

**ORDINANCE NO. 2019-11**

**ORDINANCE AMENDING FOREST GROVE CODE OF ORDINANCES  
ADOPTING TITLE III, (ADMINISTRATION), CHAPTER 38  
(§ 38.01 THROUGH § 38.04), TITLED SEVERE WEATHER SHELTERS  
IN THE TOWN CENTER CORE (TCC), TOWN CENTER TRANSITION (TCT)  
AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS  
FILE NUMBER 311-19-000017-PLNG**

**WHEREAS**, no legally-sanctioned severe weather shelter is currently permitted in the city; and

**WHEREAS**, the City recognizes that providing opportunities for shelter and services requires a high level of coordination between services, facilities, policies, and enforcement; and

**WHEREAS**, notice of the proposed amendments were published in the *Forest Grove News Times* on September 4, 2019; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on September 9 and continued the hearing on September 23, 2019.

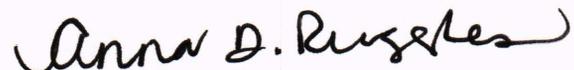
**NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:**

**Section 1:** The City Council hereby amends Forest Grove Code of Ordinances adopting Title III (Administration), Chapter 38 (§ 38.01 through § 38.04), titled Severe Weather Shelters as set forth in Exhibit A.

**Section 2:** This ordinance is effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** this 9<sup>th</sup> day of September, 2019.

**PASSED** the second reading this 23<sup>rd</sup> day of September, 2019.



Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 23<sup>rd</sup> day of September, 2019.



Peter B. Truax, Mayor

## Exhibit A

### CHAPTER 38: SEVERE WEATHER SHELTERS

Section

38.01 Intent

38.02 Definitions

38.03 Determination of a Severe Weather Event

38.04 Permitting of Severe Weather Shelters

#### **§ 38.01 INTENT**

The purpose of Chapter 38 is to allow charitable organizations in the Town Center Core (TCC), Town Center Transition (TCT) and Community Commercial (CC) Zoning Districts to operate on-site severe weather shelters.

#### **§ 38.02 DEFINITIONS**

The following terms shall apply to this Chapter unless the context indicates or requires a different meaning.

**CHARITABLE ORGANIZATION.** A 501(c)(3) non-profit organization whose primary objective is philanthropy and social well-being (e.g. charitable, educational, religious or other activities serving the public interest or common good).

#### **SEVERE WEATHER.**

(A) A period of two or more days where temperatures are forecasted by the National Weather Service (National Oceanic and Atmospheric Administration) or actually reach 32 degrees Fahrenheit or below;

(B) Snow accumulation exceeding or expected to exceed three inches in depth;

(C) A heat index of 95 degrees or above; or

(D) Other conditions deemed severe enough to present a substantial threat to life or health.

**SEVERE WEATHER SHELTER.** A building or portion thereof that is operated by a charitable organization and that provides temporary shelter during a severe weather event.

**§ 38.03 DETERMINATION OF A SEVERE WEATHER EVENT.**

The City Manager, or designee, is responsible for determining a severe weather event as defined in § 38.02. The City Manager, or designee, shall consult with the Washington County Department of Housing Services when determining a severe weather event. The City Manager, or designee, is also responsible for determining when a severe weather event has concluded. The City Manager, or designee, shall immediately notify the City Council, city police department, fire department and Washington County Department of Housing Services upon making a determination of a severe weather event and shall include a list of known severe weather shelters.

**§ 38.04 SEVERE WEATHER SHELTER REGISTRATION.**

- A. A charitable organization that seeks to provide an emergency weather shelter shall register with the city on forms provided by the city. The City Manager, or designee, shall maintain a current list of registered charitable organizations. The City Manager may limit the duration of the registration or require periodic updating or re-registration in order to ensure the list remains reasonably accurate.
- B. A charitable organization that is registered as a severe weather shelter may operate a severe weather shelter during the time of the severe weather event as determined by the City Manager under § 38.03. At such time as the City Manager, or designee, determines the severe weather event has concluded, the charitable organization shall cease providing the shelter services.
- C. The city shall provide the list of registered charitable organizations to emergency service providers, such as the Washington County Department of Housing Services, police and fire departments, other emergency response agencies and to social service organizations serving the homeless as identified by the City.

Date: **SEPTEMBER 23, 2019**

Agenda Item: **6. B.**

Subject: CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-11 AMENDING FOREST GROVE CODE OF ORDINANCES ADOPTING TITLE III, (ADMINISTRATION), CHAPTER 38 (§ 38.01 THROUGH § 38.04), TITLED SEVERE WEATHER SHELTERS IN THE TOWN CENTER CORE (TCC), TOWN CENTER TRANSITION (TCT) AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS; FILE NO. 311-19-000017-PLNG

# CITY COUNCIL MEETING

## Request to Testify at Public Hearing

**Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign-in for the Public Hearing prior to the meeting. The Mayor or presiding officer will review the complete hearing instructions prior to testimony. The Mayor or presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Mayor and Council, please move to the witness table (center front of the room). Each person should speak clearly into the microphone and must state their first and last name and provided a mailing address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the Mayor or presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.**

*Please sign-in below to testify:*

**PROPONENTS:** *(Please print legibly)*

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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**OPPONENTS:** *(Please print legibly)*

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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**OTHERS:** *(Please print legibly)*

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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CITY RECORDER USE ONLY:	
AGENDA ITEM #:	Item 8. B.
MEETING DATE:	09/09/2019
FINAL ACTION:	First Reading ORD 2019-11

**CITY COUNCIL STAFF REPORT**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *September 9, 2019*

**PROJECT TEAM:** *James Reitz (AICP), Senior Planner  
Dan Riordan, Senior Planner  
Bryan Pohl, Community Development Director*

**SUBJECT TITLE:** *Public Hearing and Ordinance First Reading to Amend Forest Grove Code Title III Administration to Permit Severe Weather Shelters in the Town Center and Community Commercial Zoning Districts*

**ACTION REQUESTED:**

<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
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*X all that apply*

**ISSUE STATEMENT:** At present, no legally-sanctioned severe weather shelter is permitted in the city. The proposed ordinance would define what constitutes a severe weather event and under what circumstances a severe weather shelter would be allowed.

**BACKGROUND:** For the past several years, some local religious institutions have opened their doors to the homeless during severe weather events; this in time has evolved to providing shelter 1-2 days a week over the winter season regardless of weather conditions. To address that issue, amendments to the Development Code have been proposed to regulate seasonal shelters, which are discussed in another memo. But there can also be severe weather events not during the winter season when most seasonal shelters are operating. For example, during particularly hot weather, anyone without air conditioning – including homeowners or other residents – could find respite in a severe weather shelter.

The proposed code would create new Title III Administration Chapter 38 *Severe Weather Shelters*. This code would reside in the Forest Grove Municipal Code (versus the Development Code) because a) severe weather events would be infrequent and of very limited duration; b) processing time must be kept to a minimum to be effective; and c) the duration would be so short as to not be a land use issue.

The proposed code would allow charitable organizations in the Town Center (TCC and TCT) and Community Commercial zoning districts to operate severe weather shelters. The proposed ordinance would define the terms “severe weather” and “severe weather shelter”, and describes the process whereby such shelters would be allowed to operate. Each charitable organization intending to operate a shelter would pre-register with the City. The purpose of the pre-registration process (versus

requiring a temporary use permit) would be to a) allow the City to inspect the site beforehand to ensure it meets building code requirements, and b) allow the charitable organization to open a shelter immediately upon a severe weather declaration.

**FISCAL IMPACT:** Adoption of the ordinance will have no fiscal impact on the City.

**STAFF RECOMMENDATION:** Staff recommends adoption of the ordinance to amend the Forest Grove Code as set forth in Exhibit A.

**ATTACHMENT:** Ordinance to Adopt Code Chapter 38, Severe Weather Shelters

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**WHEREAS**, no legally-sanctioned severe weather shelter is currently permitted in the city; and

**WHEREAS**, the City recognizes that providing opportunities for shelter and services requires a high level of coordination between services, facilities, policies, and enforcement; and

**WHEREAS**, notice of the proposed amendments were published in the *Forest Grove News Times* on September 4, 2019; and

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 23<sup>rd</sup> day of September, 2019.

\_\_\_\_\_  
Peter B. Truax, Mayor

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## Exhibit A

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# Seasonal and Severe Weather Shelter Code Amendments

James Reitz, AICP  
Senior Planner

# BACKGROUND

- Some religious institutions have been operating shelters once or twice a week from November through March.
- City code does not define “seasonal shelter” or define where and under what circumstances such a shelter should be allowed.
- To address this issue, two ordinances are proposed:
  - A seasonal shelter ordinance; and
  - A severe weather shelter ordinance.

# SEASONAL SHELTER ORDINANCE

- The seasonal shelter ordinance would allow seasonal shelters in the Town Center (TCC & TCT) and Community Commercial zoning districts.
- Each shelter could be open for up to 45 days during the 5-month period between November 1 and March 31.
- Shelters would be operated by charitable organizations.
- At present, four sites in the TCC, TCT and CC zoning districts could host a shelter. Additional sites are possible if they meet the criteria.
- An annual Temporary Use Permit would be required.
- Permits would be issued under a Type I process.
- The City could impose conditions to address potential issues including parking, signage, and fire/life safety codes.

# SEVERE WEATHER SHELTER ORDINANCE

- The severe weather shelter ordinance would define what constitutes a severe weather event based on temperature (hot and cold) and snowfall.
- Severe weather shelters would be allowed in the Town Center and Community Commercial zoning districts.
- They would be open as needed year-round.
- Shelters would be operated by charitable organizations.
- Operators would pre-register with the City so that the shelters could open immediately upon a severe weather declaration.

# PLANNING COMMISSION RECOMMENDATION

- The Planning Commission reviewed the proposals on August 19, 2019.
- Two people testified, both in favor of the proposals.
- The Planning Commission voted unanimously to recommend approval of the proposed amendments.

# RECOMMENDATION

Adopt both ordinances as recommended by the Planning Commission and staff.



*A place where families and businesses thrive.*

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## NOTICE OF PUBLIC HEARINGS FOREST GROVE CITY COUNCIL

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold a Public Hearing on **Monday, September 9, 2019, 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider enacting the following proposals. The proposed ordinances, if enacted by the City Council, would take effect 30 days immediately after enactment unless City Council declares an emergency; **File No. 311-19-000017-PLNG**

- 
- ORDINANCE TO AMEND DEVELOPMENT CODE ARTICLE 3 *ZONING DISTRICTS*, ARTICLE 5 *SPECIAL PROVISIONS*, AND ARTICLE 12 *USE CATEGORIES AND DEFINITIONS* TO PERMIT SEASONAL SHELTERS IN THE TOWN CENTER AND COMMUNITY COMMERCIAL ZONING DISTRICTS

The City Council will consider this proposal and base its decision on the following review criteria. Comments in response to this proposal must address these specific review criteria:

Development Code Text Amendments (DC §17.2.630)

- A. The text amendment is consistent with the relevant goals and policies of the Forest Grove Comprehensive Plan.
- B. The text amendment is consistent with the relevant statewide and regional planning goals, program and rules.

- 
- ORDINANCE TO AMEND FOREST GROVE CODE TITLE III *ADMINISTRATION* TO ADOPT NEW CHAPTER 38 *SEVERE WEATHER SHELTERS*. SEVERE WEATHER SHELTERS WOULD BE PERMITTED IN THE TOWN CENTER AND COMMUNITY COMMERCIAL ZONING DISTRICTS

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The hearings are open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinances are available for inspection seven days prior to the hearing at the City Recorder's Office or by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. Information pertaining to these proposals may be obtained from Senior Planner James Reitz, Community Development Department, 1924 Council Street, (503) 992-3233, between 9 a.m. and 5 p.m. ([jreitz@forestgrove-or.gov](mailto:jreitz@forestgrove-or.gov)).

Anna D. Ruggles, CMC, City Recorder  
City of Forest Grove

**FG NewsTimes 09/04/2019**



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PO Box 22109 Portland, OR 97269-2169  
Phone: 503-684-0360 Fax: 503-620-3433  
E-mail: [legals@commnewsletters.com](mailto:legals@commnewsletters.com)

**AFFIDAVIT OF PUBLICATION**

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the **Forest Grove News Times**, a newspaper of general circulation, serving Forest Grove in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Forest Grove  
NOTICE OF PUBLIC HEARINGS FOREST GROVE CITY COUNCIL Monday, September 9, 2019, 7:00 p.m.**

**Ad#: 126307**

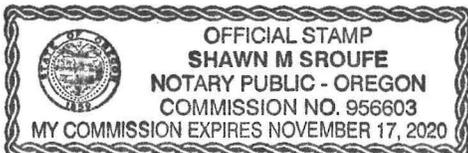
A copy of which is hereto annexed, was published in the entire issue of said newspaper(s) for 1 week(s) in the following issue(s):  
**09/04/2019**

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 09/04/2019.

NOTARY PUBLIC FOR OREGON

Acct #: 104052  
**Attn: Anna Ruggles**  
FOREST GROVE, CITY OF  
PO BOX 326  
FOREST GROVE, OR 97116



**NOTICE OF PUBLIC HEARINGS  
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- A. The text amendment is consistent with the relevant goals and policies of the Forest Grove Comprehensive Plan.
- B. The text amendment is consistent with the relevant statewide and regional planning goals, program and rules.

• **ORDINANCE TO AMEND FOREST GROVE CODE TITLE III ADMINISTRATION TO ADOPT NEW CHAPTER 38 SEVERE WEATHER SHELTERS. SEVERE WEATHER SHELTERS WOULD BE PERMITTED IN THE TOWN CENTER AND COMMUNITY COMMERCIAL ZONING DISTRICTS**

The hearings are open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinances are available for inspection seven days prior to the hearing at the City Recorder's Office or by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. Information pertaining to these proposals may be obtained from Senior Planner James Reitz, Community Development Department, 1924 Council Street, (503) 992-3233, between 9 a.m. and 5 p.m. ([jreitz@forestgrove-or.gov](mailto:jreitz@forestgrove-or.gov)).

Anna D. Ruggles, CMC, City Recorder  
City of Forest Grove  
Publish September 4, 2019

FGNT126307

Date: SEPTEMBER 9, 2019

Agenda Item: 8. B.

Subject: PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-11 AMENDING FOREST GROVE CODE OF ORDINANCES ADOPTING TITLE III, (ADMINISTRATION), CHAPTER 38 (§ 38.01 THROUGH § 38.04), TITLED SEVERE WEATHER SHELTERS IN THE TOWN CENTER CORE (TCC), TOWN CENTER TRANSITION (TCT) AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS; FILE NO. 311-19-000017-PLNG

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*Please sign-in below to testify:*

**PROPOSERS:** (Please print legibly)

**First & Last Name:**  
Richard E. Parkers  
Rochelle ?

**Address:** **City, State & Zip Code:**  
9600 SW Summit GARDEN

**OPPONENTS:** (Please print legibly)

**First & Last Name:**

**Address:** **City, State & Zip Code:**

**OTHERS:** (Please print legibly)

**First & Last Name:**

**Address:** **City, State & Zip Code:**