

1 **SECTION 2. HOMELESS SHELTERING AND "TRANSITIONAL HOUSING"**
2 **IDENTIFIED AS URGENT NEED.**

3
4 Based on the Findings set forth in the whole record and referenced in Section 1
5 above, the City Council finds and determines that the sheltering and transitional
6 housing program as approved by the Lincoln City Planning Commission Conditional
7 Use 2019-04, is lacking and urgently needed in the City of Lincoln City.

8
9 **SECTION 3. APPLICATION FOR DEFERRAL OF PAYMENT OF SYSTEM**
10 **DEVELOPMENT CHARGES.**

11
12 The City Council makes the following findings concerning the application
13 submitted by deferral applicant Helping Hands Re-Entry Outreach Centers:

14
15 **A. The city council may approve an application for deferral of the requirement to pay**
16 **systems development charges, or for continuation of an approved deferral, for a qualified**
17 **entity that meets all the following criteria:**

18
19 **1. The use proposed by the applicant fits within a type of use identified by the City**
20 **Council by resolution as lacking in the City and urgently needed, such as child care;**

21
22 The City Council approved Resolution 2020-02, which authorized, *inter alia*, the
23 conveyance of a \$400,000 property to the applicant specifically because the Council
24 desired the establishment of the uses proposed by the applicant in Conditional Use
25 Permit 2019-04:

26
27 *The Council finds and determines that this proposal to sell / convey the subject*
28 *property to "Helping Hands Re-Entry Outreach Centers," a "Qualifying non-profit*
29 *corporation" meets all applicable statutory minimum criteria for eligibility to sell*
30 *real property, as more fully set forth herein. Further the City Council finds and*
31 *determines that the proposed disposition of real property is deemed "necessary or*
32 *convenient" to the City, and "furthers the public interest" as the sale will further*
33 *the City Council's desire to provide the services described in approved CUP 2019-04 to*
34 *the City of Lincoln City's homeless population. The Council further finds and*
35 *determines that the property identified herein is not necessary for City use. The*
36 *findings herein are supported by competent substantial evidence in the whole*
37 *record, incorporated herein by this reference.*

38
39 The criterion is met.

40
41 **2. The use serves a widespread community need, as identified by the applicant;**

42
43 The uses identified in the approved 2019 Conditional Use Permit (2019-04) address a
44 widespread community need for homeless sheltering and residential transitional
45 services (including training) for the Lincoln City community; Resolution 2020-02 and

1 associated deed, notes, and security instruments require provision of such services to
2 the Lincoln City Community. The criterion is met.

3
4 **3. The deferral applicant is a nonprofit corporation, or any agency or subdivision of the**
5 **federal, state or local government, or a private entity that has committed to the**
6 **proposed use in a binding executed agreement with the City (e.g., a 30-year**
7 **affordability covenant for workforce housing);**

8
9 The deferral applicant Helping Hands Re-Entry Outreach Centers is a 501(c)(3) Oregon
10 Non-Profit. See Oregon Secretary of State Corporations Division Registration No.
11 638900-90. The above referenced Resolution and associated deed, notes and security
12 instruments require provision of the proposed use or the property will revert to City
13 ownership. The criterion is met.

14
15 **4. The applicant demonstrates the need for financial support to develop the use;**

16
17 The deferral applicant Helping Hands Re-Entry Outreach Centers is a 501(c)(3) not-for-
18 profit organization supported by community donations. Financial need is apparent.
19 The criterion is met.

20
21 **5. The applicant demonstrates local support for the use, such as through fundraising**
22 **for the use;**

23
24 The applicant asserts that it operates eleven (11) "transitional housing" and training
25 facilities in Oregon. The applicant has many homeless referral partners and volunteers in
26 each of the communities it serves. It expects the same model will be followed when the
27 facility opens in Lincoln City (opening anticipated in August).
28 The criterion is met.

29
30 **6. The development will occur on property located within the City limits;**

31
32 The Helping Hands facility is located within the City Limits of the City of Lincoln City.
33 The criterion is met.

34
35 **7. The applicant agrees to enter into an agreement to pay systems development**
36 **charges if the City approves the application.**

37
38 The applicant has indicated they are willing to enter into an agreement with the City in
39 accordance with the terms of the Ordinance (i.e. by the acknowledging the terms of the
40 deferral ordinance and resolution, and the applicant agrees to pay SDC charges should
41 the terms of the deferral ordinance and the Resolution be violated or the deferral
42 expires). The criterion is met.

43
44 **B. An application for deferral of payment of systems development charges or a continuation**
45 **of a deferral shall be submitted to the City Manager for review. The City Manager shall**
46 **review the application and make a recommendation to the City Council, which in its**
47 **discretion may approve or deny the application, decline to take action, or take other action**
48 **such as requesting additional information.**

1 The City Manager recommends approval of the Deferral Resolution.

2
3 **C. Any approval of an application for deferral or continuation of a deferral under this section**
4 **shall be contingent on the City and the applicant entering into an agreement in which the**
5 **applicant acknowledges the terms of the deferral and agrees to pay systems development**
6 **charges in the amount calculated at the time the use no longer qualifies for deferral, as**
7 **specified in subsection (D) of this section. If the applicant is not the property owner, the**
8 **property owner will be required to consent to the deferral application and sign the**
9 **agreement. The agreement shall be recorded and shall run with the land.**

10
11 The SDC deferral resolution includes the agreement and will be recorded and run with the land.

12
13 **D. The deferral will apply until such time as a new use occupies the building that was**
14 **constructed in conjunction with an approved deferral. If the new use would not meet the**
15 **application criteria to qualify for continuation of the deferral of system development**
16 **charges, prior to use or occupancy of the facility by a new use all applicable system**
17 **development charges shall be paid. The system development charges owed will be based on**
18 **the approved schedule and methodology of system development charges in effect for the**
19 **new use at the time of occupancy.**

20
21 The SDC deferral resolution includes reference to this Code provision on change of use.

22
23 **E. The City Council may approve a deferral of payment of systems development charges**
24 **under this section for up to 10 years, with possible extensions of time as approved by the**
25 **City Council, provided the use continues to qualify for deferral. (Ord. 2016-01 § 2; Ord. 2011-**
26 **05 § 1)**

27
28 The SDC deferral resolution will be recorded and effective for ten (10) years and may only be
29 extended by Resolution of the Council (also recorded) should the use continue to qualify.

30
31 **SECTION 4. APPROVAL OF APPLICATION FOR DEFERRAL OF PAYMENT OF**
32 **SYSTEM DEVELOPMENT CHARGES.**


33
34 Based on the findings set forth in Section 3 above, the City Council finds and
35 determines that the application meets the criteria for approval in LCMC 13.08.095 and
36 approves the request by Helping Hands Re-Entry Outreach Centers to defer payment
37 of system development charges in the amount of \$89,610.00 subject to the
38 applicant's execution of concurrence with this Resolution, as its Agreement to the
39 terms and conditions of the LCMC 13.08.095 and this Resolution, including specifically
40 the terms set forth in paragraphs C and D above.

41
42 **SECTION 5. AGREEMENT AND DEVELOPMENT.** Execution of the Concurrence
43 below by the undersigned applicant constitutes agreement to the terms and
44 conditions of the ordinance [LCMC 13.08.095] and this Resolution, including
45 specifically the Agreement of the Applicant to pay the \$89,610.00 System

1 Development Charge in the event the property no longer qualifies for deferral
2 whether by expiration of the deferral or breach of the agreement by change of use.
3 The real property subject to the deferral of payment of system development charges
4 as approved by this Resolution is legally described in Exhibit A attached hereto and
5 made a part hereof by this reference. The Applicant acknowledges that this
6 Resolution shall be recorded to evidence this Agreement and the Agreement shall run
7 with the land.

8
9 **SECTION 6. EFFECTIVE DATE.** This Resolution is effective as of the date of its
10 adoption and execution by the Applicant of the Concurrence below.

11
12 **PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this
13 23rd day of May, 2022.

14
15 
16
17 JUDY CASPER, COUNCIL PRESIDENT

18
19 ATTEST:

20
21 
22
23 JAMIE YOUNG, CITY RECORDER

24
25 APPROVED AS TO FORM:

26 
27
28
29 RICHARD APPICELLO, CITY ATTORNEY

30
31
32 CONCURRENCE / AGREEMENT

33 
34
35
36 HELPING HANDS RE-ENTRY OUTREACH CENTERS
37
38
39
40

1 EXHIBIT A

2
3 **R247720 & R252290 and 7-11-02CC Tax Lots 300 and 500**

4 **PARCEL 1: 3454 NE Hwy 101, Lincoln City, OR 97367**

5 **PARCEL 2: 2201 NE 34th Street, Lincoln City, OR 97367**

6
7 PARCEL I:

8
9 That part of Section 2, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County,
10 Oregon, described as follows:

11
12 Beginning at a point on the North line of Government Lot 25 that is North 89° 39' East 450.19 feet
13 from the Northwest corner of said Lot 25, said point being the Northeast corner of the premises
14 conveyed by Woodrow C. Sax, et ux, to John R. Fuller and Anna L. Fuller, husband and wife, by deed
15 recorded April 15, 1940 in Book 84, page 76, Deed Records for Lincoln County; thence South 0° 07'
16 West 131 feet to the North line of N.E. 34th Street (formerly known as Lohkamp Lane); thence North
17 89° 39' East along the North line of said N.E. 34th Street 159 feet; thence North 0° 07' East 130.75 feet
18 to the North line of said Government Lot 25; thence South 89° 39' West 159 feet along the North line
19 of said lot to the point of beginning.

20
21 PARCEL II:

22
23 A tract of land situated in Government Lot 25 in Section 2, Township 7 South, Range 11 West,
24 Willamette Meridian, in Lincoln County, Oregon, described as follows:

25
26 Beginning at the Northwest corner of said Government Lot 25; thence East along the North line of said
27 lot to the Easterly line of the Oregon Coast Highway, said point being the Northwest corner of the
28 John R. Fuller tract described in deed recorded April 15, 1940 in Book 84, page 76, Deed Records;
29 thence East along the North line of said Fuller tract 130 feet; thence South along the East line of said
30 Fuller tract 50 feet to the Southeast corner thereof and the true point of beginning of the premises
31 herein described; thence South 80 feet; thence West, parallel with the North line of said Government
32 Lot 25 to the Easterly line of the aforementioned highway; thence Northwesterly along the Easterly line
33 of said highway to the Southwest corner of aforementioned Fuller tract; thence East along the South
34 line of said Fuller tract to the true point of beginning.