements?
- How does the sack lunch program function? Is it at a specific time every day or would people be able to come in at any time throughout the day and pick one up?

Staff received the following email response from Pastor Teri Gant:

> *"We plan on serving approx... 50 -60 people throughout the day, much like any other business.*

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

There are already 3-4 handicap parking spaces, if needed, so no need for more. There is also an ADA restroom on sight if one should be needed (from previous Sheriff & social service).

We are not open to the public on weekends; closed Saturday thru Monday. We are open 4 days a week; Tuesday thru Friday.

The sack lunch program is usually afternoon. If anyone should need one. However, we are willing to change whatever is needed to comply."

Following discussions with the Deputy City Attorney Jennifer Bragar, with copies and acknowledgment by City Attorney Ed Sullivan, and after reviewing the information provided, the MUC-1 zoning and the permitted uses for the MUC-1 zone, staff's decision was made to treat the proposed use as a permitted use under OCMC 17.29.020.H and P.

H. Offices, including finance, insurance, real estate and government;
P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

No further planning review was required since a change in use was not occurring. The determination above was made by the Community Development Director based upon the sufficiency of the information provided by the applicant.

RESOLUTION NO. 17-29

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE FATHER'S HEART STREET MINISTRY AND THE OREGON CITY RETIREMENT CENTER FROM PLANNING CODE REQUIREMENTS ON A TEMPORARY BASIS

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines "emergencies" to include "any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering…., and includes, but is not limited to, severe weather"; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency"; and

WHEREAS, the City has received information from Clackamas County health officials and existing homeless service providers that there is a need for additional shelter resources during cold weather events; and

WHEREAS, The Father's Heart Street Ministry (TFHSM) located at 603 12th Street and the Oregon City Retirement Center (OCRC) located at 515 10th Street, have available resources and space to provided needed shelter during the extremely cold weather (Exhibit A); and

WHEREAS, in conjunction with Clackamas County Housing and Social Services, TFHSM and OCRC are willing to provide shelter in the existing facilities, and is not requesting any monetary commitment or reimbursement from the City; and

WHEREAS, TFHSM facility would house up to 49 individuals from 6 p.m. to 7 a.m. each day that the outside temperature is 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration during the duration of the emergency, from December 6, 2017 to March 15, 2017; and

WHEREAS, OCRC facility would house up to 16 individuals from 6 p.m. to 7 a.m. each day that the outside temperature is 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration during the duration of the emergency, from December 6, 2017 to March 15, 2017; and

WHEREAS, the forecast identifies freezing weather; and

WHEREAS, the forecasted weather events are natural events that threaten the loss of life, injury to person or property or human suffering; and

WHEREAS, the City Commission is concerned that the expected conditions will require immediate shelter needs, response by city staff and other measures that are currently unanticipated.

NOW, THEREFORE, THE CITY OF OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby declares an emergency, limited to the Father's Heart Street Ministry (TFHSM) located at 603 12th Street and the Oregon City Retirement Center (OCRC) located at 515 10th Street, due to forecasted severe cold weather. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency until 7 a.m. Thursday, March 15, 2018.

Section 2. Based on the emergency identified above, the City Commission grants to TFHSM an exemption from the Oregon City Zoning Code for the sheltering of up to 49 individuals from 6 p.m. to 7 a.m. each day the temperature 33 degrees or below, including wind chill factor, for the duration of the emergency.

Based on the emergency identified above, the City Commission grants to OCRC an exemption from the Oregon City Zoning Code for the sheltering of up to 16 individuals from 6 p.m. to 7 a.m. each day the temperature 33 degrees or below, including wind chill factor, for the duration of the emergency.

Section 3. TFHSM and OCRC are authorized to temporarily provide shelter provided the facilities comply with the City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy (Exhibit B).

Section 4. City staff shall request, as necessary, any assistance required from other agencies, including the state of Oregon, Clackamas County, Clackamas County Fire District No. 1, the American Red Cross or other agencies.

Section 5. The City Commission adopts the following procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040:

__X__ L. Order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

Section 6. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at the City Commission held on the 6th day of December 2017.

DAN HOLLADAY, Mayor

Attested to this 6th day of December 2017:

Kattie Riggs

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney

RESOLUTION NO. 18-30

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE FATHER'S HEART STREET MINISTRY FROM PLANNING CODE REQUIREMENTS ON A TEMPORARY BASIS

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines "emergencies" to include "any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering…., and includes, but is not limited to, severe weather"; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency"; and

WHEREAS, the City has received information from Clackamas County health officials and existing homeless service providers that there is a need for additional shelter resources during cold weather events; and

WHEREAS, The Father's Heart Street Ministry (TFHSM) located at 603 12th Street has available resources and space to provided needed shelter during the extremely cold weather (Exhibit A); and

WHEREAS, TFHSM is willing to provide shelter and is not requesting any monetary commitment or reimbursement from the City; and

WHEREAS, TFHSM facility may house up to 49 individuals from 6 p.m. to 7 a.m. each day that the outside temperature is 32 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration during the duration of the emergency, from November 15, 2018 to March 15, 2019; and

WHEREAS, the forecast identifies freezing weather; and

WHEREAS, the forecasted weather events are natural events that threaten the loss of life, injury to person or property or human suffering; and

WHEREAS, the City Commission is concerned that the expected conditions will require immediate shelter needs, response by city staff and other measures that are currently unanticipated.

NOW, THEREFORE, THE CITY OF OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby declares an emergency, limited to the Father's Heart Street Ministry (TFHSM) located at 603 12th Street due to forecasted severe cold weather. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from 6 p.m. November 15, 2018 until 7 a.m. March 15, 2019.

Section 2. Based on the emergency identified above, the City Commission grants to TFHSM an exemption from the Oregon City Zoning Code for the sheltering of up to 49 individuals from 6

p.m. to 7 a.m. each day the temperature 32 degrees or below, including wind chill factor, for the duration of the emergency.

Section 3. TFHSM is authorized to temporarily provide shelter provided the facilities comply with the City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy (Exhibit B).

Section 4. City staff shall request, as necessary, any assistance required from other agencies, including the state of Oregon, Clackamas County, Clackamas County Fire District No. 1, the American Red Cross or other agencies.

Section 5. The City Commission adopts the following procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040:

X	L.	Order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

Section 6. This resolution shall take effect November 15, 2018.

Approved and adopted at a regular meeting of the City Commission held on the 17th day of October 2018.

DAN HOLLADAY, Mayor

Attested to this 17th day of October 2018:

Kattie Riggs

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney

Attachment:

Exhibit A – The Father's Heart Street Ministry Request
Exhibit B- The City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy

RESOLUTION NO. 18-42

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE FATHER'S HEART STREET MINISTRY FROM PLANNING CODE REQUIREMENTS ON A TEMPORARY BASIS

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines "emergencies" to include "any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering…., and includes, but is not limited to, severe weather"; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency"; and

WHEREAS, the City has received information from Clackamas County health officials and existing homeless service providers that there is a need for additional shelter resources during cold weather events; and

WHEREAS, The Father's Heart Street Ministry (TFHSM) located at 603 12th Street has available resources and space to provided needed shelter during the extremely cold weather (Exhibit A); and

WHEREAS, TFHSM is willing to provide shelter and is not requesting any monetary commitment or reimbursement from the City; and

WHEREAS, TFHSM facility may house up to 49 individuals from 6 p.m. to 7 a.m. each day that the outside temperature is 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration during the duration of the emergency, from November 7, 2018 to April 15, 2019; and

WHEREAS, the forecast identifies freezing weather; and

WHEREAS, the forecasted weather events are natural events that threaten the loss of life, injury to person or property or human suffering; and

WHEREAS, the City Commission is concerned that the expected conditions will require immediate shelter needs, response by city staff and other measures that are currently unanticipated.

NOW, THEREFORE, THE CITY OF OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby declares an emergency, limited to the Father's Heart Street Ministry (TFHSM) located at 603 12th Street due to forecasted severe cold weather. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from 6 p.m. November 7, 2018 until 7 a.m. April 15, 2019.

Section 2. Based on the emergency identified above, the City Commission grants to TFHSM an exemption from the Oregon City Zoning Code for the sheltering of up to 49 individuals from 6

p.m. to 7 a.m. each day the temperature 33 degrees or below, including wind chill factor, for the duration of the emergency.

Section 3. TFHSM is authorized to temporarily provide shelter provided the facilities comply with the City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy (Exhibit B).

Section 4. City staff shall request, as necessary, any assistance required from other agencies, including the state of Oregon, Clackamas County, Clackamas County Fire District No. 1, the American Red Cross or other agencies.

Section 5. The City Commission adopts the following procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040:

__X__ L. Order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

Section 6. This resolution shall take effect immediately.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of November 2018.

DAN HOLLADAY, Mayor

Attested to this 7th day of November 2018:

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney

Attachment:

Exhibit A- The Father's Heart Street Ministry Request
Exhibit B- The City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy

RESOLUTION NO. 19-35

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE FATHER'S HEART STREET MINISTRY FROM PLANNING CODE REQUIREMENTS ON A TEMPORARY BASIS

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines "emergencies" to include "any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering…., and includes, but is not limited to, severe weather"; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency"; and

WHEREAS, the City has received information from Clackamas County health officials and existing homeless service providers that there is a need for additional shelter resources during cold weather events; and

WHEREAS, the City is in the process of adopting shelter regulations; and

WHEREAS, The Father's Heart Street Ministry (TFHSM) located at 603 12th Street has available resources and space to provided needed shelter during the extremely cold weather (Exhibit A); and

WHEREAS, TFHSM is willing to provide shelter and is not requesting any monetary commitment or reimbursement from the City; and

WHEREAS, TFHSM facility may house up to 49 individuals from 6 p.m. to 7 a.m. each day that the outside temperature is 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration during the duration of the emergency, from November 1, 2019 to March 15, 2020; and

WHEREAS, the forecast identifies freezing weather; and

WHEREAS, the forecasted weather events are natural events that threaten the loss of life, injury to person or property or human suffering; and

WHEREAS, the City Commission is concerned that the expected conditions will require immediate shelter needs, response by city staff and other measures that are currently unanticipated.

NOW, THEREFORE, THE CITY OF OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby declares an emergency, limited to the Father's Heart Street Ministry (TFHSM) located at 603 12th Street due to forecasted severe cold weather. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from 6 p.m. November 1, 2019 until 7 a.m. March 15, 2020.

Section 2. Based on the emergency identified above, the City Commission grants to TFHSM an exemption from the Oregon City Zoning Code for the sheltering of up to 49 individuals from 6 p.m. to 7 a.m. each day the temperature 33 degrees or below, including wind chill factor, for the duration of the emergency.

Section 3. TFHSM is authorized to temporarily provide shelter provided the facilities comply with the City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy (Exhibit B).

Section 4. City staff shall request, as necessary, any assistance required from other agencies, including the state of Oregon, Clackamas County, Clackamas County Fire District No. 1, the American Red Cross or other agencies.

Section 5. The City Commission adopts the following procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040:

__X__ L. Order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

Section 6. This resolution shall take effect November 1st, 2019.

Approved and adopted at a regular meeting of the City Commission held on the 16th day of October 2019.

DAN HOLLADAY, Mayor

Attested to this 16th day of October 2019:

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney

Attachment:

Exhibit A – The Father's Heart Street Ministry Request
Exhibit B- The City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy

RESOLUTION NO. 20-34

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE FATHER'S HEART STREET MINISTRY FROM PLANNING CODE REQUIREMENTS ON A TEMPORARY BASIS

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines "emergencies" to include "any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering…., and includes, but is not limited to, severe weather"; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency"; and

WHEREAS, the City has received information from Clackamas County health officials and existing homeless service providers that there is a need for additional shelter resources during cold weather events; and

WHEREAS, The Father's Heart Street Ministry (TFHSM) located at 603 12th Street has available resources and space to provided needed shelter during the extremely cold weather (Exhibit A); and

WHEREAS, TFHSM is willing to provide shelter and is not requesting any monetary commitment or reimbursement from the City; and

WHEREAS, the zoning designation of the site requires that overnight use of the facility receive Conditional Use land use approval. TFHSM submitted a Pre-Application Conference request, which is the first step in a Conditional Use process; and

WHEREAS, The Father's Heart Street Ministry indicated that the COVID-19 pandemic, recent wildfires, and new Planning Division address have delayed the ability to submit required land use review; and

WHEREAS, TFHSM facility has previously been approved to house up to 49 individuals from 6 p.m. to 7 a.m. each day that the outside temperature is 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration during the duration of the emergency; and

WHEREAS, the capacity of TFHSM facility over the winter is unknown due to the spacing requirements associated with COVID-19; and

WHEREAS, the forecast identifies freezing weather; and

WHEREAS, the forecasted weather events are natural events that threaten the loss of life, injury to person or property or human suffering; and

WHEREAS, the City Commission is concerned that the expected conditions will require immediate shelter needs, response by city staff and other measures that are currently unanticipated.

NOW, THEREFORE, THE CITY OF OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby declares an emergency, limited to the Father's Heart Street Ministry (TFHSM) located at 603 12th Street due to forecasted severe cold weather. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from 6 p.m. on November 5th until 7 a.m. January 21, 2021.

Section 2. Based on the emergency identified above, the City Commission grants to TFHSM an exemption from the Oregon City Zoning Code for the sheltering of individuals from 6 p.m. to 7 a.m. each day the temperature 33 degrees or below, including wind chill factor, for the duration of the emergency, from November 5, 2020 to January 21, 2021. The number of individuals allowed shall not exceed the number of individuals allowed pursuant to the Oregon Health Authority under Section 4.

Section 3. TFHSM must be authorized to temporarily provide shelter provided the facilities comply with the City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy (Exhibit B).

Section 4. TFHSM must comply with COVID-19 regulations by the state and the Oregon Health Authority which will likely limit the number of individuals onsite.

Section 5. City staff shall request, as necessary, any assistance required from other agencies, including the state of Oregon, Clackamas County, Clackamas County Fire District No. 1, the American Red Cross or other agencies.

Section 6. The City Commission adopts the following procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040:

X	L.	Order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

Section 6. This resolution shall take effect November 5th, 2020.

Approved and adopted at a regular meeting of the City Commission held on the 4th day of November 2020.

RACHEL LYLES SMITH,
Commission President

Attested to this 4th day of November 2020:

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney

Attachment:

Exhibit A – The Father's Heart Street Ministry Request
Exhibit B- The City of Oregon City and Clackamas Fire District #1 Temporary Emergency Policy