



June 28, 2022

Jeff Petry
PDD Management Services/ Finance Manager
City of Eugene
44 West 7th Avenue
Eugene, OR 97401

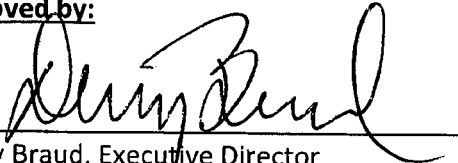
RE: HB 2006 Emergency Shelter Approval – 44 West 7th Avenue

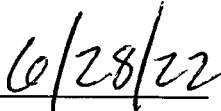
Thank you for applying for approval of an Emergency Shelter as allowed by Oregon Laws 2021 Regular Session, Chapter 18, Sections 1-4, also known as House Bill 2006 (2021). You have applied for approval to site an Emergency Shelter on the property located at 44 West 7th Avenue (the subject property).

HB 2006 allows local governments and certain non-profit organizations to operate emergency shelters in available buildings and/or on open sites. Sections 3 and 4 of HB 2006 set out the requirements that must be met in order for the City to approve development of an emergency shelter on the subject property.

Your application addressed the items listed in Sections 3 and 4 of HB 2006 and provided sufficient information for approval. Findings addressing compliance with the requirements of the bill are attached to this letter. Your proposal is subject to conditions of approval, which are included within the attached findings. Please note that while the use of the site as an Emergency Shelter is being approved, additional permits to comply with other State and federal requirements related to development of the site may be necessary.

Approved by:


Denny Braud, Executive Director
Planning & Development Department


Date

**This approval is not a land use decision and is subject to review only under ORS 34.010 to 34.100.*

Enclosed:

- 1) Findings and Conditions of Approval



EMERGENCY SHELTER APPROVAL

Application Name: 44 West 7th Avenue

Applicant: City of Eugene

Location: 44 West 7th Avenue

Map No. / Tax Lot: 17-03-31-12/16801

Application Summary: Request to approve an emergency shelter that will provide shelter for up to 50 individuals in need of shelter and services. See Exhibit A for application details.

APPLICATION ANALYSIS

Oregon Laws 2021 Regular Session, chapter 18, sections 1-4 (also known as HB 2006) allow Emergency Shelters to be sited in a city, notwithstanding state and local land use regulations, if the proposed Emergency Shelter meets certain requirements included in the sections 3 and 4 of Oregon Laws 2021 Regular Session, chapter 18. The requirements for approval of an Emergency Shelter are provided below (in **bold** typeface) followed by analysis of application's compliance with the requirements.

EMERGENCY SHELTER

SECTION 2.

(1) As used in this section, "emergency shelter" means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.

The applicant requests approval for an emergency shelter to serve individuals that need shelter and services. The shelter will operate in an existing building and will include sleeping and restroom facilities. The applicant states that they will comply with all applicable building codes.

Based on the above findings and applicant's statement that they will seek building permits, the proposed Emergency Shelters described in this application meets the definition of an Emergency Shelter under subsection (1) of section 2 of chapter 18 Oregon Laws 2021 Regular Session.

(2) A building or cluster of buildings used as an emergency shelter under an approval granted under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session):

(a) May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).

(b) May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.

(3) An approval of an emergency shelter under section 3 of this 2021 Act or section 11, Chapter 12, Oregon Laws 2020 (first special session) is void unless the shelter is operating within two years following the approval.

Neither subsection 2(a), 2(b), or (3) provide requirements for the approval of an emergency shelter application. Rather, these sections provide requirements for an emergency shelter after the start of operation of an emergency shelter, and set a deadline for operations to begin. Therefore, by applying under House Bill 2006, the Emergency Shelter is subject to these regulations and evaluation of compliance with these regulations will occur after the start of operation.

As an informational item, the approval of this application will expire on June 28, 2024 unless the shelter is operating.

SECTION 3.

(1) A local government shall approve an application for the development or use of land for an emergency shelter, as defined in section 2 of this 2021 Act, on any property, notwithstanding ORS chapter 195, 197, 197A, 215 or 227 or any statewide plan, rule of the Land Conservation and Development Commission or local land use regulation, zoning ordinance, regional framework plan, function plan or comprehensive plan if the emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

The application states that the proposed emergency shelter will include sleeping and restroom facilities for those served. Therefore, the application meets the criteria in subsection 1(a) of section 3 of chapter 18 Oregon Laws 2021 Regular Session.

(b) Will comply with applicable building codes;

The applicant states that the proposed emergency shelter will comply with all applicable building codes. The above standards do not require a finalized development plan at this time.

To ensure that emergency shelter will comply with all applicable building codes, approval of this application is subject to the following condition:

- The applicant shall obtain all required building permits for any Emergency Shelter on the subject property.

With the condition above, the applicant meets the criteria in subsection 1(b) of section 3 of chapter 18 Oregon Laws 2021 Regular Session.

(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;

The proposed emergency shelter meets the requirement of subsection 1(c), as the location of the subject property is within Eugene's Urban Growth Boundary.

(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;

Based on the application materials and review of relevant documents, the property does not contain lands designated under a statewide planning goal relating to natural disasters and hazards, including floodplains or mapped environmental health hazards.

Based on these findings, the application meets subsection 1(d). Based on the above condition, the application meets subsection 3(1)(d) of Oregon Laws 2021 Regular Session, chapter 18.

(e) Has adequate transportation access to commercial and medical services; and

The proposed location of the Emergency Shelter is located within the City of Eugene's transportation system and therefore has adequate access to the streets, sidewalks, and transit network. The subject property is located in Downtown Eugene which has a central Lane Transit District station which provides service to the greater Eugene-Springfield area. Additionally, there are a variety of commercial and medical services located in the Downtown area, which are within walking distance.

Based on the proximity to bus lines and commercial and medical services, the application meets subsection 1(e) of Oregon Laws 2021 Regular Session, chapter 18.

(f) Will not pose any unreasonable risk to public health or safety.

The proposed site is located within the Eugene city limits and is served by the City's Police Department and Eugene/Springfield Fire, as well as access to private emergency medical transportation services. The site is not a known brownfield location, nor does the site present

any other known risks to public health and safety. Based on the findings above, the application will meet subsection 1(f) of Oregon Laws 2021 Regular Session, chapter 18.

(2) An emergency shelter allowed under this section must be operated by:

(a) A local government as defined in ORS 174.116;

(b) An organization with at least two years' experience operating an emergency shelter using best practices that is:

(A) A local housing authority as defined in ORS 456.375;

(B) A religious corporation as defined in ORS 65.001; or

(C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or

(c) A nonprofit corporation partnering with any other entity described in this subsection.

The applicant states that the emergency shelter will be operated in partnership with the City of Eugene, a local government, or one of the other parties listed as being allowed to operate an emergency shelter. Based on the applicant's statement it appears that the applicant will comply with this section. To ensure that the facility will continue to be operated as required by the subsection above, the following condition is provided:

- Any Emergency Shelter located on the subject site must be operated by:
 - (a) A local government as defined in ORS 174.116;
 - (b) An organization with at least two years' experience operating an Emergency Shelter using best practices that is:
 - (A) A local housing authority as defined in ORS 456.375;
 - (B) A religious corporation as defined in ORS 65.001; or
 - (C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or
 - (c) A nonprofit corporation partnering with any other entity described in this condition.

Based on this information, there is sufficient evidence to demonstrate that the application complies with the standards in Oregon Laws 2021 Regular Session, chapter 18, section 3(2).

(3) An emergency shelter approved under this section:

(a) May provide on-site for its clients and at no cost to the clients:

- (A) Showering or bathing;**
- (B) Storage for personal property;**
- (C) Laundry facilities;**
- (D) Service of food prepared on-site or off-site;**
- (E) Recreation areas for children and pets;**
- (F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or**
- (G) Any other services incidental to shelter.**

(b) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(4) An Emergency Shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

An applicant may, but is not required to, provide any or all of the services listed in Oregon Laws 2021 Regular Session, chapter 18, section 3(3) and (4). The applicant indicates that they will provide restroom and sleeping facilities, personal property storage, laundry, food service, recreation areas, and case management and housing navigation services. This emergency shelter approval does not limit the applicant's ability to provide or decline to provide any of the services listed in subsections (3) and (4).

Conditions of Approval:

Based on the findings above, the following conditions are warranted to ensure compliance with the requirements of Oregon Laws 2021 Regular Session, chapter 18, sections 3 and 4:

1. The applicant shall obtain all required building permits for any Emergency Shelter on the subject property.
2. Any Emergency Shelter located on the subject site must be operated by:
 - (a) A local government as defined in ORS 174.116;
 - (b) An organization with at least two years' experience operating an Emergency Shelter using best practices that is:
 - (A) A local housing authority as defined in ORS 456.375;
 - (B) A religious corporation as defined in ORS 65.001; or
 - (C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or
 - (c) A nonprofit corporation partnering with any other entity described in this condition.

Expiration:

The approval of this application will expire on June 28, 2024 unless the shelter is operating.

Exhibits:

A. Application Materials



99 West 10th Avenue
Eugene, Oregon 97401
Phone: 541.682.5729

EMERGENCY SHELTER REQUEST

Application Name: 44 West 7th Avenue

Applicant: City of Eugene

Location: 44 West 7th Avenue, Eugene, OR 97401-2948

Map No. / Tax Lot: 17-03-31-12-16801

Application Summary: Request to approve an emergency shelter that will provide shelter for 50 individuals in need of shelter and services.

APPLICATION

Oregon Laws 2021 Regular Session, chapter 18, sections 1-4 (also known as HB 2006) allow Emergency Shelters to be sited in a city, notwithstanding state and local land use regulations, if the proposed Emergency Shelter meets certain requirements included in the sections 3 and 4 of Oregon Laws 2021 Regular Session, chapter 18. The requirements for approval of an Emergency Shelter are provided below (in **bold** typeface) followed by an explanation of how this request meets the requirements for approval.

EMERGENCY SHELTER

SECTION 2.

- (1) As used in this section, "emergency shelter" means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.**

The shelter will operate in an existing building and will include sleeping and restroom facilities for 50 individuals who need shelter and services on a temporary basis. Any modifications to the building, or changes required to allow for the use as an emergency shelter will be accompanied by a request for a building permit, when required.

(2) A building or cluster of buildings used as an emergency shelter under an approval granted under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session):

(a) May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).

This is understood by the applicant.

(b) May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.

The building currently operates as a parking garage with ground floor commercial tenants. These operations are allowed by the Eugene Code and will continue to occur. A portion of the building is not being used for these services and is the portion of the building for which the emergency shelter application is being submitted.

(3) An approval of an emergency shelter under section 3 of this 2021 Act or section 11, Chapter 12, Oregon Laws 2020 (first special session) is void unless the shelter is operating within two years following the approval.

It is acknowledged that upon approval, the shelter will need to begin operations as a shelter within two years or the ability to use the site as a shelter may be discontinued.

SECTION 3.

(1) A local government shall approve an application for the development or use of land for an emergency shelter, as defined in section 2 of this 2021 Act, on any property, notwithstanding ORS chapter 195, 197, 197A, 215 or 227 or any statewide plan, rule of the Land Conservation and Development Commission or local land use regulation, zoning ordinance, regional framework plan, function plan or comprehensive plan if the emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

As noted above, the emergency shelter will include sleeping and restroom facilities for those served. Additionally, building permits will be applied for when specific plans are finalized for the building.

(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;

The proposed emergency shelter meets the requirement of subsection 1(c), as the location of the subject property is within Eugene's Urban Growth Boundary.

(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;

The property does not contain lands designated under a statewide planning goal relating to natural disasters and hazards, including floodplains or mapped environmental health hazards.

(e) Has adequate transportation access to commercial and medical services; and

The subject property is located in Downtown Eugene which has a central Lane Transit District station which provides service to the greater Eugene-Springfield area. Additionally, there are a variety of commercial and medical services located in the Downtown area, which are within walking distance or served by a transit route.

(f) Will not pose any unreasonable risk to public health or safety.

The proposed site is located within the Eugene city limits and is served by the City's Police Department and Eugene/Springfield Fire, as well as access to private emergency medical transportation services. The site is not a known brownfield location, nor does the site present any other known risks to public health and safety.

(2) An emergency shelter allowed under this section must be operated by:

(a) A local government as defined in ORS 174.116;

(b) An organization with at least two years' experience operating an emergency shelter using best practices that is:

(A) A local housing authority as defined in ORS 456.375;

(B) A religious corporation as defined in ORS 65.001; or

(C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or

(c) A nonprofit corporation partnering with any other entity described in this subsection.

