



## Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045

Ph (503) 722-3789

### Planning & Public Works Development Services Review for HB3395 Emergency Shelter Siting Application

#### ***"Super Siting" – House Bill 3395***

A new state law adopted by the Oregon Legislature (**HB 3395**) requires the approval of an application for an Emergency Shelter regardless of state or local land use laws as long as the application complies with the approval criteria in the new state law. In other words, the City of Oregon City cannot deny an application to develop an Emergency Shelter if the application complies with the new state law, even if, under other circumstances, the City's land use code would prohibit the Emergency Shelter at that location.

In June 2020, the Oregon State Legislature adopted HB 4212 to remove land use barriers that might otherwise prevent emergency shelters from locating on certain sites. HB 4212 was followed by the passage of HB 2006 in May of 2021 continuing to allow local governments and certain non-profit organizations to develop emergency shelters in available buildings and/or on open sites without the need for any land use approvals (such as an application for a zone change or a conditional use permit) for the underlying property. Subsequently, these two house bills were followed by HB 3395, which memorialized the tenants of the previous bills and eliminated a sunset date that required applications to be submitted by a certain date. As such, Emergency Shelter Siting applications will be received and reviewed on a continual basis.

HB 3395 is not a land use decision, and it removes state requirements for a mailed notice, public hearing, or solicitation of public comment on an application. Local governments are obligated to approve applications for shelters that meet the criteria below. Decisions under HB 3395 may not be appealed to the Planning Commission, City Commission or the Land Use Board of Appeals but may be appealed using the writ of review process provided under ORS 34.010 – 34.100.

Applicant Name/Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Site Address: \_\_\_\_\_

or Clackamas County Map and Tax Lot #: \_\_\_\_\_

**Shelter Information**

Type of Shelter Proposed (mark all that apply):

- ☐ Warming Shelter
 ☐ Night Shelter
 ☐ Cooling shelter
 ☐ Day Shelter
- ☐ Other: \_\_\_\_\_

Shelter Activities Proposed (mark all that apply):

- ☐ Showering/Bathing
 ☐ Storage of Personal Property
 ☐ Laundry Facilities
- ☐ Service of Food
 ☐ Recreation Area for children and pets
- ☐ Case Management Services for housing, financial, vocational, educational, physical/behavioral care
- ☐ Other Services incidental to the shelter: \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

Maximum # of Clients: \_\_\_\_\_ Date Begging Operation: \_\_\_\_\_

*NOTE: A shelter approval under HB 3395 must be in operation within 2 years of application approval.*

Will the proposed shelter be operated by one of the following types of entities/organizations?

- ☐ Local Government
- ☐ An organization, with at least 2 years' experience, operating an emergency shelter using the best practices that is:
- ☐ A local housing authority as defined in ORS 456.375
  - ☐ A religious corporation as defined in ORS 65.001
  - ☐ A public benefit corporation 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. Years Experience: \_\_\_\_\_
- ☐ A nonprofit organization partnering with any of the above entities.
- Partner Entity: \_\_\_\_\_ Years Experience: \_\_\_\_\_

| Additional Questions   | Yes | No | Not Applicable | Staff Confirmation |
|--|-----|----|----------------|--------------------|
| Is the proposed use an "emergency shelter", defined as a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing?<br><i>REQUIRED</i>   |     |    |                |                    |
| Is a fee charged to clients? Fee: \$ _____<br><i>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.</i>   |     |    |                |                    |
| Is the proposed shelter located in an existing building?   |     |    |                |                    |
| Does the site include a new building or expansion of any existing building located with a Natural Resource Overlay, Floodplain Overlay or Geologic Hazards Overlay Zone?<br><i>You can obtain this information by generating a property report here: <a href="https://www.orcity.org/400/Property-Reporter">https://www.orcity.org/400/Property-Reporter</a></i> |     |    |                |                    |

|   |            |           |                       |                           |
|---|------------|-----------|-----------------------|---------------------------|
| Is the proposed shelter (one required):<br><input type="checkbox"/> Within 1/2 mile of a bus stop with daily service?<br><input type="checkbox"/> Within 1/2 mile of commercial and medical services, such as grocery, hospital or urgent care services necessary to support sheltered individuals?<br><input type="checkbox"/> Able to provide transportation to commercial and medical services?<br>Explain: _____<br>_____ |            |           |                       |                           |
| Is the property actively served by:<br><b>ALL REQUIRED</b>  |            |           |                       |                           |
| Police  |            |           |                       |                           |
| Fire  |            |           |                       |                           |
| Emergency Services  |            |           |                       |                           |
| City/WES Water  |            |           |                       |                           |
| City Sewer  |            |           |                       |                           |
| Electricity   |            |           |                       |                           |
| <b>Additional Questions</b>   | <b>Yes</b> | <b>No</b> | <b>Not Applicable</b> | <b>Staff Confirmation</b> |
| Is the proposed shelter in compliance with all applicable building and fire codes? <b>REQUIRED</b>  |            |           |                       |                           |
| Does the proposed shelter include restroom and sleeping facilities for clients? <b>REQUIRED</b><br># of Beds: _____ # of Restrooms: _____   |            |           |                       |                           |
| Is the subject site located on a brownfield or has the building otherwise been deemed unsafe for habitation due to contamination or other environmental concern? <b>NOT ALLOWED</b>   |            |           |                       |                           |
| Does the proposed shelter have an established code of conduct or screening policy for clients? <b>REQUIRED</b>  |            |           |                       |                           |
| Does the proposed shelter have 24-hour contact information posted for clients to access supportive resources when the facility is not open? <b>REQUIRED</b>   |            |           |                       |                           |
| Does the proposed shelter have contact information posted for neighborhood residents and the public to contact shelter operators if needed?<br><i>Contact phone must be answered in person or messages returned during hours that the shelter is open/operating. REQUIRED</i>   |            |           |                       |                           |
| Does the proposed shelter have established health and safety protocols related to COVID-19 or other public health concerns? <b>REQUIRED</b>   |            |           |                       |                           |

## Application Materials

Attach the following application materials to this completed application form and email the full submittal to [ocplanning@orccity.org](mailto:ocplanning@orccity.org).

- ☐ Property Report: <https://www.orccity.org/400/Property-Reporter>
- ☐ Floor plan of building identifying sleeping and restroom areas for clients
- ☐ Map showing the proximity of commercial and medical services
- ☐ Map of bus stops within ½ mile
- ☐ Copy of Shelter Code of Conduct or screening policy for clients
- ☐ Copy of sign with 24-hour contact information for clients and public
- ☐ Health and safety protocols related to COVID-19 and other public health concerns
- ☐ A Good Neighbor Agreement, if available (strongly encouraged, not required)
- ☐ Documentation, such as tax records, government contracts, etc., that the shelter operator is one of the following: a local government, an organization with at least 2 years' experience operating an emergency shelter, or a nonprofit organization partnering with one of the other entities listed.

***After receiving an application packet, staff will verify the submittal is complete and contact the applicant to schedule a site visit.***

*Staff use:*

Reviewed by (OC Planning): \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation: ☐ Approve ☐ Approve with Conditions ☐ Deny

Reviewed by (OC Building): \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation: ☐ Approve ☐ Approve with Conditions ☐ Deny

Reviewed by (Clackamas County Fire): \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation: ☐ Approve ☐ Approve with Conditions ☐ Deny

Community Development Director: \_\_\_\_\_ Date: \_\_\_\_\_

DECISION: ☐ Approve ☐ Approve with Conditions ☐ Deny

NOTES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_