

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, NOVEMBER 26, 2019, 6:00 PM, MT**

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Freddy Rodriguez ____ Marty Justus ____ Ramon Palomo ____ Dan Capron ____
Michael Braden ____ Norm Crume ____ Mayor Riley Hill ____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on November 22, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

5) OLD BUSINESS

A) Emergency Transitional Housing

6) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

7) EXECUTIVE SESSION

A) ORS 192.660(2)(h)

8) ADJOURN



**AGENDA REPORT
OLD BUSINESS
November 26, 2019**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: EMERGENCY TRANSITIONAL HOUSING

DATE: November 22, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE TEMPORARY LICENSE TO ORIGINS FAITH COMMUNITY IN THE AMOUNT OF \$1 FOR A PORTION OF TAX PARCEL ID 18S47E03CB05700 AND 18S47E03CB04600 AS SHOWN IN THE MAP ATTACHED TO THE LEASE AGREEMENT

SUMMARY:

Community in Action has been offered funding for emergency transitional housing. Working with Origins Faith Community, Community in Action has come up with a plan to create small relocatable structures to house homeless.

BACKGROUND:

The City Council first heard a proposal on November 7, 2019, to use the former Ontario Golf Course Cart facilities as homeless shelters. After that meeting, the city discovered federal prohibitions for residential dwellings within 1,000 feet of the runway.

Community in Action and Origins Faith Community approached the Council on November 19th, to offer a new proposal to purchase prefabricated sheds, which could be given power and insulated to be used as temporary emergency homeless structures. The proposal included being able to lease parts of the city property off of NE 3rd Avenue and North Oregon Street.

The City Council requested that the proposal go through a Preliminary Design Advisory Committee (PDAC) meeting to consider all of the impacts and regulation with the Temporary Emergency Shelter proposal.

CURRENT SITUATION:

City staff held a PDAC with Community in Action and Origins Faith Community on Wednesday November 20th at 3:30. A summary of the findings are attached in a Memo from the

Community Development Director, Dan Cummings. It is the opinion of the Community Development Director that the City Council has the authority to use the property for transitional housing.

Community in Action and Origins Faith Community believe this to be a worthy experiment to use the emergency funding from the state. The small housing units can be moved at the end of the experiment if it is determined by the city that the experiment did not work for any reason.

Origins Faith Community and the City Manager met with the principal owners of Nichols Accounting on November 22, 2019. Naturally, fears were expressed of concentrated poverty, the presence of drugs, and the fact that their offices are open all day and night during tax season which coincides with the time of the shelter use.

We explained the project and listened for suggestions on how to mitigate any deleterious impacts of the project. While the firm did not give approval of the project several ideas were generated by the discussion such as:

Restricting hours of access to the housing.

Priority will be given to parents with children.

Screening process will be conducted.

A staff person will be present at the site.

Nichols Accounting would have a seat at the table at the conclusion of the project to evaluate its success or impacts.

ANALYSIS:

- A. **STRATEGIC PLAN** This action would broadly impact the Desirability and Beautification Goal of the Ontario Strategic Plan.
- B. **FINANCIAL** There will be no financial impact to the city. The license for 6 months would be for \$1.
- C. **TIMING** The funding is for immediate use and winter is upon us. Should the Council feel inclined to approve the property, Community in Action and Origins Faith Community need to be able to move forward quickly with the project.
- D. **POLICY/LEGAL** The City Council has the authority to approve this license.

ALTERNATIVES:

Take No Action: Community in Action will be forced to not take the funding or to find another location for the small temporary homes.

RECOMMENDATION:

Staff recommends that the city approve this temporary license for a trial temporary housing use. At the end of the trial period, staff will work with community partners and residents to determine if this is a viable long-term solution and what changes should be made if it is to continue.

ATTACHMENTS:

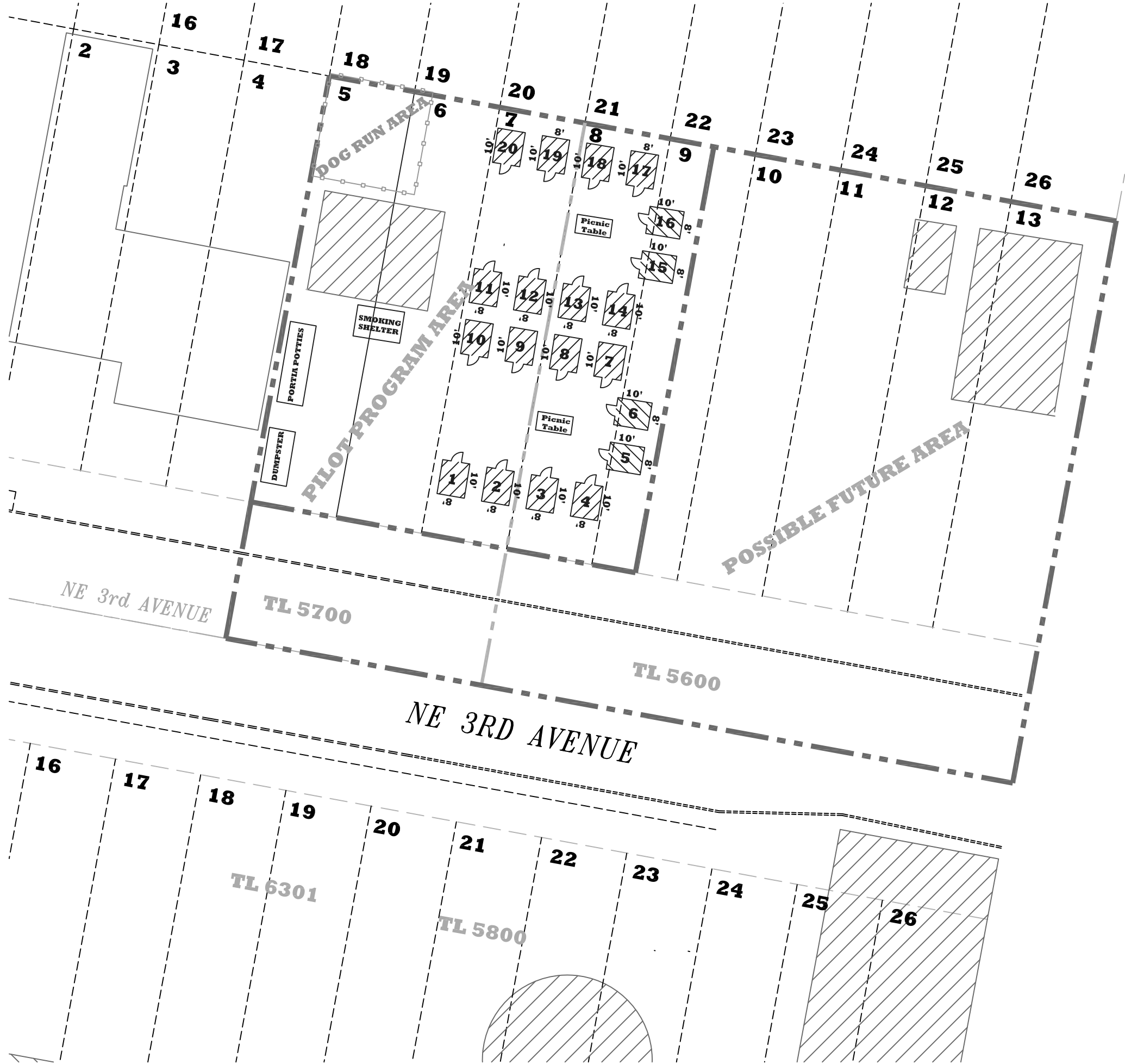
1. EXHIBIT A_City Gravel Property_Transitional Housing_Pilot
2. Memorandum_City Manager_Comm Dev Dir Homeless Shelter City Work Gravel Lot_ 11-21-19
3. Origins License for Emergency Housing

EXHIBIT A

PILOT PROGRAM

Single Units: 20

**Dog run, Smoking area, Portia potties
and Trash Dumpster.**





City of Ontario
Community Development Director
444 SW 4th Street
Ontario, OR 97914
Voice (541) 881-3222
Dan.Cummings@ontariooregon.org

**Memorandum to City Manager
And the City Council through the City Manager**

Homeless Transitional Shelters:

It has been asked by the Council and City Manager if homeless/Transitional shelters could be provided on the property owned by the City known as the City Gravel lot which is zoned I-2 (Heavy Industrial) and directed staff to hold a PDAC (Preliminary Design Advisory Committee) Meeting to discuss the use and requirements for such a facility.

1. City staff and representatives of Community in Action or Origins Faith held a PDAC on Wednesday November 20, 2019 on the proposed Transitional Housing shelters.
2. The City "Gravel Lot" property is Zoned I-2 (Heavy Industrial) and is regulated by 10A-41 and under the zoning regulations "Dwellings" are a prohibited Use.
 - a) Dwelling defined by city code: "**10A-03-74 - DWELLING.**
Any structure or portion thereof which is designed or used for residential purposes; provided, however, that the following are not dwellings:
 1. Transient accommodations;
 2. Institutional care facilities such as hospitals, hospices, rest homes and homes for the aged."

Based on the City definition of "Dwelling", which does not include Transient accommodations, the proposed Transitional Housing project is not a Prohibited Use.

3. ORS 446.265 amended by House bill 2916 adopted in 2019 and passed by emergency reading states:

SECTION 1. ORS 446.265 is amended to read:

446.265. (1) Inside an urban growth boundary, a [municipality] **local government may** [ap- prove] **authorize the establishment** of [a campground inside an urban growth boundary to be used for providing transitional housing accommodations. The accommodations may consist of separate facilities, in the form of yurts, for use] transitional housing accommodations used as individual living units by one or more individuals [or by families. The person establishing the accommodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways].

[(2)] Use of transitional housing accommodations [described under subsection (1) of this section shall be] is limited to persons who lack permanent or safe shelter and who cannot be placed in other low income housing. A [municipality] local government may limit the maximum amount of time that an individual or a family may use the accommodations.

[(3)] (2) [Campgrounds providing transitional housing accommodations described under this section may be operated by private persons or nonprofit organizations. The shared facilities of the campgrounds are subject to regulation under the recreation

park specialty code described under ORS 446.310 to 446.350.] **Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations.** The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

(3) [The] Transitional housing accommodations are not subject to ORS chapter 90.

[(4) To the extent deemed relevant by the Department of Consumer and Business Services, the construction and installation of yurts on campgrounds used for providing transitional housing accommodations established under this section is subject to the manufactured structures specialty code described in ORS 446.155 (*446.155 requires sanitation of park & Pet Control*). Transitional housing accommodations not appurtenant to a yurt are subject to regulation as provided under subsection (3) of this section.]

[(5) Campgrounds established for providing transitional housing accommodations shall not be allowed on more than two parcels in a municipality. In approving the use of parcels for a campground, the municipality shall give preference to locations that have access to grocery stores and public transit services.]

[(6)] (4) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat.

SECTION 2. ORS 446.325 is amended to read:

446.325. (1) [Public entities, private persons or nonprofit organizations described] Persons and public bodies, as defined in ORS 174.109, that operate transitional housing accommodations under ORS 446.265 [(3)], timber companies and private utilities [shall] may not establish or operate a recreation park without complying with the rules of the Oregon Health Authority and securing the approval of the Director of the Oregon Health Authority or designee but [shall be] are exempt from the licensing requirement of ORS 446.320. The director or designee may delegate, to a health official having sufficient environmental health specialists, the authority to approve such recreation parks.

(2) ORS 446.310 to 446.350 do not apply to:

(a) Any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or use of the facilities;

(b) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other expedition, unless the expedition is part of an organizational camp program; or

(c) [A yurt, as defined in ORS 446.265, that is used as a living unit in transitional housing accommodations] Transitional housing accommodations.

SECTION 3. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

It is the Community Development Director Opinion that based on ORS 446.265 the City Council has the Authority establish a Transitional Housing Facility on the Property known as the Gravel Lot in the Industrial Zone.

The Community Development Director contacted the Eastern Regional Representative of Oregon DLCD (Oregon Department of Land Conservation and Development) to discuss this opinion and he agreed that ORS 446.265 gives the Governing Body the power to establish a Transitional Housing Facility on the property under the condition of the ORS. He agreed that the transient use was not a conflict with the Industrial zone as it is not considered a permanent use. He also stated that the City could do a minor code change and establish transitional housing as a permitted use.

It is the recommendation of the Community Development Director that the City does not need a code change at this time until the Council has time to see how a pilot program works.

4. The Community Development Director and the City Building Official contacted the State Building Codes Division about Building regulations for Transitional Housing and were given the answer that ORS 446.265 amended by House Bill 2916 gives the local jurisdiction the authority to allow housing as stated in ORS 446.265.

PDAC conclusion: Based on the above findings and discussions at the City PDAC meeting held on November 20, 2019, it was determined by City Staff that the City Council may establish a Transitional Housing Facility on the City Property known as the "Gravel Lot".

At this time staff is recommending to the City Council that they approve a lease to Community in Action or Origins Faith Community on the portion of the property shown on the Attached Exhibit map noted as Pilot Program Area.

Respectfully Submitted,



Dan K. Cummings, Community Development Director

Attachment: Site Map



LICENSE AGREEMENT

DATED: This _____ of _____, 2019

BETWEEN CITY OF ONTARIO, herein, "Owner"

AND ORIGINS FAITH COMMUNITY, hereinafter, "Licensee"

Premises:

- A. Owner owns property described in Exhibit A (the "Property").
- B. Licensee is a religious institution operating on a not-for-profit basis.
- C. Owner is willing to grant a license (the "License") for the use of the Property to Licensee to provide emergency shelter housing for homeless transients.
- D. The parties wish to reduce their agreement to writing.

Agreement:

Owner and Licensee covenant, contract, and agree as follows:

1. **License:** Owner grants to Licensee, and Licensee accepts from Owner a License for the use of the Property. The consideration for this License is the provision of emergency shelter housing, which is a community service that might otherwise require the expenditure of taxpayer funds.
2. **Term:** The License shall be irrevocable for six months, unless terminated earlier by Owner by giving Licensee not less than 30 days written notice. Renewal of the License shall be negotiated no more than ninety (90) days prior to termination.
3. **Hold Harmless:** To the extent of the limits of the Oregon Tort Claims Act, ORS 30.260 *et seq*, The Licensee will hold Owner harmless from any claims whatsoever, accruing after the date hereof and arising solely out of Licensee's use of the Property.
 - a. **Use of Property:** The property may be used for emergency shelter housing for homeless transients and for no other purpose. Licensee shall have exclusive use of the Property for that purpose. Owner shall have the right to inspect the Property at any time, subject to reasonable advance notice to Licensee.

- b. To maintain tax exempt status, Licensee shall operate the shelter on a not-for-profit basis, and shall not charge rents to any persons who are receiving temporary emergency shelter.
4. **Maintenance:** During the term of the License, Licensee shall have the sole responsibility to provide maintenance, safe-guarding , irrigation, and upkeep of the Property.
5. **Improvements:** Licensee shall not install permanent improvements on the Property without Owner's express written consent in advance. All improvements shall be temporary only and shall be promptly removed by Licensee at the termination of the License.
6. **Site Condition:** If the License is not renewed, the Licensee will return the Property to the same condition present prior to tenancy.
7. **Filing for Tax Exemption:** The Lessee (the City) shall file tax exemption documents with the Malheur County Tax Assessor's Office as deemed necessary by the County.

Signed and dated this _____ day of November of _____, 2019.

Owner:

Licensee:

Origins Faith Community

Riley J. Hill, Mayor

Attest:

Tori Barnett, City Recorder