

NEWBERG PLANNING COMMISSION MINUTES

August 10, 2023

CALL MEETING TO ORDER:

Chair Musall called the meeting to order at 7:15 pm.

ROLL CALL:

Members Present: Kriss Wright, Michael Griffiths, Sharon Capri, Jeffrey Musall, Linda Newton-Curtis, Jason Dale, Layne Quinn

Members Absent: Avery Hansen

Staff Present: Community Development Director Doug Rux, Office Assistant Fé Bates, Planning Manager Clay Downing, Assistant Planner Leanne Wagener, Assistant Planner James Dingwall, Senior Engineer Brett Musick

PUBLIC COMMENTS: None

CONSENT CALENDAR:

Planning Commission Minutes 6/8/2023

[PC Minutes 6.08.2023.pdf](#)

Planning Commission Minutes 6/22/2023

[PC Minutes 6.22.2023.pdf](#)

Planning Commission Minutes 7/13/2023

[PC Minutes 7.13.2023.pdf](#)

Action: To approve Planning Commission meeting minutes for 6/8/2023, 6/22/2023, and 7/13/2023 as presented.

Motion: PC Wright

Second: PC Newton-Curtis

Vote: Yes:7 (Wright, Quinn, Musall, Curtis, Dale, Capri, Griffiths) No: 0
Abstain: 0 Absent:1 (Hansen)

QUASI JUDICIAL PUBLIC HEARINGS:

MAMD323-0001/MISC123-0009 – Major Modification of CUP-2-90 for a shelter to add 8 additional beds, Design Review for an accessory modular building, and Parking Determination, 615 N. College Street

[MAMD323-0002 Staff Report.pdf](#)

[Attachment 1 - Final Application Packet.pdf](#)

[Attachment 2 - Referral Comment Packet.pdf](#)

[Attachment 3 - Public Comments.pdf](#)

Chair Musall opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction.

- PC Newton-Curtis declared she lived within 500 feet of the facility, but her vote would not be affected.
- PC Wright declared she was a previous client of Love Inc. and Yamhill Community Action Partnership (YCAP) and attended a community forum at Red Hills Church on homeless issues in Newberg on July 19, 2023, but her vote would not be affected.
- PC Griffiths declared he lived within 1,000 feet of the facility but had been unaware of its existence and his vote would not be affected.

Community Development Director (CDD) Rux read the legal announcement.

CDD Rux presented a Staff report slideshow for the record and confirmed that Commissioners had been sent supplemental information regarding HB2006 Section 3. To comply with State law, Staff recommended approval of Order No. 2023-12 (MAMD323-0002 Major Modification of CUP-2-90 including design review and parking determination MISC123-0009) with the conditions of approval in Exhibit B.

Applicant Testimony: Debbie Cleek, Applicant, Land Use Planner, and property owner, Alexandra Hendgen, YCAP Executive Director, gave a slideshow presentation on YCAP and the services they planned to provide at the Newberg shelter project. Ms. Hendgen gave some background on the YCAP organization and their systemic approach to addressing issues of homelessness in Yamhill County through programs to prevent homelessness and provide a broad spectrum of services to homeless individuals with a focus on housing stabilization, energy services, youth services, and serving as a food bank. YCAP provided rental assistance, motel sheltering, and direct client assistance. In response to HB2006, YCAP was enhancing shelters to move families more quickly out of homelessness into stable housing. YCAP has been able to house up to 75% of individuals through their Turnkey program versus only 25% of cases resulting in housing through Yamhill County shelters.

The YCAP Housing Initiative Director had visited with neighbors living closest to the Newberg shelter site and held a special meeting for those impacted by onsite construction. YCAP had met with the City Manager, and they presented information on all housing stabilization services and the full scope of the project to the Newberg Mayor and a City Councilor. YCAP had secured signed agreements between YCAP, the City of Newberg, and the City of McMinnville supporting the Navigation Center development. YCAP participated in the Community Conversation's Forum on homelessness.

YCAP had received feedback from neighbors about facility hours, management, and program oversight at the property. The major modification request was designed to address concerns raised by the community through the use of the new modular structure for office and meeting space, maintaining health and safety of the community through extensive staff training and robust operating procedures, providing services through Behavioral Health Resource Network (BHRN) agencies for individuals with mental health or substance abuse disorders, operating seven days a week, and providing onsite case management and partner resources to help them move from homelessness into housing. A handout was provided to Commissioners describing YCAP policies for termination, grievances, pets, good neighbor policy, and more. YCAP had developed partnerships with multiple organizations and cities to help establish funding and programs to meet the housing needs of the community.

The State of Oregon with HB2006 and HB4051 authorized the creation of Navigation Centers and delineated the processes, requirements, and tenured shelter provider oversight necessary for enhanced services for people experiencing homelessness. YCAP was seeking to transition the Newberg shelter into a Navigation Center by adding a modular for onsite staff offices or meeting space and increasing occupancy to serve 24 individuals in need simultaneously. The transition would address issues of staff oversight, neighborhood concerns, and would qualify the shelter for future funding and strengthen services provided to Newberg.

YCAP had been partnered with Northwest Christian Church since the 1990s. Laverne Pitts, YCAP Development Director, read a letter of support from Pastor David Case who was unable to attend the meeting. Pastor Case noted the positive effects of the work done by YCAP in the community in partnership with Northwest Christian Church in feeding the hungry and providing relief services during disasters and the pandemic, and he hoped they could expand the number of beds available as he looked forward to their continued partnership in serving the Newberg community.

The Applicant team addressed the Commissioner's questions as follows:

- The Turnkey program began during the COVID-19 pandemic when YCAP was asked to assist with emergency motel sheltering and screening of homeless people who were medically vulnerable. After a year and a half, they realized they had been successfully transitioning 72% of homeless individuals into housing. The Oregon Community Foundation had funded project Turnkey which involved acquiring motels and turning them into shelters. YCAP applied for the Turnkey program and acquired a hotel in McMinnville to begin their Turnkey program with a capacity of up to 55 rooms, of which 30 rooms were currently operating. Ms. Hendgen discussed the screening process and rules for staying in the Turnkey program.
- A Navigation Center would be created by implementing support services already used by the Turnkey program into the current shelter to offer those services on a night-by-night basis. The plans included daytime shelter access which also would function as an emergency warming or cooling shelter and would provide basic needs support such as access to laundry, shower, and restroom facilities. On Fridays they planned to provide access to resources offered by partnered service providers such as Yamhill County, and Oregon Human Development Corporation. The modular building would be key in providing private meeting spaces for these services to take place.
- YCAP took a personal approach to determine the best type of positive housing situation for an individual and case managers provided continuing support to help people remain housed long-term.
- At the facility the beds were arranged to allow for an ADA-accessible room, a family room, and separate sleeping arrangements for males and females. Bunk beds were used to increase the sleeping capacity of the shelter. The kitchen, dining room, and living room have not been converted into bedrooms to allow people a place to have meals or meetings.
- People had been turned away from the shelter for reasons of substance abuse or violence, but that was very rare. People were not allowed to use drugs or bring drugs onto the shelter properties, and they did not allow those who were a danger to themselves or others to use their facilities.
- The Building Code capacity for their building was 16 and the project plans had been approved by the Fire Marshall. CDD Rux added that some remodel projects did not require permits, that YCAP would be in contact with the Building Division, and the Building Official would determine the occupant capacity of the facility. Tualatin Valley Fire and Rescue (TVF&R) had reviewed their project plans

under the land use review as included in the packet, but the Building Code review would be completed by a Building Official who may or may not reach out to the Fire Marshall for coordination.

- During the conversations with neighbors, they received a mixed response with some support for creative solutions, and some concerns for the impact on the community and children, and they received questions about what pathways were available to those individuals as far as work, behavior, and health solutions. Ms. Hendgen acknowledged the complexity of the services they provided.
- Ms. Pitts noted the majority of those who lived close to the facility were very positive, and that YCAP had worked with the few neighbors that had experienced issues with their facility to address their complaints. YCAP had been working on alternative solutions for signing people up for the night shelter so a line to the shelter did not develop.
- YCAP could only enact policies for incidents that occurred on site, however if there had been an issue nearby, they could enact their good neighbors policy. People who received any YCAP services were required to sign an acknowledgement of the policies, including the good neighbor policy.
- HB2006 [Section 3 paragraph 1\(F\) \[53:25\]](#) stated the facility would not pose any unreasonable risk to public health or safety. Ms. Hendgen explained that unreasonable risk would come about by not having structure, operating procedures for the property and the program, or having staff unprepared to deal with difficult situations, and that staff needed appropriate training, support, and outside resources available. YCAP had a clear model to create the least amount of risk possible by setting up their operations proactively.
- At the time, no plans were in place to open new locations. The three shelter locations already owned by YCAP were the current focus, and the decision to invest Navigation Center funding into those locations had been dictated by HB2006 as to who qualified as recipients of those funds. Future funding may have different qualifications for what constituted a tenured shelter provider, and what oversight would be required.
- Since YCAP has run the facility they have not allowed admission beyond capacity, but they would use one of their other facilities to meet needs that exceeded their capacity, or they could place people in a motel room or a partnering shelter facility. YCAP has operated since 1990, and for the last two years they have had a subrecipient agreement and lease on the facility to the Community Wellness Collective.
- The Applicant team described the intake process to screen and place individuals which included asking questions about an individual's housing situation, but acknowledged they could not be sure whether answers were truthful. The intake information for night sheltering or use of daytime center services was maintained in a system, and some ongoing situations were flagged for review by case managers. This system was similar to the screening process used for those receiving food bank services.
- PC Griffiths relayed that a friend who had volunteered at a YCAP shelter had stated they never turned anyone away and would set up cots exceeding capacity to meet the demand. The Applicant team explained that before 2021 YCAP had not involved volunteers, and only had a resident manager on site, and that the incidents described may have occurred under a different operation in the last two years.
- Ms. Hendgen explained why the shelter was located in a residential neighborhood rather than a commercial or industrial area with more access to stores and supplies. They were enhancing supports at an existing successful shelter and with appropriate oversight they did not plan to significantly impact the neighborhood. Additionally, YCAP did not have access to funding for other properties and many industrial areas did not allow sheltering projects. Ms. Pitts stated when the property was acquired in 1990 it had been zoned as M-2, and the residential area was added around the shelter.
- PC Griffiths asked how YCAP's shelter projects were affected by short-term rentals removing housing from the market and driving up the price of housing. The cost of living in Newberg was very high, a

nearby house had recently been sold for 300% of the price of purchase 10 years ago, and she knew people with seemingly sufficient incomes who struggled to find housing in Newberg, and that these issues created an influx of homeless individuals in the community. People on fixed income who were renting during COVID-19 became displaced when the moratorium was placed on rental price increases and the owners chose to sell the house out from under the renters. This was a greater economic issue in the community when they knew a capacity of 24 would not be enough to fit the need which was why they were seeking funding to increase other services such as emergency motel room placement of homeless individuals in excess of capacity. Short-term rentals were only one part of the issues placing pressure on housing availability in Newberg.

- The previous model used a resident manager of the facility who stayed overnight in the house but was not required to be alert or perform any checks or other duties during nighttime hours and were mainly responsible for being present during the check-in time in the evenings. The modular building would allow for a minimum of two trained staff members to be alert and available onsite at any time and to perform safety checks and rounds during nighttime hours. Up to five staff members would be available during daytime hours to provide access to shelter services.

PC Wright noted four parking spaces had been requested but they did not mention an ADA-dedicated space, and she stated that there might be room for a fifth parking space that was ADA compliant and could serve a dual purpose as a loading dock.

- CDD Rux informed that the parking was compliant with the requirements in 1990.
- PC Wright stated that Federal law required all businesses to have an ADA-compliant parking space, and she proposed placing an additional parking space on the east side of the property, though it was pointed out the proposed space was only 8 feet wide which was one foot short of the 9 feet required for parking space width. She suggested YCAP and the City consider making that an ADA-compliant parking spot and loading dock.

Public Testimony:

Cody Olson had attended a neighborhood meeting regarding the shelter facility. He owned two properties near the shelter, and one of his properties near Jaquith Park did not receive notification for the meeting. The area impacted by the shelter was greater than the people who were notified, and there had been an increase in homeless people in the vicinity of Jaquith Park which impacted people taking their children to play there without allowing them an opportunity to provide input. Mr. Olson was concerned about the inability to determine whether homeless individuals possessed or had used drugs as they were not searched or tested for drugs. Mr. Olson moved to Newberg in 2011 because it seemed like a good place to raise children. Harvest House was managed by a different organization than YCAP for the last few years, during which time he noticed a large increase in the homeless population spreading throughout the neighborhood. Mr. Olson had personally experienced and heard reports from neighbors about increasing levels of open drug use, theft, threats, trespassing, and other issues and he was concerned about the increased chance of kids in the area choosing to be involved in drugs or other criminal activities due to exposure to those issues. The recent changes in policy from the previous focus on battered women had resulted in more drug use and crime in the area. Previously there had been a better intake process which required individuals to be screened ahead of time, and the policy had changed to accept people on a walk-in basis. Mr. Olson was concerned about the impact on the neighborhood with the addition of daytime services, and more beds at the shelter, and he hoped the shelter could be moved to an industrial area where it would not result in increasing drug use and crime in the neighborhood.

Vickie Ybarguen, Executive Director of the Housing Authority of Yamhill County (HAYC), supported the YCAP Newberg shelter expansion to provide navigation services. For the past few years, HAYC had been partnering with YCAP's Turnkey program, which housed up to 80 individuals at a time, to provide onsite property management while YCAP provided intensive case management and high-level resources. YCAP had been a steady and reliable service provider, which resulted in YCAP taking charge of their own property management services. When Ms. Ybarguen drove by or visited the Turnkey property, she observed the property had better upkeep with the Turnkey program than when it had been a motel, and she stated the impact to the area had been minimal. HAYC and YCAP had been in contact with neighbors, businesses, City Staff, and emergency services to maintain the site in good standing. YCAP had done groundbreaking work to offer a successful, low-barrier, high-resource shelter through collaboration with partners to ensure services were not duplicated. YCAP and HAYC worked together to ensure a continuum of services as HAYC owned and developed properties and provided Section 8 housing vouchers, while YCAP provided homeless services, and assisted with the transition to long-term housing, including properties owned by HAYC. YCAP would set up residents for positive transitions to long-term housing stability through the Turnkey program and Navigation Center, and other solutions provided to the homeless community. The Navigation Center was supported by a network of county-wide service providers. HAYC recommended supporting YCAP in advancing shelter resources.

Gary Buhler supported YCAP in their efforts to help the homeless, but Mr. Buhler lived three blocks from the shelter and was not notified about changes to the shelter facility and knew of neighbors who lived closer to the shelter than himself who had not been notified. Having a homeless shelter on College Street to serve the homeless was a good thing, and for a long time there had not been significant negative impact on the neighborhood, but he expressed concern over increasing the capacity of the shelter by 50%. There was a balance between the established community and the transient population which was already strained. Neighbors had reported things being stolen from their yards frequently, and the increased ratio of homeless people in the area increased the tension. Mr. Buhler agreed with previous comments that the shelter should relocate. He suggested establishing more homeless shelters in different locations and acknowledged the barriers to doing so. Mr. Buhler was concerned with the issues of theft, increased traffic, crowded parking spaces, and the use of neighborhoods for shelter purposes, and he wondered why YCAP was not present at the shelter during covid.

PC Capri was concerned about how close the shelter was to the park.

PC Griffiths asked how neighbors knew the thefts were related to the homeless shelter residents. Mr. Buhler stated that a neighbor with a video camera had documented evidence of thefts.

Corina Rice, resident of Newberg since 1990, testified in support of the shelter expansion. Ms. Rice lived near the shelter, and said the expansion would improve the streets, provide better ADA accessibility to the shelter, and improve the livability of the community, and the general wellness of shelter residents. The project would bring structure to the City's populations and eventually reduce the amount of people seeking temporary shelter by transitioning homeless people into permanent living situations, as well as providing health care and employment resources to those in need. Ms. Rice lived near the shelter on Vermillion Street since 1992.

Alexander Martin commended YCAP for their work in trying to provide solutions to homelessness, but felt the execution was lacking. He noted things have changed in the last few years resulting in YCAP coming back in to take over, and stated it was a dereliction of duty that YCAP had passed it off to someone else for that time, and he was concerned it could happen again. Mr. Martin had a five-year-old son and lived three blocks from the shelter where they had noticed many issues come up within the past couple of years. He estimated at least 50 children lived within a four-block radius of the shelter facility. Mr. Martin had witnessed groups of men smoking on the corner while parents waited with their children for the school bus in the morning, and he and neighbors have noticed increased break-ins, including an incident within the last week. He stated cars had been broken into, and six out of eight neighbors he spoke with felt the need to install cameras and motion detectors in the last year to protect their homes. Mr. Martin wondered whether shelter residents were members of the Newberg community, and whether there were ways to know if they had been using drugs. Mr. Martin questioned the 72% success rate for transitioning the homeless into housing and wondered what happened with the other 28% who were not successfully housed. Mr. Martin stated the capacity of the facility was 16 people, but he had heard of as many as 40 people staying there overnight. It was YCAP's responsibility to minimize the harm to the neighborhood, and it was unquestionable that his neighborhood community was being harmed.

Patty McIntyre lived four blocks from the shelter. Ms. McIntyre asked what was done regarding people who were told to leave the shelter property, and whether they were escorted, and how far away they were taken. She attended a meeting with the YCAP staff and learned about the good work that they did but she stated the presence of the shelter increased the danger to kids in the neighborhood. She did not have children of her own but said children were a vulnerable population that did not deserve to be punished for other people's poor choices or unfortunate circumstances. Ms. McIntyre listed locations she felt were a better place for a shelter to house people at risk where they could find jobs. She stated that homeless people bathed in the fountain at the park and sat watching the children play in their bathing suits, which she felt was inappropriate. Ms. McIntyre had been happy with her neighborhood, and moved there under the impression that there were not predators living near her home. She liked the people working for YCAP and thought their work was good but thought they could find a better location for the shelter. Ms. McIntyre had a neighbor put her house up for sale because she was not able to enjoy her patio or opening her windows because of the smoking and talking by people lining up at the shelter. Ms. McIntyre asked if neighbors were notified or warned when people were escorted off the shelter property or if neighbors were left to fend for themselves. Ms. McIntyre reiterated that there was a better location for the shelter.

PC Wright explained the [Chapter 18 act of HB2006 Section 3 Number 5](#) stated that the approval of an emergency shelter under the section was not a land use decision and subject to review only under [ORS 34.0102 34.100 \[1:42:20\]](#). She noted that housing bills and executive orders prevented the Planning Commission from altering zoning and required them to accommodate the emergency shelter. The approval of an emergency shelter was not a land use decision and was only subject to review under a certain law so the Planning Commission could not use ORS Chapter 90 or the Newberg Municipal Codes in the decision making.

PC Dale clarified that the Planning Commission could not decide whether the shelter would be there and could only determine whether YCAP could expand the shelter. The shelter would continue to exist in that location regardless of the decision made.

Barbara Pearson moved to Newberg three years ago and rented a house three blocks from the shelter. Ms. Pearson always had a soft heart for the homeless but had come to speak in opposition to the shelter expansion. She used to run at night and take her dog out to meet people but when the shelter reopened, she began experiencing issues such as finding vomit in her flower baskets, and finding food or underwear sitting out in the open until she picked them up. Nearby shopkeepers had experienced customers becoming frightened of the area and they had lost a lot of business. Ms. Pearson had found human feces in her yard and had noticed an increase in the number and size of rats she was catching. She found backpacks left on her porch with belongings and drug paraphernalia and noticed people staying all night in her yard. Ms. Pearson did not want to be the one who called the Police, and she stated canine units in Newberg were not looking for drugs, but were looking for people, and she had witnessed canine units coming through her neighborhood looking for people four times. Ms. Pearson was working in her yard one day and saw a woman who was clearly high on Fentanyl walk into her house, and it turned out the woman was a wanted felon and when the woman came out of her house she was confused and thought she was at Harvest House. Ms. Pearson also had encountered a homeless man who was speaking a foreign language asking for help holding his phone up who then proceeded to get up in her personal space, so she got into her car to get her bear spray and the man also started to get into her car. Ms. Pearson talked to a pastor about her hard feelings toward the homeless and becoming suspicious of people she didn't know, and the pastor agreed that it was the right thing to do. Ms. Pearson had attended the YCAP meeting with an open mind and learned about the difference in management and policies, and she called organizations such as Oregon Community Foundation, Life Works NW to check out YCAP. She accepted there would be homeless people in her neighborhood because of the nearby bus stop and grocery stores, and she wanted to see the shelter managed well.

Elise Yarnell Hollamon represented Community Wellness Collective (CWC) which had been operating the shelter facility for the last two and a half years. She was in addiction recovery at 10 years sober and wanted to normalize the faces of addiction in the community, which included community leaders living a thriving life. Ms. Yarnell Hollamon fully supported the expansion of the shelter project as she had seen firsthand the impacts of homelessness and lack of resources within the County and community as the low-barrier shelter provider during the pandemic. The Newberg Emergency Shelter had been contacted by YCAP in the fall of 2020 to repurpose the property as a subcontractor recipient to be a low-barrier shelter. The issues in the neighborhood were not due to the change in service providers, but the change in shelter use to a low-barrier shelter. For two and a half years CWC operated the shelter in a great relationship with YCAP but in the last couple of months, intense conversations regarding construction plans and a feeling of exclusion created a rift in the relationship. Ms. Yarnell Hollamon felt it was important that the Commission hear from the recent service provider CWC because she felt that the concerns brought forward and addressed by YCAP shifted the blame onto the CWC and implied that the problems would change when YCAP resumed control. The problems would continue despite who was the current service provider, and it seemed disingenuous to say the concerns the neighbors brought forward would be solved by YCAP resuming control of the facility. Ms. Yarnell Hollamon still supported the project as she was a community leader and was fully invested in the issue. YCAP had been regularly updated on the facility by monthly reporting submitted to the housing director, but YCAP could not answer direct questions regarding demographics or services during the presentation, which gave Ms. Yarnell Hollamon concerns that they had not gotten fully through to YCAP during the meetings held with them. Further community conversation and engagement were warranted to build a truly collaborative shelter model extending beyond YCAP as the sole provider. Ms. Yarnell Hollamon confirmed cots had been set up in the living room to increase the shelter's capacity

and noted that some nights they had upwards of 35 people staying in the shelter. After CWC moved their operation to Northside Community Church they sometimes had up to 50 people staying at night, so the problem of homelessness would not be solved by the 16-bed shelter, even with the expansion to 24 beds. Solving the problem would require multiple service providers, and YCAP and the CWC would need to work together going forward. Ms. Yarnell Hollamon was fully in support of YCAP running a Navigation Center in Newberg, and she also acknowledged the concern in the neighborhood. More conversations would be required for all residents to feel safe. Ms. Yarnell Hollamon hoped that YCAP recognized the importance of including all voices, and most importantly those in resistance, and noted this topic required leadership that was willing to engage in heated, challenging, or even confrontational dialogue. CWC would continue to support the homeless through their services at Northside Community Church in parallel to Any Door Place (ADP) Newberg and Ms. Yarnell Hollamon hoped to repair working relationships for the betterment of the community. Ms. Yarnell Hollamon encouraged the Planning Commission to approve the expansion and hoped the community conversations would continue around how to ensure neighbors felt safe. The CWC had transitioned to operating at the Northside Community Church where they planned to continue providing services to the homeless. Ms. Yarnell Hollamon confirmed she was a member of the City Council.

PC Capri asked why Ms. Yarnell Hollamon was supporting the addition of a modular building which would increase the presence of the shelter in the neighborhood rather than creating a large facility in more commercial or industrial areas. Ms. Yarnell Hollamon stated she had developed relationships with some of the neighbors present, and she understood where all perspectives were coming from and she was concerned that some of the complaints had not been brought up until recently and she was sad the issues had not been addressed earlier. Ms. Yarnell Hollamon believed the YCAP shelter model was the way to address supporting individuals to find work, get mental health services, and housing, but admitted the location was not ideal. PC Capri clarified that the services provided or the need to provide shelter was not in question, and the issue was whether to expand that location.

PC Wright noted during the community symposium that CWC mentioned they now had a vehicle they could use to pick up people. Ms. Yarnell Hollamon confirmed they had a van that they used to transport people in need of shelter to and from the Northside Community Church to ensure homeless people were not wandering through the neighborhood, which the neighbors appreciated. Ms. Yarnell Hollamon explained that North Valley Friends Church was where the cottage clusters would be built, not at Northside Community Church. Northside Community Church planned to operate as an overflow to the YCAP Harvest House shelter when they reopened as they recognized 24 beds was not sufficient to house the homeless community.

PC Newton-Curtis asked if the church offered low-barrier shelter services. Ms. Yarnell Hollamon said the church was classified as a low-barrier shelter, and they had similar policies and procedures to YCAP in place for intake of clients regarding respect and safety, and noted the CWC did collaborate with the Newberg-Dundee Police Department and were cooperative to any of their requests. The church operated as one open room with cots laid out at night.

PC Newton-Curtis asked where people were dropped off after a shelter stay. Ms. Yarnell Hollamon explained they had been taking homeless people to the shelter at 615 College Street, but due to neighborhood concerns they shifted to dropping them off in a public parking lot in downtown Newberg.

CWC moved their shelter operation to the church in April and began their pick-up and drop-off service in mid-May.

PC Newton-Curtis asked whether concerns in the neighborhood had decreased since the van began bringing people downtown rather than to the shelter neighborhood. Ms. Yarnell Hollamon believed the concerns had decreased and emphasized that they did try to make the community feel safe, though some neighbors had said the concerns have not decreased, which was troubling.

Chair Musall read a letter into the record that had been submitted by Holly Carmickle which described accounts of having homeless people's belongings and trash strewn around her property, a homeless woman with a dog peering in her windows and pulling door handles presumably to enter and steal something, a homeless man's dog attempting to jump over her fence to attack her brother's dog, a homeless woman screaming for half an hour scattering her belongings over a neighbor's yard, a homeless woman who was attempting to conceal her identity walking around her cars and approaching her front door and refusing to leave when confronted until the homeowner threatened to call the Police, a homeless woman under the influence entering a neighbor's house thinking it was Harvest House, hypodermic needles and drug paraphernalia being found on the sidewalks and neighboring properties, and homeless people passed out in the nearby park with brown paper bags in their hands. The expansion of the shelter would attract more problems and criminal activity to the neighborhood, and offering daytime services would endanger neighborhood children who would be exposed to more homeless individuals during the day. Ms. Carmickle was concerned that YCAP did not have a solid plan to deal with the issues, and she predicted that if the shelter was expanded the issues would worsen, residents would move away because their neighborhood didn't feel safe, property values would drop, and the neighborhood would experience increasing crime, vandalism, theft, and homeless camps. Harvest House had been shut down for several months in anticipation of renovations, and Ms. Carmickle said it had been more peaceful while they were not operating. Ms. Carmickle expressed concern for children growing up in the neighborhood, her fear that Newberg could become like Portland, that this was the chance to save Newberg from that fate, and that the shelter should be relocated to a more industrial area. She urged Planning Commissioners not to approve the shelter expansion.

Chair Musall called a 10-minute recess.

Applicant Rebuttal: The Applicant team addressed topics that had been brought up as follows:

- During the COVID pandemic YCAP stepped out of operating the shelter because they were asked to provide emergency motel sheltering of individuals at medical risk, which lasted longer than the anticipated 90 days. YCAP stayed in contact with Newberg leadership including the Mayor and other shelter providers who requested at the time that YCAP hand the shelter to a different organization or individual in Newberg. YCAP focused on the emergency motel sheltering which grew into the Turnkey operation, and they leased the shelter free of charge, covered utilities and supplies, and extended that to the shelter provider Newberg Emergency Shelter who had been seeking their 501(c)(3) at the time, and who had been in inclement weather shelter provider at the Zion Church, but would be losing their space soon. YCAP could not subgrant funds to an organization that was not a 501(c)(3) which is why they partnered with CWC to step into operating the shelter. YCAP sub-granted a portion of their State funds for emergency shelter to CWC to support part-time staffing as they were operating on a volunteer model. Newberg Emergency Shelter then chose not to seek a 501(c)(3) and CWC took over as the sole

provider for the shelter with a clear agreement about the lease and being a subrecipient of the State funds.

- Through the years of YCAP managing shelter beds there was no concern about the operations. They sheltered mostly families and veterans and housed individuals when space was available, but it had not been a night-by-night shelter. They did not do background checks or drug testing, but shelter guests worked with a case manager on a long-term basis. In resuming operations and adding additional staff oversight and higher-level resources YCAP could maintain the safety of the property and keep good relationships with neighbors as they have done at the Turnkey program.
- YCAP had endeavored to have as many conversations as they could with neighbors during the fast-paced timeline of the funding and the transition, but they acknowledge they had not reached everyone within a multi-block radius of the shelter and focused their efforts with the neighbors living closest to the facility and those impacted by impending construction.
- YCAP planned to secure a larger space where they could host more neighbors to hold conversations regarding the YCAP's operations and general concerns about homelessness in the community, and they would set the date within two weeks to open the meeting up to those who were not able to participate in the initial smaller meetings.
- Homeless presence in parks was a concern throughout parks in Yamhill County, and not only the parks near the shelter. McMinnville had to pass an ordinance that RVs could not park at parks. Parks near the shelter were not necessarily more impacted by homeless issues than other parks in the community. Homelessness was a systemic issue in Yamhill County, and parks were a place where homeless people tended to gravitate.
- The shelter property had not been utilized since March 15, 2023, and as such was not responsible for break-ins that occurred in the last few weeks which were a result of the systemic issue of homelessness in the community.
- The work done by the Navigation Center was anticipated to mitigate rather than exacerbate the homelessness issues by providing pathways into the Turnkey program or other opportunities for supported housing with behavioral health and substance abuse recovery services. Additional beds at the shelter would bring in people who would otherwise be outside at night.
- YCAP would have a policy to close the doors at 8 pm and not open the doors until 8 am. Homeless people would not be going in and out of the shelter and would not be able to bother neighbors at night. In an emergency the shelter residents and staff would exit as a group.
- YCAP would not allow a line to form for entry of the shelter and would log people in through a coordinated entry process. YCAP was working on a system to schedule people to stay for the night so there would not be additional people waiting in the area hoping for a bed.
- There would be a van dedicated to the new Navigation Center, and YCAP also had an ADA-accessible van if needed.
- Though the shelter property was in a residential area it was also adjacent to an industrial area by the railroad tracks, an ODOT facility, and a business across the street. There was not a perfect place anywhere for a shelter and any other location would have similar issues impacting neighborhoods.
- YCAP would work to bring the impact on the neighborhood down to pre-COVID levels where neighbors would hardly notice the facility as they had done in the past.
- Full staffing would be available day and night, and staff would be well-trained in de-escalation, and handling individuals who were having mental health or substance abuse issues.

The Applicant team answered the Commissioner's questions as follows:

- The shelter had always been a low-barrier shelter serving families or individuals.
- YCAP was over the coordinated entry program for all of Yamhill County, and they had a phone number as well as an online screening program where people entered their information and were called back by staff dedicated to returning phone calls to people seeking shelter or services including rental assistance or help with transportation. YCAP planned to reserve beds for people working with case managers, or who were referred for a stay by a church or another local partner to prevent a line forming at the shelter door or running into capacity issues at any site.
- Coordinated entry was developed recently primarily to serve individuals who were unhoused or precariously housed. Information about the coordinated entry program could be accessed at www.anydooryamhill.org.
- The shelters in Newberg and McMinnville would be rebranded as AnyDoor Place.
- YCAP was in contact with other shelter providers like Love INC, 2nd Street Community Drop-In Center and other places in Newberg to provide referrals and a list of who was being served nightly. They were confident they could collaborate with partners to prevent lines for shelter services.
- State law required Navigation Centers to operate on a night-by-night basis.
- YCAP had considered the possibility of selling the shelter sites for both McMinnville and Newberg, but this was prevented by the timelines for receiving funding through grants and State funds. The amount of funding received through grants and State funding was in the millions of dollars, whereas the amount they could sell the shelter for was in the hundreds of thousands of dollars, and the possibility of missing the deadlines for grant and State funding by selling the shelter and renovating a new, as well as the appreciated location in Newberg was not worth risking the funds.
- The grant and State funding was designated for the renovations to upgrade the existing shelter in Newberg to a Navigation Center and could not be used to purchase a new commercial property for shelter purposes.
- The millions of dollars of funding would be spread between multiple YCAP projects in Newberg and McMinnville. The renovations to the shelter in Newberg including the new modular building were estimated to cost over \$600,000 which would also pay for increased staffing for the facility.
- The State funding being received necessitated the actions being taken by YCAP and precluded more creative solutions.
- Purchasing a new property would necessitate a land use review process to address the zoning of the new property and upgrades needed to transition a commercial property into a property that could safely house individuals in a shelter environment which would require finding other sources of funding.
- YCAP had engaged in multiple conversations with the State regarding complications across Navigation Center developments, and the State was clear that due to the nature of the legislative funding they could not allocate the funds for any other purposes.

PC Griffiths stated that according to HB2006 the Commission could turn down the shelter project if it posed any unreasonable risk to health or safety, and he could not ignore the things that most residents had testified about regarding health and safety issues to do with homeless people around the shelter property. Ms. Hendgen stated YCAP worked with other entities such as libraries where the public space was no longer safe, and that upgrading shelter facilities and services to a Navigation Center would help somewhat to preserve other public spaces. Ms. Hendgen acknowledged there were no perfect solutions, and that YCAP anticipated challenges on all fronts, and they would be able to address some issues coming up, and some would not be fixable.

PC Wright asked whether the passing of Measure 110 which allowed drugs in the State of Oregon had increased or decreased issues specific to substance abuse, and whether an amendment to Measure 110 would help. YCAP had no data to measure whether it had increased, but YCAP participated in the Behavioral Health Resource Network of Yamhill County led by the U.S. Department of Health and Human Services (HHS) where funds from Measure 110 were provided to assist YCAP and other partner agencies to provide staffing and services to address issues of chemical dependency and behavioral health.

PC Wright stated a recent house bill allowed residential uses within commercial zoning. She did not have the document before her and she encouraged the Applicant team to research the bill as it had a section about emergency housing.

PC Quinn asked if there was a standard operating procedure in place for relocating an individual who needed to be removed from the shelter, and whether they would be transported away from residential areas. YCAP did have a standard operating procedure for emergency removal of individuals, but the Applicant team did not know specifically where a removed individual would be taken.

Chair Musall closed the public hearing.

Staff had no final comments other than the previous recommendation to adopt Planning Commission Order 2023-12.

PC Dale referred to previous comments that the property was not required to comply with ADA parking requirements as it had been grandfathered in from decisions made in 1990. He understood that when a modification was made to a property, they then had to comply with current Codes such as those requiring ADA parking. CDD Rux clarified that the Newberg Code did not have provisions on ADA parking, and that ADA parking was part of the Building Permit process.

PC Wright stated Oregon Executive Order 23-04 established a statewide housing production goal to add 600 low-barrier shelter beds in emergency areas and rehouse at least 1200 sheltered households in emergency areas. The continuum of care did not identify Yamhill County as an emergency area but did include neighboring counties. The reason Yamhill County had not established an emergency order for homelessness with the State was because they had to establish certain criteria based on statistical data between 2017 and 2022, and the statistics for 2021 were missing. If the statistics removed 2021 but included the previous year of 2016, between 2016 and 2018 Yamhill County was only ten people shy of a 50% increase in homeless individuals, which would constitute an emergency problem in the county, but because of the missing data, the statistics were skewed. She hoped this would be addressed with the State through a modification proposal. She stated there was a profound problem with homelessness, including homelessness of kids, and noted that the shelter did allow entry of homeless kids. There had been 96 unaccompanied homeless kids in one year. The [15 Days Foundation \[2:45:15\]](#) had identified that after 15 days a child became susceptible to being homeless permanently. In Polk and Yamhill Counties 70% of homeless people identified that they were homeless as kids. Supporting a shelter that took in families could save some children from a lifetime of homelessness.

PC Wright referenced a study on Understanding Livability Concepts and Definitions found at <https://www.researchgate.net/publication/345363211> to do with the related concepts of natural or built-up

environments. She hoped other Commissioners would read the study as it also was relevant to short-term rental issues.

PC Newton-Curtis stated the homeless population in Newberg was large, and the shelter would provide structure to that community. She noted that she did live near the facility. If the homeless population was not provided with structure the problems would become worse. There were many homeless individuals and families around the libraries, the Community Center, and her neighborhood who needed help and they were not going to disappear. She posed that the expansion of the facility and the Navigation Center could be tied together, and she thought that navigation services could provide structure for the homeless population of Newberg. She proposed taking the "OPEN" sign out of the window of the shelter property. She noted that the facility did border both industrial and residential areas. YCAP had stated they would have at least two fully trained and trauma informed staff members available at night, and five staff members during the day to support homeless people who had often experienced huge traumas. She acknowledged the concerns for the children but also agreed with YCAP's statement that homeless people were prevalent in any park.

PC Capri acknowledged it was a hard topic as obviously the people needed help, and she wondered if expansion of this particular site would help when churches with much larger facilities were getting involved, and she was unsure whether concentrating more people into the small facility in the neighborhood with children would help. The drug problem was huge. When she studied architecture one of her projects had been a teenage shelter, and she noted the importance of getting kids off the street as within 15 minutes they were likely to be contacted by drug dealers or pimps. These issues were huge, but she questioned whether it helped to expand this facility when others larger facilities were available.

PC Newton Curtis postulated whether a parent of a homeless family would want their children to be sheltered in a large open facility or a house where the family could have a private bedroom.

PC Wright noted the different facilities may address different populations as YCAP had rooms for families, and churches were filled with cots for individuals. The church had a large property where they wanted to put in cottage cluster housing, but that would be determined later.

PC Capri stated if families were the majority of the population helped by Harvest House she would approve, but that it sounded like the much of the population they served were not families with children.

PC Wright noted the other shelter at the church opened in April and YCAP had been closed for that time and there were still people wandering around that neighborhood.

PC Dale noted this issue was very emotional, but the emotions were not relevant to the decision. He encouraged putting aside emotions and using the criteria, following the law, and representing the people of Newberg who have expressed that the facility had become a public nuisance in the last couple of years. He questioned whether expansion was the right thing to do, and what criteria could be used to deny the expansion.

PC Griffiths relayed that [HB2006 Section 3 subparagraph 1 F](#) stated that an emergency shelter would not pose any unreasonable risk to public health or safety.

PC Dale stated public testimony made it clear that there was not only risk but harm to public safety and health around the facility.

PC Wright stated that Harvest House had been running the facility for the past couple years which may have been responsible for operational issues, but YCAP would now take over running the facility.

Chair Musall agreed the issue was tough but had to be addressed with hypotheticals aside. He felt it was disingenuous to suggest that YCAP sell the property and buy a new property somewhere else. Homelessness was a problem everywhere but was better managed in some areas, and homeless people who were not in a program were more likely to be involved in criminal activity. There was no perfect solution, but YCAP's program provided some real steps forward toward solutions to help manage the issue and YCAP seemed to be more focused on helping homeless families, and he was inclined to support the expansion.

Action:	To adopt Planning Commission Order 2023-12 which approved the request for major modifications to CUP-290 design review and parking designation with the consideration of Exhibit B.
Motion:	PC Quinn
Second:	PC Wright
Vote:	Yes: 4 (Wright, Quinn, Musall, Curtis) No: 3 (Dale, Capri, Griffiths) Abstain: 0 Absent: 1 (Hansen)

Chair Musall asked whether Commissioners wanted to proceed as it was past 10:00 pm. Commissioners agreed to continue.

CUP23-0009 – Conditional use permit approval to use a single-family dwelling as a vacation rental home at 3238 E. Province Court
[CUP23-0009 Memo - Continuance Request 8-2-23.pdf](#)

Chair Musall stated the Applicant had requested a continuance for the matter until September 14, 2023.

Action:	To continue CUP23-0009 hearing for 3238 E. Providence Court, Newberg, Oregon to September 14, 2023, at 7 pm in the Newberg Public Safety Building.
Motion:	PC Wright
Second:	PC Dale
Vote:	Yes: 7 (Wright, Quinn, Musall, Curtis, Dale, Capri, Griffiths) No: 0 Abstain: 0 Absent: 1 (Hansen)

CUP23-0010 – Conditional use permit approval for use of a single-family dwelling as a vacation rental home at 812 E. Third Street
[CUP23-0010 VR 812 W Third St PC Staff Report.pdf](#)
[Attachment 1. Application Materials_CUP23-0010.pdf](#)
[Attachment 2. Agency Referrals_CUP23-0010.pdf](#)

Chair Musall opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. PC Quinn declared that she lived close to this property and passed it daily but would not let it affect her vote.

Community Development Director (CDD) Rux read the legal announcement.

Assistant Planner (AP) Wagener presented the staff report for the record. Staff recommended that the Commission move to adopt Planning Commission Order 2023-18 with conditions approving conditional use permit CUP23-0010 for a vacation rental home at 812 E. Third Street.

Public Testimony:

Chris Anderson lived across the street from the subject property and was not opposed to the vacation rental, but he thought the plan was not fully organized, and asked Commissioners if there was a limit to the number of Airbnbs in a certain proximity. Commissioners answered there was currently no limit on numbers or locations of vacation rentals. Mr. Anderson stated there was an Airbnb directly next to the subject property. The property had previously been listed as a 3-bedroom house indicating that a bedroom had been added. Parking in the driveway at that location was not manageable as the car would overlap the sidewalk area, and parking would need to be in the garage. Mr. Anderson asked if the zoning changes just allowed for a vacation rental or changed the zoning of the lot, and Commissioners confirmed the zoning of the lot would not change, and that parking would not need to be changed unless the property made a major modification.

AP Wagener confirmed the garage would provide the two required parking spaces and an additional third space was accessible from the alley behind the house.

Mr. Anderson stated there were errors in the garbage collection day and quiet hours listed in the application.

Tom Lutz lived behind the subject property and his kitchen window looked right into the backyard. Mr. Lutz was concerned about the view he would have of the hot tub in the backyard. Mr. Lutz was not against the project if the Applicant followed the rules but felt there were too many vacation rentals in the area. The Applicant told Mr. Lutz the long-term plan was to take down the apple tree and build another house there as an Airbnb or single-family house, which the property was big enough to allow. Mr. Lutz was concerned that the Applicant was planning as he went and asked the Planning Commission to hold him to the plan.

Chair Musall explained that if another house or vacation rental was built there would be a review process for permitting which would take into account new information on how the property would be used.

PC Dale encouraged Mr. Lutz to contact the Code Enforcement Officer regarding his concerns about the property.

Mr. Lutz informed the Commission that he was hearing impaired and could only hear 25% of what had been said at the meeting. He encouraged Commissioners to speak up so they could be heard.

Chair Musall closed the public hearing.

PC Quinn asked if there were attached conditions for approval listed as Exhibit B. CDD Rux clarified that Exhibit B was attached to the Order for purposes of approval.

PC Capri asked how parking was determined for a 4-bedroom home with a capacity for eight people that only had three parking spaces. Mr. Anderson discussed the parking configuration at the subject property. AP Wagener stated only two parking spaces were required, and the Applicant would be providing three.

PC Capri asked if the additional bedroom met Code requirements, but those present were unaware.

PC Wright stated that one car would have to park on the street if the home was rented to four couples since three parking spaces were provided. CDD Rux clarified that they provided the two parking spaces required by current Code and they could not require more parking spaces or limit the number of chairs.

Action:	To adopt Planning Commission Order 2023-18 with conditions approving CUP23-0010 for a vacation rental home at 812 E. Third Street.
Motion:	PC Dale
Second:	PC Wright
Vote:	Yes: 7 (Wright, Quinn, Musall, Curtis, Dale, Capri, Griffiths) No: 0 Abstain: 0 Absent: 1 (Hansen)

NEW BUSINESS:

GEN23-0008 – Consider Adoption of a Resolution for Recommending that the Newberg City Council Establish a 120-day Moratorium on New Vacation Rental Home Applications
[GEN23-0008 PC Staff Report.pdf](#)

CDD Rux recommended continuing this item at the next meeting of the Planning Commission in September. PM Downing stated that would allow staff to prepare their comments to be presented to the City Council, and encouraged Commissioners to consider what they wanted to recommend to the City Council

PC Quinn asked if the moratorium were passed at the September meeting whether they would be able to approve the two vacation rentals on the agenda for that evening. CDD Rux clarified if they passed the resolution, it would send the Planning Commission recommendation to the City Council and would not be a final decision on the moratorium, and discussed the process that would take place if it were passed.

Action:	To adopt Resolution 2023-390 recommending that the Newberg City Council establish a 120-day moratorium on new vacation rental home applications.
Motion:	PC Wright
Second:	PC Dale
Vote:	Yes: 7 (Wright, Quinn, Musall, Curtis, Dale, Capri, Griffiths) No: 0 Abstain: 0 Absent: 1 (Hansen)

ITEMS FROM STAFF:

Anticipated Schedule of Planning Commission Activities
[Planning Commission Forward looking Calendar.pdf](#)

CDD Rux reviewed the upcoming schedule.

ITEMS FROM COMMISSIONERS:

None

ADJOURNMENT: The meeting was adjourned at 11:15 pm.

Attest:



Jeff Musall, Planning Commission Chair



Fé Bates, Planning Commission Secretary