

AGENDA ITEM FOR ADMINISTRATIVE MEETING ( ) Discussion only  
( X ) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: City of Umatilla Annexation

<p>Background:</p> <p>As part of the PATH project, the City of Umatilla is seeking to annex a County Road and county owned property into the city limits. A portion of the property currently is leased for aggregate stockpiling, with the north two acres to be utilized for the PATH project. The consent to the annexation is before the Board for consideration. The property will be rezoned to light industrial after the annexation. The current use would be allowed as a non-conforming use.</p>	<p>Requested Action:</p> <p>Consent to annexation of Lind Road and Umatilla County tax lot 5N2822-2300 by City of Umatilla and authorize Chair to sign Consent to Annexation</p>
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ATTACHMENTS: Map; Consent; City packet

\*\*\*\*\*For Internal Use Only\*\*\*\*\*

Checkoffs:

- ( ) Dept. Heard (copy)
- ( ) Human Resources (copy)
- ( ) Fiscal
- ( X ) Legal (copy)
- ( ) (Other - List:)

To be notified of Meeting:  
Tom Fellows

Needed at Meeting:

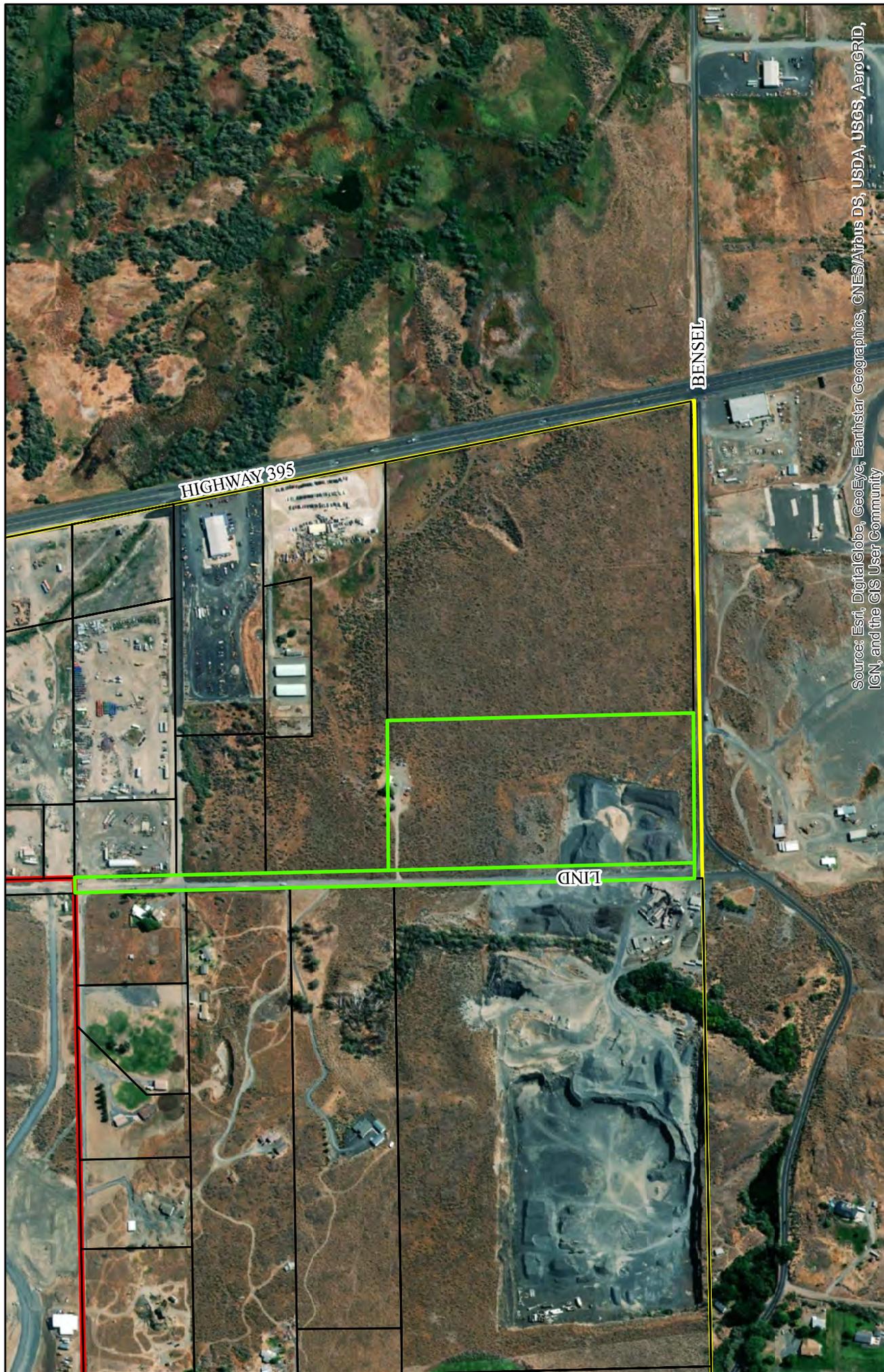
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Scheduled for meeting on: September 7, 2022

Action taken:

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Follow-up:



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Feet



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Jacob Foutz, on 7/5/2022

# PROJECT PATH ANNEXATION (ANX-1-22)

\*NOTICE GIVEN TO PROPERTY OWNERS WITHIN 100'

## Legend



Proposed Annexation Area



Tax Lots 4-5-22



City Limits



Umatilla UGB



# CITY OF UMATILLA

Planning Department (541) 922-3226 ex.101  
700 Sixth Street, Umatilla, OR 97882

File No. ANX-1-22

## CONSENT TO ANNEXATION

### SITE LOCATION AND DESCRIPTION

Tax Map #(S) 5N28E22 Tax Lot #(s) 2300

Public street named Lind Road from the edge of the city limits south to its intersection with Bensel Road. This portion of Lind Road has frontage on Tax Lots 1402, 1500, 1600, and 1700 of Assessor's Map 5N 28 21 that are to the west and Tax Lots 1800, 1900, 2100

Nearest cross street Bensel

Current zoning City of Umatilla Light Industrial M-1 County Light Industrial M-1

Site size (acres or square feet) Public street and parcel of land totaling approximately 20 acres

### REASON FOR ANNEXATION

Property intended to be used as a regional homeless resource name Project PATH (Practical Assistance through Transitional Housing)

APPLICANT City of Umatilla

Mailing address Post Office Box 130, Umatilla, OR 97882

Phone 541-922-3226 Fax \_\_\_\_\_ Email David@umatilla-city.org

Applicant's interest in property Project PATH Partner

Signature [Signature] Date \_\_\_\_\_

PROPERTY OWNER Umatilla County

Mailing address 216 SE 4th Street, Pendleton, OR 97801

Phone 541-276-7111 Fax \_\_\_\_\_ Email \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

CITY OF UMATILLA, OREGON

**AGENDA BILL**

<b>Agenda Title:</b> Project Path Annexation ANX-1-22 - An application to have a portion of a Lind Road, a public street, as well as Tax Lot 2300 of Assessor's Map 5N 28 22, all situated in the City of Umatilla's urban growth boundary, annexed into the city limits.	<b>Meeting Date:</b> 2022-08-02
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<b>Department:</b> Community Development	<b>Director:</b> Brandon Seitz	<b>Contact Person:</b> Jacob foutz	<b>Phone Number:</b>
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<b>Cost of Proposal:</b> NA	<b>Fund(s) Name and Number(s):</b> N/A
<b>Amount Budgeted:</b> NA	

<b>Reviewed by Finance Department:</b> No	<b>Previously Presented:</b> NA
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**Attachments to Agenda Packet Item:**

[NEW ANX-1-2022 City of Umatilla Project PATH Annexation staff report.docx](#)

[Notice map.pdf](#)

[Comment Letter from ODOT.pdf](#)

<b>Summary Statement:</b> Planning Commission unanimously recommended approval of Annexation ANX-1-22 to City Council. a sample motion to approve is provided below. I move to approve Annexation ANX-1-22 and adopt the staff report as Council's findings.
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<b>Consistent with Council Goals:</b> N/A
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**City of Umatilla Planning  
STAFF REPORT AND RECOMMENDATION  
for  
ANNEXATION ANX-1-22**

**DATE OF HEARING:** JULY 26, 2022

**REPORT PREPARED BY:** Carla McLane, Contract Planner

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**I. GENERAL INFORMATION AND FACTS**

<b>Applicant:</b>	City of Umatilla 700 Sixth Street Post Office Box 130 Umatilla, OR 97882
<b>Property Owner:</b>	Umatilla County 216 SE 4 <sup>th</sup> Street Pendleton, OR 97801
<b>Land Use Review:</b>	Annex a public street and a parcel of land totaling approximately 20 acres.
<b>Subject Property Description:</b>	<ol style="list-style-type: none"><li>1. Public street named Lind Road from the edge of the city limits south to its intersection with Bensel Road. This portion of Lind Road has frontage on Tax Lots 1402, 1500, 1600, and 1700 of Assessor's Map 5N 28 21 that are to the west and Tax Lots 1800, 1900, 2100, and 2300 of Assessor's Map 5N 28 22 that are to the east.</li><li>2. Tax Lot 2300 of Assessor's Map 5N 28E 22.</li></ol>
<b>Existing Zoning:</b>	Umatilla County 1972 Light Industrial (M-1)
<b>Proposed New Zoning:</b>	City of Umatilla Light Industrial (M-1) with Community Service overlay

**II. NATURE OF REQUEST/APPLICABLE COMPREHENSIVE PLAN AND ZONING ORDINANCE PROVISIONS/JOINT MANAGEMENT AGREEMENT APPLICABLE**

The applicant and owner, the City of Umatilla and Umatilla County respectfully, seek approval to have a portion of a Lind Road, a public street, as well as Tax Lot 2300 of Assessor's Map 5N 28 22, all situated in the City of Umatilla's urban growth boundary, annexed into the city limits.

Approval of this request is subject to Section 10-13-4 of the City of Umatilla Zoning Ordinance which requires a Type IV procedure for review and for a zoning designation to be assigned that most closely corresponds to the Comprehensive Plan designation unless an amendment to the Zoning Map is also proposed.

The Joint Management Agreement (JMA) between the City of Umatilla and Umatilla County is also applicable, particularly section 4. Roads. Lind Road is an identified road within the JMA for eventual jurisdictional transfer from Umatilla County to the City of Umatilla. With this annexation JMA provisions

found at 4.3 Annexation will need to be acted upon within six months of this annexation being completed.

It is City Staff's recommendation that if the annexation is approved, the subject Tax Lot be zoned City Light industrial (M-1) with a Community Services (CS) overlay to meet needs identified through House Bill 3115 passed in 2021 which provides guidance surrounding local law regulating sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner with regards to persons experiencing homelessness. These objectives are envisioned to be accomplished through Project PATH in the City of Umatilla and west Umatilla County.

### **III. ANALYSIS**

The applicable decision criteria are listed in Chapter 13, Section 4C, as outlined in this report, and the procedures for a Type IV review are contained under Chapter 14, Sections 6(C) and 7 of the City of Umatilla Zoning Ordinance. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

#### **A. City of Umatilla Zoning Ordinance Approval Criteria**

All of the following criteria listed under Section 10-13-4C of the Zoning Ordinance must be satisfied and supported with findings and reasons as to how each criterion is met in order for this request to be approved.

1. *The site is within the urban growth boundary for the City.*

**Findings:** The site is currently in the City of Umatilla urban growth boundary.

**Conclusion:** The site is currently in the City of Umatilla urban growth boundary.

2. *It is economically and technically feasible to provide services to the area.*

**Findings:** Based on previous development in the vicinity and along Lind Road infrastructure and public services are near the subject property. There is also a well on the subject property that can provide water.

**Conclusion:** Infrastructure and public services are near or adjacent to the subject property. The property can be served.

3. *The proposal is consistent with the Comprehensive Plan or substantial changes in conditions have occurred which render the Plan inapplicable to the annexation.*

**Findings:** For annexation requests, Comprehensive Plan Policy 14.10.103 specifies that the City will annex lands upon request "when it is demonstrated that such annexations are consistent with the Comprehensive Plan policies and within the capabilities of the City's services and facilities." This policy is implemented in the City of Umatilla Zoning Ordinance, as outlined and discussed under Sections III(A)(1) and (2) of this report, which require property proposed to be annexed to be located within the urban growth boundary and for services to be technically and economically feasible to serve the property. As indicated above, these provisions were found to be met or capable of being met.

**Conclusion:** The zone change amendment which will be heard concurrent with this application for annexation will allow for these criteria to be met. The Comprehensive Plan recognizes property within the urban growth boundary as land intended to be brought into the city limits when requested if services can technically and economically be provided to serve the use of the property. Services to the subject public

street either already exist, or are capable of being provided as necessary, to serve the use of the abutting properties. Planning staff concludes that the proposal complies with all other applicable Comprehensive Plan policies regarding this annexation request. This application will not be approved unless PA-2-22 is approved by The City of Umatilla City Council.

**B. City of Umatilla Zoning Ordinance Section 10-13-4(B) – Zoning Designation**

When approving an annexation request, Section 10-13-4(B) of the Zoning Ordinance requires the City of Umatilla to assign a zoning designation that most closely corresponds to the Comprehensive Plan designation, unless an amendment to the Zoning Map is proposed.

**Findings:** As stated before an amendment to the Zoning Map is proposed and it is City Staff’s recommendation that, if the annexation is approved, Tax Lot 2300 be zoned City of Umatilla Light industrial (M-1) with a Community Services (CS) overlay to meet needs identified by 2021 House Bill 3115 which provides that local law regulating sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner with regards to persons experiencing homelessness. These objectives are envisioned to be accomplished through Project PATH in the City of Umatilla and west Umatilla County.

**Conclusion:** It is the Staff’s recommendation that Tax Lot 2300 be assigned City of Umatilla Light industrial (M-1) with a Community Services (CS) overlay. This proposed designation is supportive of Project PATH and allows for the activities and services envisioned as part of the project.

**IV. SUMMARY CONCLUSIONS AND STAFF RECOMMENDATION**

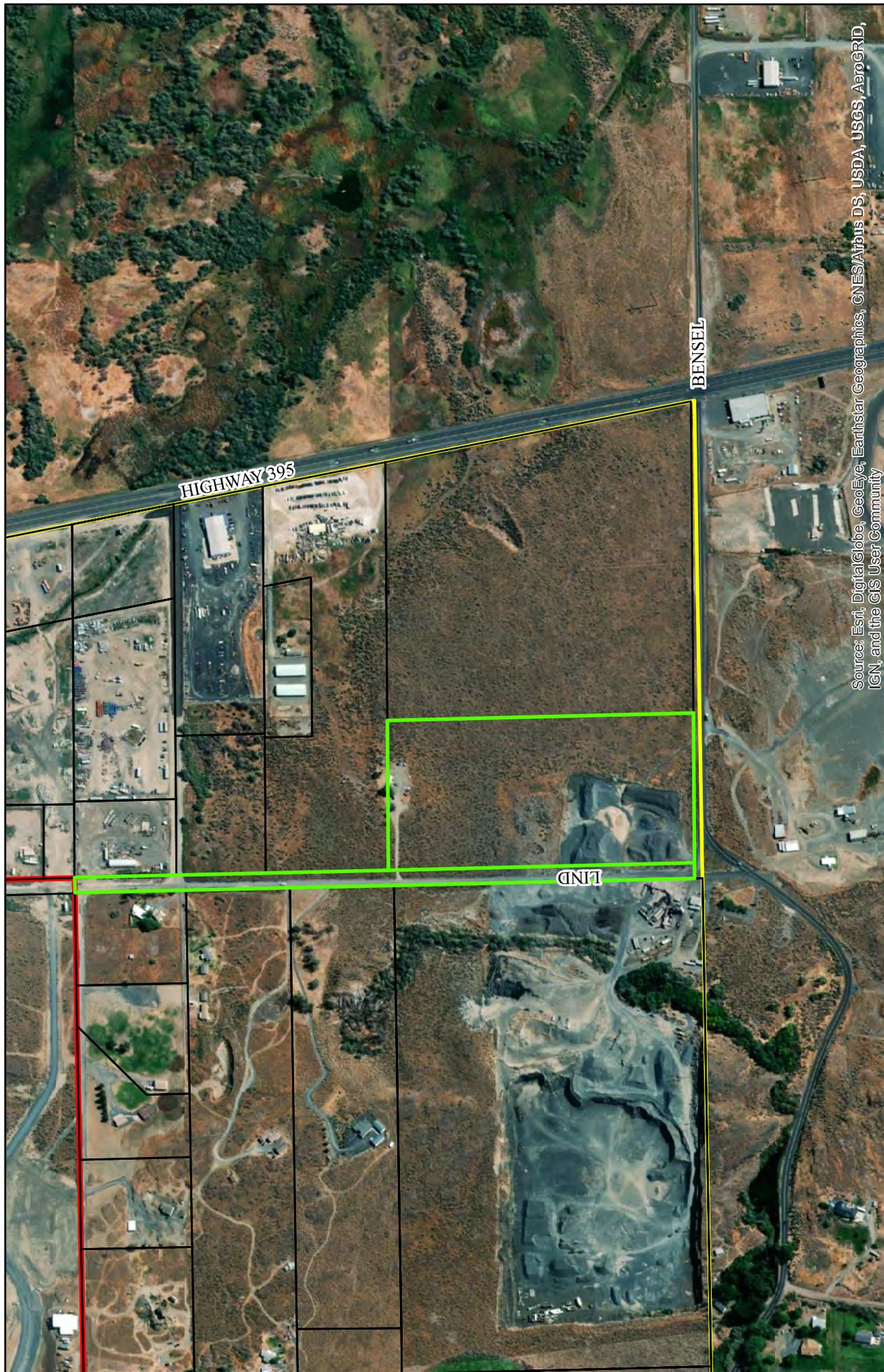
This request by the applicant and owner, the City of Umatilla and Umatilla County respectfully, to annex a public street named Lind Road from the edge of the City Limits south to the intersection with Bensel Road and Tax Lot 2300 on Assessors map 5N 28 22 into the City of Umatilla city limits appears to meet all the applicable decision criteria for annexation into the city limits.

Therefore, based on the information in Sections I and II of this report, and the above review criteria, findings of fact and conclusions contained in Section III, Staff recommends the Planning Commission recommend **APPROVAL** of this annexation request, ANX-1-22, to the Umatilla City Council to annex the following into the city limits:

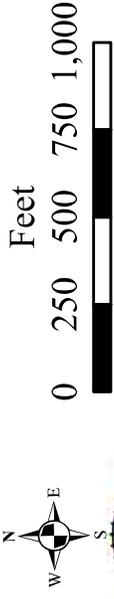
*Lind Road from the edge of the City Limits south to the intersection with Bensel Road and Tax Lot 2300 of Assessor’s Map 5N 28E 22.*

**V. EXHIBITS** (Attached and included as part of this report).

Exhibit A Area map showing existing city limits and property proposed to be annexed



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Jacob Foutz, on 7/5/2022

# PROJECT PATH ANNEXATION (ANX-1-22)

\*NOTICE GIVEN TO PROPERTY OWNERS WITHIN 100'

## Legend



Proposed Annexation Area



Tax Lots 4-5-22



City Limits



Umatilla UGB



July 19, 2022

VIA EMAIL: Jacob Foutz (jacob@umatilla-city.org)  
Jacob Foutz, Senior Planner  
City of Umatilla  
PO Box 130  
Umatilla, OR 97882

Subject: Consolidated process for ANX-1-2022 Annex, PA-2-22 Rezone 18.5 acres of Light Industrial to Community Services (CS) and Conditional Use Permit (CUP) for Project PATH, including Adult Center, Childcare Facility, Drug/Alcohol Treatment, Elderly Housing, Public Building, Private Park/Recreational Facility, Public or Private School, and sleeping facilities.

The Oregon Department of Transportation (ODOT) has received notice of Project PATH which is in the vicinity of US 730 and US 395. ODOT is interested in assuring the proposed zone change is consistent with the identified function, capacity and performance standards. However, the application and accompanying findings does not include or is unclear on the traffic impacts or installation of mitigation for both local and state transportation facilities, including US 730/Lind Road intersection and US 395/Bensel Road intersection.

A Traffic Report is needed, consistent with the City's Findings Report per Section D subsection 3 & 4 (Page 5 of 12). Please note, if the Traffic Report identifies an increase in traffic volumes of 400 Average Daily Traffic (ADT) then a Traffic Impact Analysis (TIA) is also needed. Ensuring the transportation system is managed effectively for all modes in accordance with the City's Transportation System Plan (TSP) are necessary to satisfy the requirements of the ORS 660-012 Transportation Planning Rule (TPR).

ODOT welcomes the opportunity to meet with you regarding future development plans. Thank you for the opportunity to comment.

Rich Lani  
District 12 Manager

CJS

cc: Ken Patterson, ODOT Region 5 Area Manager  
David Boyd, PE, ODOT Region 5 Access Management Engineer  
Teresa Penninger, ODOT Region 5 Planning Manager  
Dawn Hert, DLCD ([dawn.hert@dlcd.oregon.gov](mailto:dawn.hert@dlcd.oregon.gov))



CITY OF UMATILLA, OREGON

# AGENDA BILL

<b>Agenda Title:</b> Project Path Rezone PA-2-22-An application to rezone 18.5 acres of land designated County 1972 Light Industrial (M-1) to City Light Industrial (M-1) with a Community Services (CS) overlay. The proposed zoning overlay of Community Services will support the types of services envisioned to be delivered as part of Project PATH which is intended to bring together those services to assist individuals and families facing homelessness with the objective to move them into and through transitional housing to permanent housing.	<b>Meeting Date:</b> 2022-08-02
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<b>Department:</b> Community Development	<b>Director:</b> Brandon Seitz	<b>Contact Person:</b> Jacob Foutz	<b>Phone Number:</b>
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<b>Cost of Proposal:</b> NA	<b>Fund(s) Name and Number(s):</b> N/A
<b>Amount Budgeted:</b> NA	

<b>Reviewed by Finance Department:</b> No	<b>Previously Presented:</b> NA
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**Attachments to Agenda Packet Item:**

[NEW PA-2-22 PC Report.docx](#)

[Notice map.pdf](#)

[project\\_path\\_rfp\\_final\\_6.3.22.pdf](#)

[HB3115.pdf](#)

[Comment Letter from ODOT.pdf](#)

<b>Summary Statement:</b> Planning Commission unanimously recommended approval of Project Path Rezone PA-2-22 to City Council. a sample motion to approve is provided below. I move to approve Rezone PA-2-22 and adopt the staff report as Council's findings.
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**Consistent with Council Goals:**

N/A



**UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
PLAN AMENDMENT PA-2-22**

**DATE OF HEARING:** JULY 26, 2022

**REPORT PREPARED BY:** Carla McLane, Contract Planner

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**I. GENERAL INFORMATION AND FACTS**

- Applicant:** City of Umatilla  
700 Sixth Street  
Post Office Box 130  
Umatilla, OR 97882
- Owner:** Umatilla County  
216 SE 4<sup>th</sup> Street  
Pendleton, OR 97801
- Land Use Review:** Change the Zoning of the subject property from Umatilla County 1972 Light Industrial (M-1) to City of Umatilla Light Industrial with a Community Service (CS) overlay.
- Subject Property:** Tax Lot 2300 of Assessor's Map 5N 28E 22
- Location of Subject Property:** In the northeast quadrant of the intersection of Lind Road and Bensel Road, west of Highway 395 and south of Highway 730.

**II. NATURE OF REQUEST AND GENERAL FACTS**

The applicant, the City of Umatilla, is requesting approval of a Zone Change that would rezone 18.5 acres of land designated Umatilla County 1972 Light Industrial (M-1) to City of Umatilla Light Industrial (M-1) with a Community Services (CS) overlay. The proposed zoning designation with a Community Services overlay will support the types of services envisioned to be delivered as part of Project PATH which is intended to bring together those services to assist individuals and families facing homelessness with the objective to move them into and through transitional housing to permanent housing. An integral part of Project PATH will be the suite of services that will be available to participants within the Hermiston, Umatilla, Echo, and Stanfield (HUES) area.

**III. ANALYSIS**

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All the following criteria must be satisfied in order for this request to be approved.

**City of Umatilla Title 10 Zoning Chapter 14 Administrative Provisions Section 10-14-4:  
APPLICATION provides the following requirements.**

A permit application may only be initiated by the record property owner or contract purchaser, the City Council, or the Planning Commission. The City will not accept an application without the signed authorization from all record owners.

**Finding:** The record owner is Umatilla County, a partner in the development of Project PATH.

**Conclusion:** This application was initiated by the record owner in cooperation with the City of Umatilla.

A. All permit applications shall be submitted on a form provided by the City, along with all necessary supporting documentation and information sufficient to demonstrate compliance with all applicable approval criteria and standards, and the appropriate fee. The applicant has the burden of demonstrating, with evidence, that all approval criteria and standards are, or can be, met.

**Finding:** The City of Umatilla is the applicant for this change.

**Conclusion:** The City of Umatilla is the applicant and will demonstrate in this staff report that the approval criteria and standards are or can be met.

B. A complete application includes all the materials listed in this Section and any specific information requested for a particular permit. The City Administrator may waive the submission of any of the materials if not deemed to be applicable to the specific review sought. Likewise, within thirty (30) days of submission of the application, the City Administrator may require additional information beyond that listed in this subsection, such as a traffic report or other study prepared by an appropriate expert. The applicant is responsible for the completeness and accuracy of the application and all supporting documentation.

**Findings:** The City of Umatilla is the applicant and will demonstrate compliance with the applicable criteria and standards in this staff report.

**Conclusion:** This staff report demonstrates compliance with the criteria and standards and any application requirements are deemed complete.

1. A completed City application form that includes:

a. An accurate legal description, tax account number(s), map number, and street location of all properties that are the subject of the application.

b. Name, address, telephone number, and authorized signature(s) of all record property owners or contract owners, and the name, address, and telephone number of the applicant, if different from the property owner(s).

**Findings:** This information is contained within this staff report or implied by the agreements between the parties developing Project PATH.

**Conclusion:** This staff report demonstrates compliance with the criteria and standards and any application requirements are deemed complete.

2. A complete list of all City permit approvals sought by the applicant in this application.

**Findings:** The City of Umatilla is requesting annexation of the subject property and a change in zoning to City of Umatilla Light industrial (M-1) with a Community Services (CS) overlay to support the development of the Project PATH site. Application for the required Conditional Use Permit for the Project PATH site and services is also under review as a Type III review process.

**Conclusion:** The annexation and change in zoning are being reviewed as Type IV actions with the activities proposed for the site under Project PATH are being reviewed as a Type III review.

3. A complete and detailed narrative describing the proposed development, existing site conditions, public facilities and services, natural features including wetlands and steep slopes, a discussion of the approval criteria and standards for all permits explaining how the criteria and standards are, or can be, met, and any other information indicated by the City at the pre-application conference as being required.

**Findings:** The City of Umatilla is requesting concurrently an annexation of the subject property and a change in Zoning designation to City of Umatilla Light Industrial (M-1) with a Community Services (CS) overlay. Also requested is Conditional Use Permit approval for the Project PATH uses and activities. Attached to this staff report is the Request for Proposal for Project PATH that best outlines the intent of the project.

**Conclusion:** The annexation and change in zoning are being reviewed as Type IV actions with the activities proposed for the site under Project PATH are being reviewed as a Type III review.

4. A site plan or plans and a vicinity map, drawn to scale. The site plan shall include at least the following features, along with any other information necessary to understand the proposal:

- a. Dimensions of the site and all structures, existing and proposed.
- b. Existing conditions, including topography and any other physical features such as vegetation, wetlands, watercourses, slopes, etc.
- c. Rights of way abutting the site, whether public or private, and access to the site.
- d. Locations and sizes of all public utilities, existing and proposed, on and in the vicinity of the site.
- e. Locations, dimensions, and purposes of all recorded easements.
- f. Size of areas (in square feet) and percentages of the total site area devoted to structures, parking, landscaping, open space, dedication of right of way, and any other proposed feature.
- g. Proposed landscaping plan, including size, species, and location of plants or other elements.
- h. Parking plan.
- i. Detail of screening and fencing.
- j. Exterior lighting, including location, type, height, and areas of illumination.
- k. Service areas for trash collection, mail delivery, etc.

**Findings:** Attached to this staff report is a vicinity map identifying the subject property subject to the annexation, zone change, and Conditional Use Permit approval to allow development of Project Path. A final site plan will be a requirement of the successful candidate chosen to implement Project PATH. Several of the site's improvements will be accomplished by the City of Umatilla once these approvals are in place and a candidate is chosen to implement Project PATH.

**Conclusion:** Project PATH is the proposed development with this request for a change in zoning. While a site plan is not required for a change in zoning it is acknowledged that not all of the specifics of how Project PATH will be sited are known at this time.

5. The applicant shall provide the City with up to twenty (20) copies of all reports, plans, site plans, and other documents required by this Section. The number of copies will be determined at the pre-application conference. One copy of all plans and maps reduced to eight and one-half inches by eleven inches (8 1/2" x 11") or eleven inches by seventeen inches (11" x 17"), and suitable for reproduction.

**Findings:** The City of Umatilla will produce the required and requested reports in support of these applications for an annexation, change of zoning, and Conditional Use Permit approval.

**Conclusion:** The City of Umatilla can comply with this requirement.

6. All required application fees.

**Findings:** The City of Umatilla waives the application fee.

**Conclusion:** The City of Umatilla waived the application fee.

**City of Umatilla Title 10 Zoning Chapter 13 Other Permits and Actions Section 10-14-4: AMENDMENTS TO THE ZONING TEXT OR MAP provides the following requirements.**

A. Type IV Procedure: Amendments to the zoning title text or Official Map are considered a Type IV procedure. A Map change may be legislative or quasi-judicial, depending on the number of properties and area involved. A text change is always a legislative decision.

**Findings:** This is a single owner application for a change in zoning and can be considered as a quasi-judicial request.

**Conclusion:** A change in zoning is considered quasi-judicial.

B. Initiation of Application: An application may be initiated by a property owner or authorized agent, the Planning Commission, or the City Council.

**Findings:** The City of Umatilla (applicant) and Umatilla County (landowner) are seeking these approvals cooperatively.

**Conclusion:** The City of Umatilla and Umatilla County are seeking these approvals cooperatively.

C. Narrative, Identification Required: An application shall include a narrative that demonstrates compliance with the approval criteria and a site and vicinity map identifying the property and adjacent properties.

**Findings:** This serves to meet the narrative requirement.

**Conclusion:** This staff report provides sufficient narrative for review and approval.

D. Approval Criteria: An amendment to this Title or Official Map shall comply with the following criteria:

1. The proposed designation is consistent with and supports the purposes of the portions of the City's Comprehensive Plan not proposed for amendment, or circumstances have changed to justify a change in the Comprehensive Plan.

**Findings:** No change to the Comprehensive Plan is requested. The request is to apply the City of Umatilla Light industrial Zone(M-1) with a Community Services (CS) overlay to the subject property and to allow development of the Project PATH site. It is important to note that case law from the City of Boise did influence the Oregon Legislature to pass in 2021 House Bill 3115 to address homelessness. Regionally Umatilla County and the four west county cities of Hermiston, Umatilla, Echo, and Stanfield are developing Project PATH to address those same homelessness concerns and issues.

**Conclusion:** This application is consistent with and supports the City of Umatilla’s Comprehensive Plan not proposed for amendment.

2. The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.

**Findings:** The requirement to provide certain accommodations for the homeless as outlined in the 2021 House Bill 3115 the City of Umatilla and its partners are acting in somewhat uncharted territory to achieve compliance. The City of Umatilla Community Services use overlay clearly allows for the types of activities that Project PATH will provide identified as the following in the use zone: adult center, childcare facility, drug and alcohol treatment, elderly housing, public building or use, private park or recreational facility, and public or private school. This type of facility, incorporating a multitude of social services with sleeping facilities, is a new approach and current land supply has not been accounted to address it.

**Conclusion:** The City of Umatilla is seeking to balance the requirement for Project PATH with other uses that could be envisioned on the subject property, most likely industrial in nature.

3. The proposed designation will not negatively impact existing or planned public facilities and services.

**Findings:** The proposed designation of City of Umatilla Light Industrial (M-1) with a Community Service (CS) overlay will not impact planned public facilities and services in a negative way. The existing zoning on the property is Umatilla County 1972 Light Industrial (M-1). The Change to City of Umatilla Light Industrial(M-1) is minimal. The proposed Community Service Use is an allowed use in all City of Umatilla Zones. The subject property is within 500 feet of other residential uses in the area.

**Conclusion:** Public facilities and services will not be negatively be impacted by the proposed zone change and use.

4. The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.

**Findings:** The site is mostly flat with frontage along Lind and Bensel Roads providing access. Public facilities are or can be available and have the capacity to serve the types of uses envisioned as part of Project PATH.

**Conclusion:** The site is suitable for development of Project PATH based on topography, access, size of the site, and availability of public facilities.

5. Other sites in the City or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the City as a whole.

**Findings:** Based on community comment for previous homelessness projects this site is deemed appropriate for Project PATH. It is accessible but not immediately adjacent to residential development. It is located between the cities of Umatilla and Hermiston, the two largest communities in west Umatilla County with homelessness issues and concerns.

**Conclusion:** This site is deemed appropriate for the change in zoning as it best suits the needs of Project

PATH.

**The City of Umatilla Rezone Application poses the following additional questions when a rezone is requested.**

*Explain why this particular parcel(s) of property should be rezoned as opposed to utilizing existing zoned property for proposed use.*

**Findings:** Areas in the City of Umatilla currently overlaid with Community Service are limited, currently are in use, identified for future use as a school or park, or are unavailable based on influences outside of city control (Old Town Site).

**Conclusion:** The above response is sufficient for the purposes of the question.

*What is the land use plan designation for this property on the Comprehensive Plan map?*

**Findings:** Industrial Plan.

**Conclusion:** Industrial Plan.

*If there is a conflict between the plan map and the desired zone, how can a change be justified?*

**Findings:** The site will be zoned City of Umatilla Light industrial, and have a Community Service overlay.

**Conclusion:** The site can be zoned City of Umatilla Light industrial (M-1) with the Community Service overlay with the Industrial Plan designation.

*What policies or facts in the Comprehensive Plan and/or Zoning Code relate to use of the property after the zone is changed?*

**Findings:** The Development Code, specifically Title 10 Zoning, would have several factors that would relate to the use of the subject property after the request for a zone change has been approved. The Community Services overlay requires that the proposed uses be reviewed and approved through a Type III review process as Conditional Uses. Other provisions of the Zoning Ordinance would be applicable including Chapter 9 Off-Street Parking and Loading, Chapter 11 Supplementary Provisions and Chapter 13 Other Permits and Actions. All these provisions would be applied under the requirements of Chapter 14 Administrative Provisions.

**Conclusion:** Multiple provisions within the City of Umatilla Zoning Ordinance would be applicable.

*Explain how the surrounding property is zoned.*

**Findings:** The properties to the west, north, and east are within the City of Umatilla urban growth boundary and are planned for future residential, industrial, and commercial purposes. Land to the south is in Umatilla County and are zoned for various industrial uses.

**Conclusion:** The surrounding uses, predominantly industrial and commercial in nature, would be compatible with Project PATH.

*Explain how this same property is used at present.*

**Findings:** The subject property is bare with mining activity apparent.

**Conclusion:** The above response is sufficient for the purposes of the question.

*If the zone of your property is changed, explain how any permitted use of that district will be compatible with the surrounding property.*

**Findings:** The surrounding properties consist of bare land, mining activities, and other light industrial or recreational activities. The application of the Community Services use overlay would not be incompatible with those uses and neither would the development of the Project PATH facility.

**Conclusion:** Community Services Overlay and Project PATH would be compatible with the surrounding commercial, mining, and light industrial activities.

*Have any changes taken place which would make the zone change appropriate now rather than at an earlier date? You may consider such things as development of surrounding properties or similarly zoned property, new streets, sewer or water lines, and so forth. Please explain more fully.*

**Findings:** The primary change that has occurred in the past couple of years is the increase in homelessness in the region and the passage in 2021 of House Bill 3115 requiring local communities to take a more proactive approach to dealing with homelessness issues.

**Conclusion:** Homelessness and the passage of House Bill 3115 in 2021 are primary drivers to this request for change in zoning and to site Project PATH.

*Additional Information to be Furnished by Applicant:*

*Evidence that applicant is owner or purchaser of the property or has written permission from the owner to file the application.*

**Findings:** The applicant and owner are partnering to develop Project PATH as well as the associated site and facilities.

**Conclusion:** The above response is sufficient.

*Two copies of plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of existing and proposed structures; the intended use of each structure, the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area, the location of any existing highways, streets, easements and public utilities.*

**Findings:** This staff report with attachments address the proposed use(s) of the subject property.

**Conclusion:** This staff report with attachments address the proposed use(s) of the subject property.

**Portions of Oregon Revised Statute 227.175 concerned with applications to local governments for a permit or zone change are applicable. Much of ORS 227. 175 has already been incorporated into the City of Umatilla Zoning Ordinance and is implemented through a variety of measures including notice provisions and hearing procedures.**

227.175 Application for permit or zone change; fees; consolidated procedure; hearing; approval criteria; decision without hearing.

(1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

**Findings:** The City is pursuing annexation of the subject property, a change in zoning to City of Umatilla Light Industrial (M-1) with a Community Services(CS) overlay, and approval of the anticipated activities through the required Type III decision process in support of the Project PATH program to address homelessness in the City of Umatilla and the west end of Umatilla County.

**Conclusion:** The correct forms and fees have been waived as the applicant is the City of Umatilla.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

**Findings:** The City of Umatilla is using this opportunity to apply for an annexation, change in zoning, and the Type III Conditional Use Permit in a consolidated process.

**Conclusion:** The process utilized is consolidated with multiple requests moving forward concurrently.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

**Findings:** The annexation and zone change requests will be heard by the Planning Commission and the City Council as they are legislative in nature. The Type III review process for the Project PATH activities is a quasi-judicial action requiring a single hearing before the Planning Commission.

**Conclusion:** The City of Umatilla Planning Commission will hold a hearing on the annexation and plan amendment requests on July 26, 2022, with the City of Umatilla City Council hearing the annexation and zone change on August 2, 2022. The Conditional Use will be processed separately once a more detail site plan is available.

(4)

(a) A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)

(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process

adopted under ORS 197.307 (6).

(c) A city may not condition an application for a housing development on a reduction in density if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not condition an application for a housing development on a reduction in height if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the city must adopt findings supported by substantial evidence demonstrating the necessity of the reduction.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

**Findings:** There are no housing developments proposed as part of this request. Project PATH does work to address the issues that create and perpetuate homelessness by providing a suite of services to assist individuals and families work to move through temporary housing to permanent housing. The City of Umatilla Comprehensive Plan does not specifically address an activity or program like Project PATH however housing policy 10.9.101 states, "A variety of housing types will be encouraged, including single-family attached housing, duplexes, multi-family housing and townhomes, as well as less traditional forms of housing." Project PATH is clearly a less traditional form of housing. Housing policy 10.9.102 states, "The City will emphasize affordable housing needs, given that meeting the needs of the low- and moderate-income households often requires public intervention or subsidy." Project PATH is supported not only by the City of Umatilla but also Umatilla County and the cities of Hermiston, Echo, and Stanfield working cooperatively to address homelessness in the west end of Umatilla County.

**Conclusion:** The Comprehensive Plan can be found to support this change in zoning to allow development of Project PATH.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

**Findings:** The City of Umatilla will accomplish notice meeting the needs of Statewide Planning Goal 1 Citizen Involvement.

**Conclusion:** The City of Umatilla has sent notice to the required recipients in conformance with the provisions ORS 197.763.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport,

defined by the Oregon Department of Aviation as a “public use airport” if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

**Findings:** No airports are within 10,000 feet of the proposed annexation and zone change. To the east the Hermiston Airport and to the west the Boardman Airport are both several miles away.

**Conclusion:** There are no airports within 10,000 feet of the subject property.

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway “approach surface” as defined by the Oregon Department of Aviation.

**Findings:** This is not applicable.

**Conclusion:** The above criterion is not applicable.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

**Findings:** No mobile homes or manufactured dwelling park is located on the subject property.

**Conclusion:** The above criterion is not applicable.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

**Findings:** No tenants are on the property and no airports are adjacent to the subject property.

**Conclusion:** The above criterion is not applicable.

(10)

(a)

(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any

person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)

(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

**Findings:** The annexation and zone change requests will be heard by the Planning Commission and the City Council as they are legislative in nature. The Type III review process for the Project PATH activities is a quasi-judicial action requiring a single hearing before the Planning Commission.

**Conclusion:** The City of Umatilla Planning Commission will hold a hearing on the annexation and plan

amendment requests on July 26, 2022, with the City of Umatilla City Council hearing the annexation and zone change on August 2, 2022. The Conditional Use will be processed separately once a more detail site plan is available.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

**Findings:** City staff is aware of these requirements and will provide notice as required by Oregon law and provisions of the City of Umatilla Zoning Ordinance.

**Conclusion:** Notice has been sent as required by Oregon law and provisions of the City of Umatilla Zoning Ordinance.

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

**Findings:** The applicant is the City of Umatilla.

**Conclusion:** The applicant is the City of Umatilla.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

**Findings:** This is a legislative decision, subject to those requirements in both Oregon law and the City of Umatilla Zoning Ordinance.

**Conclusion:** This is a legislative decision.

#### **IV. SUMMARY AND RECOMMENDATION**

The City of Umatilla is seeking approval to annex the subject property along with a portion of Lind Road as well as a change in zoning to City of Umatilla Light industrial with a Community Services overlay to allow development of Project PATH, a program and facility designed to move individuals and families from homelessness to permanent housing. Also being requested as part of this consolidated process is a Type III decision to allow various activities as envisioned in the attached Project PATH RFP. Evidence has been provided in the form of the Project PATH RFP to support these associated requests. There is a clear need for the types of services envisioned at Project PATH in the City of Umatilla and the west end of Umatilla County. The request meets all the applicable criteria and standards for this type of request. Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, the staff recommends approval of Plan Amendment (PA-2-22).

#### **VI. EXHIBITS**

Exhibit A – Notice Map  
Exhibit B – Project PATH Request for Proposal  
Exhibit C – 2021 House Bill 3115



**PROJECT PATH REZONE (PA-2-22) \*NOTICE GIVEN TO PROPERTY OWNERS WITHIN 100'**

**Current Zoning: Umatilla County Light Industrial (72)**  
**Proposed Zoning: City of Umatilla Community Service**

**Legend**

- Proposed Zone Change
- Tax Lots 4-5-22
- City Limits
- Umatilla UGB



Feet



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only.  
 Not survey grade or for legal use.  
 Created by Jacob Foutz, on 7/5/2022

City of Umatilla  
700 Sixth Street  
Post Office Box 130  
Umatilla, OR 97882

**REQUEST FOR PROPOSALS**  
**Project PATH – Practical Assistance**  
**through Transitional Housing**

Issuing office, point of contact, and location where copies of this Request for Proposals (RFP) may be obtained:

Dave Stockdale, City Manager  
City of Umatilla  
700 Sixth Street  
Umatilla, OR 97882  
(541) 922-3226  
david@umatilla-city.org

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## PART I – DESCRIPTION OF PROJECT

The City of Umatilla is engaging this Request for Proposals (RFP) to obtain submittals from qualified organizations to develop and implement Project PATH, a program designed to provide Practical Assistance through Transitional Housing (PATH). The intent of this program is to bring together various services to assist individuals and families facing homelessness with the objective to move them into and through transitional housing to permanent housing. An integral part of Project PATH will be the suite of services that will be available to participants within the Hermiston, Umatilla, Echo, and Stanfield (HUES) area. A major component of Project PATH will include a facility on property owned by Umatilla County within the City of Umatilla to create a safe space for overnight or longer stays with support services available onsite. The chosen organization will be the designated entity responsible for planning and delivering services for transitional housing and related support services to move an individual from homelessness to permanent housing. The selected contractor will be responsible for management of the Project PATH facility that includes a general building with offices, indoor common area(s), showers, and meal facilities; initially a minimum of 12 sleeping huts that can accommodate one to two people; and outdoor common areas in a secured fenced area. One entity is being sought to coordinate all services.

Project PATH is funded primarily through the Oregon Department of Administrative Services with funds from [House Bill 4123](#) (2022) and the City of Umatilla expects to subcontract with the selected provider for these services. The revenues allocated for these services shall be granted contingent on the availability of funds. The programs funded are contingent on an approved budget by the Oregon State Legislature and a fully executed Intergovernmental Agreement between the Oregon Department of Administrative Services and Umatilla County for the period ending June 30, 2024. Future funding is anticipated to come from a variety of sources including funding from the Contractor, funds obtained through various granting opportunities, general fund sources of the partner agencies, and other funding sources identified to support the variety of services that will be offered. All provider agreements shall be reviewed annually based on fund availability, continued need for the service, priority needs as established by the City of Umatilla, performance and evaluation reviews, and contract compliance.

The purpose of this RFP is to identify a contractor to provide a continuum of services to support entry into transitional housing and assist residents using various onsite and community services to move into permanent housing. These types of services shall include the following:

- Provide 24 hour, 7-day a week, onsite staffing to support the project building that includes offices, residents' showers, a food pantry, and the community kitchen. This includes managing the initial minimum of 12 housing units that will sleep at least one with some units able to sleep two residents.
- Educational Services including, but not limited to, coordination with residents to receive their high school diploma or GED, counseling services to connect residents with local or other traditional educational service providers (BMCC,

EOU, and others), and connecting residents with employer education services (such as CDL training, unemployment counselors, or workforce partnerships).

- Basic level medical, dental, and vision services.
- Transportation to work, educational programs, or other support services associated with Project PATH or deemed necessary for the resident's transition. Assistance is already identified through KAYAK and Umatilla Cab.
- Provision of, or connection to, services for persons with behavioral health conditions and/or substance use disorders.
- Care coordination and/or case management to support access to other needed services that may include education, training, and onsite or offsite work.

Project PATH will also provide Sleep Center Services for identified homeless individuals in addition to the residents on the Transitional Housing path. A primary purpose of this program offering is to replace the Hermiston Warming Station through use of a dedicated area for these temporary facility users. They will have physically separate sleeping quarters but will have access to some or most of the common or community areas (food pantry and showers as examples). This area of the facility is intended to be used as day-to-day or perhaps week-to-week when appropriate based on identified and agreed upon conditions. Users of these services will need to comply with the entire facilities operational rules but will also have a subset of rules especially for them. This will also be the section of the facility used by law enforcement to house individuals who may be illegally camping in right-of-way, along designated trails, or in parks.

The proponents of Project PATH are seeking a qualified Contractor that can demonstrate success or bring partners to the table that have proven experience in moving clients from crises situations to stability in homelessness or other situations that are similar. It is anticipated and expected that the selected Contractor will have experience and success in partnerships and collaborative situations with other service providers to achieve multiple outcomes in moving clients through program offerings with a demonstration of success. This history of proven success should allow a proposer to bring financial or other resources, either in cash or in-kind commitments, as a committed partner in delivering the Project PATH services.

It is anticipated that in year three of operations programmatic offerings would expand to include additional sleeping units, Veteran's services, assistance to family units, and basic childcare.

The City of Umatilla will require the provider to submit a quarterly report to the City Council and present at least annually a report before the City Council. The required content for the quarterly report will be developed by the City of Umatilla through consultation with the provider. A City of Umatilla representative will be allowed to attend, for informational purposes, regular meetings of provider's governing board.

Any public or private agency, organization or individual with service providers who hold all licenses, certificates, authorizations, and other approvals required by law to deliver services is eligible to submit a proposal. All entities submitting Proposals are

referred to as Proposers in this RFP; after execution of the Contract, the awarded Proposer will be designated as Contractor or Provider.

## 1. General Information

To be considered an eligible response the proposal must be submitted by mail, courier, or email no later than 4:00 p.m., on July 7, 2022, to the Umatilla City Hall, 700 Sixth Street, Umatilla, OR 97882 or to [david@umatilla-city.org](mailto:david@umatilla-city.org). The submittal shall identify the contents as “Proposal for Project PATH” either on the envelope or in the subject line of the email.

All proposals received will be evaluated by a committee made up of representatives from Umatilla County and the Cities of Umatilla, Hermiston, Echo, and Stanfield. The evaluation committee will make a recommendation as to which firm should be selected. After receipt of the selection committee’s recommendation, the City of Umatilla will make its final decision.

## 2. Schedule of Activities

RFP Released	June 3, 2022	
Bidder’s Conference (Optional) (In person and Zoom)	June 15, 2022	11 am PDT
Deadline for Submission of Questions or Written Comments on or Protesting Specification Believed to Limit Competition	June 20, 2022	5 pm PDT
Deadline for proposal submission	July 7, 2022	4 pm PDT
Notification of Review E-mailed	July 14, 2022	
Deadline for Submission of Written Protests of Recommendations	July 21, 2022	5 pm PDT
Award of Contract	August 2, 2022	7 pm PDT
Anticipated Start of Services	August 8, 2022	

It is anticipated that an optional On-Site Presentation may be requested of the top organizations to be done in-person with the Selection Committee to gain a better understanding of the qualifications. This is anticipated to occur the week of July 8 through 13.

Proposals received after the date and hour specified above will not be accepted under any circumstances and will be returned to the Proposer unopened. Proposals must be submitted by mail, courier, email, or in person. Proposals submitted by facsimile transmission will not be accepted.

## 3. Incurred Costs

The City of Umatilla will not be responsible for any cost incurred by prospective firms in preparing or submitting their proposals.

## 4. Evaluation Criteria

Awarding of a contract will be based upon a qualifications-based selection procedure. The following evaluation criteria will be used to evaluate proposals:

Evaluation Criteria	Possible Points
All required components are present in the proposal	Pass/Fail
<b>Service Delivery Components</b>	
Qualifications of the Proposer relative to the requirements outlined in the RFP and examples of relevant experience with delivering required services	25
Approach to delivering required services	20
Plan for delivering services that offer quality and value to the service area	15
Approach to delivery of services beyond the required services and the transition for the services to be added in Year 3	20
<b>Demonstration of Ability</b>	
Proposal to provide innovative and/or value-added services	10
Demonstrate recent experience providing these specific services	15
Ability to begin service delivery upon projected start date	10
<b>Costs and Resources</b>	
Evidence of financial and administrative stability	10
Evidence of experience in and ability to obtain additional financial resources or in-kind services to Project PATH	10
Bring significant financial resources, cash or in-kind, as a committed partner	25
Willingness to negotiate contract terms	15
Cost of Service Delivery	15
<b>Partnerships</b>	
Demonstrates a commitment to collaborate, or partner, with other service providers	10
<b>Total Points</b>	<b>200</b>

## 5. Instructions to Proposers

- A. **General.** Respondents must submit a complete and concise response to this RFP. Proposals must include a statement as to the period the proposal remains valid. All proposals received in response to this RFP will be retained by the City of Umatilla. Proposals should provide complete details concerning the Proposer's ability to meet the requirements of this RFP. The City of Umatilla reserves the right to waive informalities and minor irregularities in proposals, to reject all proposals, and to select the most responsive proposal that best meets the needs of the citizens of the City of Umatilla and the west end of Umatilla County.
- B. **Proposals.** All proposals shall be typed and comply in every manner with the requirements of this solicitation. Each proposal must be signed in ink. If the proposal is made by a firm or partnership, the name and address of the firm or partnership shall be shown, together with the names and addresses of the members. If the proposal is made by a corporation, it must be signed in the name

of such corporation by a person that is authorized to bind the Proposer and who shall also affix the corporate seal of such corporation. Proposals must contain the name, title, address, email, and telephone number of an individual or individuals with authority to bind the Proposer(s) during the period of validity of the proposal. Advertising brochures and generic specifications that are included with a proposal will not be an alternative to specific response to the RFP requirements.

C. **Withdrawal of Proposals.** Proposals may be withdrawn, by written or telegraphic request received from the Proposer, prior to the time fixed for opening. Negligence on the part of the Proposer in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened. The proposal will be irrevocable until such time as City of Umatilla:

- i. Specifically rejects the proposal or
- ii. Awards a contract and said contract is properly executed.

Proposals must be valid for at least one-hundred-twenty (120) days. The Proposer agrees to furnish the services as specified to the City of Umatilla at the prices and with the warranties/guarantees represented for that period.

D. **Modifications.** Any Proposer may modify their proposal by sealed written registered communication at any time prior to the scheduled closing time for receipt of proposals, provided such communication is received prior to the closing time.

E. **Acceptance or Rejection of Proposals.** The City of Umatilla will accept the proposal which, in its estimation, will best serve the interests of the City of Umatilla and the west end of Umatilla County, and reserves the right to award a contract that shall be best for the public good. The City of Umatilla reserves the right to accept or reject any or all proposals received as the result of this RFP, to negotiate with all qualified sources, and/or cancel all or part of this RFP at any time. Until such time as a contract is executed with the successful bidder, the City of Umatilla may cancel all or any part of this RFP. This RFP does not commit the City of Umatilla to pay any costs incurred in the preparation and submission of proposals. Without limiting the generality of the foregoing, any proposal which is late, incomplete, obscure, or irregular may be rejected; any proposal having erasures or corrections in the proposal may be rejected; any proposal accompanied with an insufficient or irregular proposal guarantee may be rejected. Any evidence of collusion between Proposers may constitute a cause for rejection of any proposals so affected.

F. **Interpretations.** No oral interpretations shall be made to any Proposer as to the meaning of any of the proposal documents. Every request for an interpretation shall be made in writing and addressed to the City Manager. All such interpretations and addenda will be sent to all prospective Proposers. Failure of any Proposer to receive any such addendum or interpretation shall not relieve

such Proposer from any obligation under its proposal as submitted. All addenda so issued shall become as much a part of this request for proposal document as if bound herein.

- G. **Nondiscrimination.** The successful Proposer agrees that in performing the work called for by this proposal and in securing and supplying materials, Proposer will not discriminate against any person on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, national origin, or ancestry unless the reasonable demands of employment are such that they cannot be met by a person with a particular physical or mental handicap.
- H. **Failure to Submit Offer.** If no offer is to be submitted, do not return the RFP. Failure of the recipient to offer, or to notify the issuing office that future solicitations are desired, will not result in removal of the name of such recipient from the mailing list for the type of services covered by this solicitation.
- I. **Preparation of Proposals.** Proposers are expected to examine the specifications, schedule, and all instructions.

The selected proposal shall be incorporated by reference, with modification as agreed to by the City of Umatilla, into the final contract and shall be binding upon the successful bidder.

Proposers further agree to the following:

- i. To examine all specifications and conditions thoroughly.
- ii. To comply with all Federal, State, County, and City laws, ordinances, and rules.
- iii. To the extent allowed by law, to accept any claims, liens, and demands, and to indemnify and hold harmless the City of Umatilla.

## 6. Protests

Any protests under this RFP shall follow the protest procedures set forth in OAR Chapter 137 Division 46 or Division 47 as appropriate.

## 7. Oregon Public Contracts

All contracts with the City of Umatilla are governed by Oregon public contract and purchasing law as specified in Oregon Revised Statutes Chapter 279 and its related Chapters.

## PART II - PROGRAM INFORMATION

### 8. Scope of Work/Services

This section outlines the role of the Contractor, the City of Umatilla, and other stakeholders in delivering on the City of Umatilla and its partners goals for the contracted Project PATH services and outlines the various activities and services the Contractor is expected to provide.

Project PATH seeks to address emerging law and case law while supporting the homeless community from homelessness through transitional housing to permanent housing. In 2021 the Oregon Legislature passed [House Bill 3115](#) which provides that local law regulating sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness. This is envisioned to be accomplished at the Project PATH facility within the City of Umatilla and serve west Umatilla County. Services will include those listed earlier in this RFP and can include other services if proposed.

### 9. Contractor Description/Objectives

The City of Umatilla is seeking a Contractor who is innovative and capable of ensuring high quality services and who can demonstrate the ability to meet specific requirements necessary for compliance with delivery of required services. A single entity is sought that can provide all the requested services.

#### Minimum Requirements:

The following are requirements for the Contractor. The respondent must demonstrate current ability to meet these requirements. If an awarded Contractor cannot meet these requirements, the City of Umatilla has the right to award a new Contractor:

1. The Contractor shall demonstrate existing relationships with providers in the service area to meet the program objectives of Project PATH.
2. The Contractor shall demonstrate the ability to establish a set of organizational policies and facility code of conduct that will advance the success of both staff and residents at Project PATH.
3. The Contractor shall demonstrate the ability to provide basic level medical, dental, and vision services to the recipients of services through Project PATH. This would include the delivery of emergency services, including CPR/First Aid at the Project PATH facility.
4. The Contractor shall demonstrate the ability to coordinate educational services for resident success.
5. The Contractor shall demonstrate the ability to operate required Sleep Center Services.
6. The Contractor shall demonstrate the ability to provide services in a safe and

secure environment that would limit police intervention at the Project PATH facility.

7. The Contractor shall demonstrate the ability to maintain a facility that is free of drug and alcohol.
8. The Contractor shall demonstrate the ability to coordinate with and facilitate Project PATH participants obtaining Crisis Stabilization and Substance Use services as needed.
9. The Contractor shall identify a Program Director.
10. The Contractor can identify other service offerings.

## **10. Optional Services/Activities**

In addition to the required services, Respondents may recognize community needs that can be met by providing additional value-added services to be identified within the Proposal.

## **11. Program Performance Requirements**

The expenditure of Project PATH funds must result in delivery of services to individuals seeking to move from homelessness through transitional housing to permanent housing.

Program performance and client service outcomes will be monitored. All programs will be required to maintain service standards set by the City of Umatilla with input from stakeholders and partners. If the program's service performance falls below that standard for a three-month period, a corrective action plan will be instituted. If the performance standard does not improve to meet the identified standard within three months following institution of the corrective action plan, the number of individuals and funding may be reduced and/or terminated.

Contract reporting requirements include program reporting requirements, an agency annual audit, quarterly management reports consisting of board of director's meeting minutes (where applicable) and financial, utilization, and performance reports as well as any other incidental reports as requested by the City of Umatilla.

## **Funding and Contract Period**

Initial funding for Project PATH is paid through an Intergovernmental Agreement with the Oregon Department of Administrative Services and Umatilla County.

The contract period will be from start up through June 30, 2024, with five one-year extensions possible based upon contractor performance and availability of funding. Extensions are dependent upon success of the Contractor and available funding. Funding is expected from the partners and the Contractor.

In year three additional services will be required to include coordination and delivery of services to Veterans, family-based services, and childcare delivery.

## **Administrative and Fiscal Management**

Contractor is responsible for assuring that all required core administrative functions, and service delivery operations, are conducted efficiently, effectively, and in compliance with all relevant laws, rules, and regulations. Contractor is also responsible for assuring that all City of Umatilla funding streams for services are braided for maximum leverage to support service delivery while assuring that fiscal accounting methods support accountability for use of funds. Braided funding consists of multiple funding streams brought together to pay for more services than any one stream can support and are tracked separately to report to funders. Contractor shall be responsible for identifying, managing, and reporting in a systematic manner to the City of Umatilla individual funding streams supporting Project PATH services. Funding streams other than initial Project PATH funding could include dollars from Medicaid, Medicare, State/Block Grant, insurance, grants, and partner funds.

Proposers shall identify within the response to the RFP two cost structures. The first, identified as Administrative Development, will address anticipated start up and administrative work that would include the drafting of Standard Operating Procedures (SOPs) and other operational guidance or policy manuals, necessary managerial and fiscal plans, partnership agreements (as appropriate), and any work at the Project PATH site needed prior to opening.

The second cost structure would address Service Operations outlining anticipated operations costs designed as a monthly flat rate for facility operations. In addition to regular operations this should also address anticipated costs for Sleep Center Services.

## **Quality Performance Management and Accountability**

The City of Umatilla and its partners are interested in establishing a quality and performance data set and process to drive, monitor, and evaluate positive outcomes for persons receiving Project PATH services under the provisions of an eventual contract. The Contractor selected will be required to systematically report on established performance measures to the City of Umatilla. The City of Umatilla will work with the Contractor to establish a collaborative data development process, in which the Contractor will play a prominent role, based on consensus agreement on and documentation of, specific uses for sharing data, identifying the minimum types and amounts of data needed to achieve the established purpose, providing ongoing opportunities to inform individuals and the public about how their data are being used, and building privacy, security, and civil liberty protections into the design of the data sharing systems.

The Contractor will provide input into development of the framework for ongoing data collection to support clear actionable milestones, data-sharing, and data-driven process improvement. This data and performance evaluation process is critical to support the City of Umatilla's responsibility to community members to provide validated data to prove the efficacy and impact of the community's investment in Project PATH's services. The City of Umatilla will audit and ensure quality and accountability of the Contractor.

## **Data Management**

It is essential that the Contractor demonstrate electronic data sharing capabilities, considering relevant privacy and security rules and regulations, to support streamlined coordination of services and rigorous outcomes tracking. Contractor will be required to share within legal processes and parameters client information with subcontractors and community partners to coordinate care, monitor outcomes, and produce required reports. Data should be tracked and uses with no greater than a 10 percent error rate.

## **Additional Program Information**

If applicants need additional information about any aspect of the program, questions and requests for information should be addressed to Dave Stockdale. Requested information to the extent it is available, will be provided to any applicant.

## **PART III – PROPOSAL CONTENT**

### **REQUIRED DOCUMENTATION**

All responses to the RFP must include all items requested. Proposals which are incomplete or fail to include all items will be rejected. Responses should follow the sequence of questions or documentation requested in all sections of the RFP.

1. (5 pages) Describe your agency's experience in:
  - a. Providing services to the homeless.
  - b. Collaboration with related or beneficial Programs and Initiatives.
  - c. Meeting program requirements. State the types of service and the status and history of each.
  - d. Providing services in rural areas.

Responses should acknowledge and address the Service Delivery Components and Demonstration of Ability items found in the Evaluation Criteria earlier in this RFP.

2. (3 pages) Describe how your agency will address access issues, i.e., who will be served, in what order or priority, and what will happen when services are at capacity. If your agency has developed a policy which addresses these issues, please include it in response to this item.
3. (2 pages) Describe the cultural and language proficiencies of your agency's program staff and your recruitment practices to support and retain staff. Discuss strategies used to ensure that clients using a language other than English will be able to access services, starting with the first point of contact. Include a description of how and when interpreter services are utilized.
  - a. Discuss the most commonly presenting non-majority clients served by your agency and important cultural considerations in service planning and delivery.
  - b. Discuss how your organization will ensure access and service delivery in a culturally appropriate manner to any individual requesting service regardless of the language spoken.
4. (5 pages) Provide an overview of your proposed services, including capacity for number served and areas of expertise recognizing that the Project PATH facility will initially be designed with a minimum of 12 sleeping units. Also address how your agency would scale services when additional sleeping units are added or other mechanisms to grow the Project PATH facility are introduced. Include how services will be scaled in year three to add services for Veteran's, family units, and to provide childcare services.

5. (1 page) Describe how your services will utilize the information contained in the 2021 Umatilla County Community Health Assessment (CHA).  
<https://ucohealth.net/community-health-assessment-2021-2022>
6. (4 pages) Provide your anticipated budget for years 1 and 2 to reflect the cost-of-service delivery relative to the stated services to be delivered. Also include how the addition of services in year three will impact the cost-of-service delivery for Project PATH.
7. (1 page) Describe the strategies your agency uses for cost containment including the ratio of direct to non-direct or administrative costs. Submit the findings of the last three fiscal audits of your agency (will not count toward page total). Please ensure that the date of the audits is clearly indicated. If your organization has not completed three fiscal audits, please provide available audits, available internal financial reports, and the name of your auditing firm.
8. (3 Pages) Describe how your organization will meet the staffing requirements to provide 24-hour coverage to create a safe and secure environment at the Project PATH facility. Provide resume or curriculum vitae for leadership team (will not count toward page total) and a proposed organizational chart of the Project PATH team. If you are planning to hire staff upon award of contract, describe how you will be able to meet the contract requirements from the contract start date.
9. (Pages as necessary) Provide appropriate Oregon license(s) and/or certification(s) necessary to perform services identified in the RFP including proof of State of Oregon Business Licensure or indicate ability to obtain such licensure.
10. (Pages as necessary) Provide proof of insurance or information concerning the ability to obtain insurance protective to the City of Umatilla prior to the start of the contract period to be no less than required under the Oregon Tort Claims Act or \$4,000,000.00, whichever is greater.

## **PART IV PROPOSER'S STATEMENTS AND CERTIFICATIONS**

Proposer's Name: \_\_\_\_\_

### **PROPOSER'S STATEMENTS**

Proposer offers to provide the required services in accordance with the requirements of the RFP stated above and the enclosed proposal. The undersigned Proposer declares that the Proposer has carefully examined the above-named Request for Proposals, and that, if this proposal is accepted, Proposer will execute a contract with the City of Umatilla to furnish the services of the proposal submitted with this form. Proposer attests that the information provided is true and accurate to the best of the personal knowledge of the person signing this proposal, and that the person signing has the authority to represent the individual or organization in whose name this proposal is submitted.

By execution of this Form, the undersigned Proposer accepts all terms and conditions of this RFP except as modified in writing in its proposal. Proposer agrees that the offer made in this proposal will remain irrevocable for a period of sixty (60) days from the date proposals are due.

By execution of this Form, the undersigned Proposer acknowledges that its entire proposal is subject to Oregon Public Records Law (ORS 192.410–192.505) and may be disclosed in its entirety to any person or organization making a records request, except for such information as may be exempt from disclosure under the law. Proposer agrees that all information included in this proposal that is claimed to be exempt from disclosure has been clearly identified either in the Proposer's Statement, or in an itemization attached hereto. Proposer further acknowledges its responsibility to defend and indemnify the City of Umatilla for any costs associated with establishing a claimed exemption.

### **ADDENDA**

Proposer has received and considered, in the enclosed proposal, the terms of any addenda.

### **CERTIFICATIONS**

By signing this Proposer's Certification form, Proposer certifies that:

1. Proposer is  is not  (check one) a resident bidder, as defined in ORS 279A.120.
2. Proposer has not discriminated and will not discriminate against a subcontractor in awarding a subcontract because the subcontractor is a minority, women, or emerging small business enterprises certified under ORS 200.055 or a business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225.

3. This proposal is made without connection or agreement with any individual, firm, partnership, corporation, or other entity making a proposal for the same services and is in all respects fair and free from collusion or collaboration with any other Proposer.
4. Proposer has, to the best of Proposer's knowledge, complied with Oregon tax laws in the period prior to the submission of this proposal, including:
  - a. All tax laws of the State of Oregon, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318,
  - b. Any tax provisions imposed by a political subdivision of this state that applied to Proposer or its property, goods, services, operations, receipts, income, performance of or compensation for any work performed, and
  - c. Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

**The undersigned, by signature here, acknowledges, accepts, and certifies to the Proposer's Statements and Certifications as stated above.**

**PROPOSER**

Authorized signature	Proposer's agency or business name
Name of authorized signer	Address
Title	
Date	Federal Tax ID Number

**Enrolled**  
**House Bill 3115**

Sponsored by Representative KOTEK; Representatives DEXTER, MARSH, MCLAIN, POWER, REYNOLDS, WILDE, Senators DEMBROW, MANNING JR, RILEY

CHAPTER .....

AN ACT

Relating to the regulation of public property with respect to persons experiencing homelessness; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

**(a) “City or county law” does not include policies developed pursuant to ORS 203.077 or 203.079.**

**(b)(A) “Keeping warm and dry” means using measures necessary for an individual to survive outdoors given the environmental conditions.**

**(B) “Keeping warm and dry” does not include using any measure that involves fire or flame.**

**(c) “Public property” has the meaning given that term in ORS 131.705.**

**(2) Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.**

**(3) It is an affirmative defense to a charge of violating a city or county law described in subsection (2) of this section that the law is not objectively reasonable.**

**(4) A person experiencing homelessness may bring suit for injunctive or declaratory relief to challenge the objective reasonableness of a city or county law described in subsection (2) of this section. The action must be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.**

**(5) For purposes of subsections (2) and (3) of this section, reasonableness shall be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.**

**(6) In any suit brought pursuant to subsection (4) of this section, the court, in its discretion, may award reasonable attorney fees to a prevailing plaintiff if the plaintiff:**

**(a) Was not seeking to vindicate an interest unique to the plaintiff; and**

**(b) At least 90 days before the action was filed, provided written notice to the governing body of the city or county that enacted the law being challenged of an intent to bring the action and the notice provided the governing body with actual notice of the basis upon which the plaintiff intends to challenge the law.**

**(7) Nothing in this section creates a private right of action for monetary damages for any person.**

**SECTION 2. Section 1 of this 2021 Act becomes operative on July 1, 2023.**

**SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.**

**Passed by House April 15, 2021**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate June 9, 2021**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2021

**Approved:**

.....M,....., 2021

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2021

.....  
Shemia Fagan, Secretary of State



# Oregon

Kate Brown, Governor

Department of Transportation

Region 5, District 12

1327 SE 3<sup>rd</sup> Street

Pendleton, OR 97801

July 19, 2022

VIA EMAIL: Jacob Foutz (jacob@umatilla-city.org)

Jacob Foutz, Senior Planner

City of Umatilla

PO Box 130

Umatilla, OR 97882

Subject: Consolidated process for ANX-1-2022 Annex, PA-2-22 Rezone 18.5 acres of Light Industrial to Community Services (CS) and Conditional Use Permit (CUP) for Project PATH, including Adult Center, Childcare Facility, Drug/Alcohol Treatment, Elderly Housing, Public Building, Private Park/Recreational Facility, Public or Private School, and sleeping facilities.

The Oregon Department of Transportation (ODOT) has received notice of Project PATH which is in the vicinity of US 730 and US 395. ODOT is interested in assuring the proposed zone change is consistent with the identified function, capacity and performance standards. However, the application and accompanying findings does not include or is unclear on the traffic impacts or installation of mitigation for both local and state transportation facilities, including US 730/Lind Road intersection and US 395/Bensel Road intersection.

A Traffic Report is needed, consistent with the City's Findings Report per Section D subsection 3 & 4 (Page 5 of 12). Please note, if the Traffic Report identifies an increase in traffic volumes of 400 Average Daily Traffic (ADT) then a Traffic Impact Analysis (TIA) is also needed. Ensuring the transportation system is managed effectively for all modes in accordance with the City's Transportation System Plan (TSP) are necessary to satisfy the requirements of the ORS 660-012 Transportation Planning Rule (TPR).

ODOT welcomes the opportunity to meet with you regarding future development plans. Thank you for the opportunity to comment.

Rich Lani

District 12 Manager

CJS

cc: Ken Patterson, ODOT Region 5 Area Manager  
 David Boyd, PE, ODOT Region 5 Access Management Engineer  
 Teresa Penninger, ODOT Region 5 Planning Manager  
 Dawn Hert, DLCD ([dawn.hert@dlcd.oregon.gov](mailto:dawn.hert@dlcd.oregon.gov))

