



COMMUNITY DEVELOPMENT DEPARTMENT

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MEMO

From: Rebecca Taylor, Code Compliance
Date: July 21, 2020
Subject: **File No. LU-19-091 — Amendments to Recommended Conditions of Approval.**

This memo recommends amendments to section VI. Recommended Conditions of Approval in the staff report for Land Use File No. LU-19-091. Attached to this memo are the original recommended conditions of approval included in the staff report dated July 15, 2020, along with recommended amendments (Attachment 1). These amendments serve to:

- Clarify deadlines for the applicant to bring the operation of the proposed use into compliance with certain listed operating conditions, namely within 30 days of final approval of the Conditional Use Permit.
- Include a recommended condition of approval that requires the applicant to submit a completed a Benton County Micro-Shelter Release Form. This form was prepared for allowing use of Micro-Shelters in conjunction with Benton County Code Chapter 40, Vehicle Camping at Religious Institutions. Staff find that the use of micro-shelters in conjunction with the proposed use in LU-19-091, warrant completion of the same form.

ATTACHMENTS

Attachment 1 – LU-19-091 Recommended Conditions of Approval and amendments.

Attachment 2 – Benton County Micro-Shelter Release Form.

Attachment 1

I. RECOMMENDED CONDITIONS OF APPROVAL

1. Pursuant to BCC 53.230 this approval is valid for two (2) years from the date of decision, meaning that if the property owner meets all preliminary conditions of approval and prior to expiration of this approval, the use is considered legally established and may continue into the future. The deadline for establishing the use may be extended for an additional twelve (12) months if, prior to the expiration date, the property owner submits a written request to the Planning Official pursuant to BCC 53.235.

Preliminary Conditions:

2. The applicant shall within 30 days after final approval provide Community Development a site plan that has received Corvallis Fire District approval that depicts a layout consistent with Operating Conditions 4 ~~and~~ through 11 below, and within 60 days after final approval the applicant shall schedule a site inspection with Community Development staff to adequately confirm compliance of proposed use to this condition.

Operating Conditions:

3. The applicant shall limit to 21 the number of individuals at any one time provided shelter, in either micro-shelters or in tent campsites.
4. The applicant shall provide the following to those receiving shelter:
 - Portable toilets;
 - Access to potable water;
 - Garbage facilities;
 - A designated kitchen area;
 - A fire extinguisher for every campsite or micro-shelter;
 - A smoke detector for every micro-shelter;
 - A cellphone charging station;
 - Access to social service agencies and support;
 - Partnership with a designated support person;
 - A professional camp manager
5. The church shall maintain a minimum six foot tall sight-obscuring wooden fence along the property's southern boundary adjacent to West Hills Road.
6. All Safe Camp physical components shall be located in an enclosed, fenced area, accessible only to the Safe Camp participants.
7. The applicant shall, within 30 days of final approval, provide Community Development with written confirmation that the Corvallis Fire Department approves the activities and

proposed mitigation measures associated with the proposed conditional use as compliant with fire code.

8. The designated kitchen area and smoking area (any use that could generate a flame of any kind) shall be entirely on gravel or asphalt; and shall be located at least 30 feet from the forested areas on the subject property except as modified to comply with CFD requirements.
9. All sleeping units will be setback from the west property line at least 15 feet except as modified to comply with CFD requirements. Each micro-shelter shall meet the standards set forth in construction guidelines described in Appendix A of **Attachment A**. Each tent campsite will be no more than 200 square feet. Each tent site and microshelter shall be separated by at least 10 feet of non-combustible ground cover in all directions except as modified to comply with CFD requirements. Each sleeping unit will be identified with a Unit Number.
10. Any grassy area within the Safe Camp shall be maintained at a height of less than 10 inches. The entire Safe Camp site shall be maintained to ensure all ladder fuels in the forest area (including deadfall, brush, snags) are promptly removed; and that tree limbs are cut to a height of 10 feet above ground except as modified to comply with CFD requirements.
11. The applicant will maintain a fire lane along the west church driveway, adjacent to the shelter area except as modified to comply with CFD requirements.
12. Prior to permitting an individual to obtain shelter through the Safe Camp Ministry, the church, or its designated Safe Camp Manager, shall ensure that the individual seeking shelter sign and agree to comply with a Code of Conduct. That Code of Conduct must include, at minimum, the following provisions:
 - No firearms are allowed on Safe Camp property.
 - No cooking, smoking or any open flames are allowed in sleeping units.
 - Smoking is allowed only in the designated smoking area.
 - No overnight visitors are allowed at any time and invited daytime guests must be accompanied by a Safe Camp resident.
 - No illegal activities are permitted.
 - Safe Camp residents must respect the belongings and property of all residents, the program and the surrounding neighborhood.
 - With the exception of one bike and one bike trailer each resident, and outdoor lawn chairs or other furniture otherwise customary in a residential setting, which may be stored outdoors, all personal belongings must be stored within the Safe Camp resident's sleeping unit
13. The applicant shall, within 30 days of final approval, post a sign with the name, phone number, and email of a person for neighbors to report any violations of conditions. The sign must be posted in a location near the camp that is clearly visible from the street and must be kept updated, and a copy of the same information, along with an official process for handling complaints, the camp code of conduct, rules, and regulations, shall also be either posted to the church website or otherwise be prominently displayed or distributed to neighbors.

14. The applicant shall, within 30 days of final approval, satisfy any and all applicable Environmental Health Department requirements.
15. Consistent with the terms of the deed restriction recorded into the deed records for the property as a condition of approval of File No. LU-10-042, the applicant shall not construct permanent buildings prior to annexation of the property.
- ~~15-16.~~ The applicant shall, within 30 days of final approval, complete and submit the Micro-Shelter Release, Indemnification and Hold Harmless Agreement form, as required by "Benton County Community Development's Minimum Guidelines for Micro-Shelters pursuant to BCC Chapter 40."
- ~~16-17.~~ The applicant shall ensure ongoing compliance with the operating conditions of approval. Benton County, upon receipt of a documented complaint of noncompliance, will provide the documentation to the applicant. The applicant shall within two weeks respond with evidence that the alleged noncompliance is in fact not occurring, or that the noncompliance has been remedied. The two week time period may be extended by the Planning Official for good cause.
- ~~17-18.~~ Procedure for modifying operating conditions: A request to modify a condition of approval may be made by the applicant through submittal of an application for a Planning Official's Interpretation. The Planning Official will review the basis of the condition as discussed in the staff report and decision for File No. LU-19-091 and determine whether the proposed revised condition would be consistent with the conclusions. A proposed revised condition that would alter the conclusion on any of the substantive criteria may not be approved through the Planning Official's Interpretation and would require review of a Modification of a Conditional Use Permit pursuant to BCC 53.225, which requires a new request for a conditional use permit. Notification of a Planning Official's Interpretation modifying a condition of approval shall be provided pursuant to BCC 51.625.

Attachment 2

Registration Number _____

MICRO-SHELTER

RELEASE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

County employees and volunteers may have given some level of guidance regarding the construction of microshelters. Registrant acknowledges that the microshelters are not subject to the building code or other health, welfare or safety regulations and does not rely on the guidance of County employees or volunteers. This release, indemnification and hold harmless agreement is entered into in recognition that the microshelters are not approved or inspected by the County as meeting minimum health, life and safety standards. Therefore, as a condition for receiving approval for microshelters as temporary shelters, I agree as the Registrant or under authority to act on behalf of the Registrant, to the following:

Registrant, on behalf of its members, officers, agents, employees, representatives, insurers, invitees, guests, trespassers and successors will indemnify, defend, and hold the County harmless from any claim, loss, or liability arising out of or related to the placement, use or misuse of any shelter or structure allowed under BCC Chapter 40 specifically holding the County harmless from any direct or indirect damages of any kind from any and all third-party claims brought as a consequence of any injury or loss of life resulting from the use or occupancy of any temporary shelter or structure allowed or authorized under this Permit.

REGISTRANT UNDERSTANDS THAT THIS APPLICATION RELEASES BENTON COUNTY FROM ANY LIABILITY OR CLAIM OF ANY KIND THAT THE REGISTRANT, ANY OCCUPANT OF ANY MICROSHELTER OR STRUCTURES ALLOWED UNDER THIS APPLICATION, OR ANY THIRD PARTY MAY HAVE AGAINST BENTON COUNTY OR ANY OF ITS OFFICERS, AGENTS, EMPLOYEES, VOLUNTEERS OR CONTRACTORS WITH RESPECT TO ANY BODILY INJURY, PERSONAL INJURY, ILLNESS, DEATH, OR PROPERTY DAMAGE THAT MAY RESULT FROM THE CONSTRUCTION, PLACEMENT, USE OR OCCUPANCY OF ANY STRUCTURE OR SHELTER ALLOWED UNDER THIS APPLICATION WHETHER CAUSED BY THE NEGLIGENCE OF BENTON COUNTY, OR ITS OFFICERS, AGENTS, EMPLOYEES, VOLUNTEERS, OR CONTRACTORS, OR OTHERWISE IN APPROVING THIS APPLICATION. REGISTRANT ALSO UNDERSTANDS THAT BENTON COUNTY DOES NOT ASSUME ANY RESPONSIBILITY FOR OR OBLIGATION TO PROVIDE FINANCIAL ASSISTANCE OR OTHER ASSISTANCE, INCLUDING BUT NOT LIMITED TO MEDICAL, HEALTH, OR DISABILITY INSURANCE OR SUPPORT IN THE EVENT OF INJURY OR ILLNESS RESULTING FROM ANY STRUCTURE OR SHELTER ALLOWED UNDER THIS APPLICATION.

I HAVE READ AND AGREE TO THIS RELEASE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT:

Permit Holder Name

Date

If Permit Holder is an organization, title of person with authority to obtain permit:
