



**Planning and Zoning**  
**Department of Transportation and Development**  
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**COVID-19 EMERGENCY DECLARATION  
 EXTENSION OF APPROVAL PERIOD FOR LAND USE PERMIT**

This is a request for the Clackamas County Board of Commissioners to agree to extend the approval period for a previously issued land use permit.

Any approval to grant an extension is in accordance with *Addendum No. 8 to Resolution No. 2020-14, In the Matter of Declaring a Local State of Emergency and Declaring Emergency Measures*. If the request is granted, the land use permit approval will be extended until December 31, 2022.

**STEP 1: Provide project information (completed by applicant).**

<b>Applicant:</b>	Ever Fresh Fruit Company		
<b>Property Owner:</b>	GM Enterprises of Oregon, Inc		
<b>Land Use Permit File Number:</b>	Z0439-14-C		
<b>Applicant Day Phone:</b>	503-218-4511	<b>Applicant Email:</b>	john@everfreshfruit.com

**Please summarize the original approved land use proposal and explain how any delays in completing the project are directly attributed to the COVID pandemic.** (The burden is on the applicant to demonstrate that the delay in project completion was attributed to the uncertain economic climate and other extenuating circumstances caused by the pandemic.):

The original land use approval was for a 61,000 ft facility expansion to be constructed in two phases. The first phase was constructed during the original four year approval period. We extended the expansion permit period for two more years.

The global pandemic created an uncertain economic outlook for the entire country. We looked into less expensive options with Clackamas County that ultimately would not meet our objectives. Due to the economic uncertainty, we determined that a \$15 million investment was too risky until we had confidence in a full economic recovery.

The applicant, Ever Fresh Fruit Company, and the property owner, GM Enterprises of Oregon, merged on 1/1/2020, but the property has not yet been deeded from GM to EF.

**STEP 2: Planning and Zoning Staff Review (staff use only)**

**Comments for Board of County Commissioners Consideration:**

Staff supports this time extension request.

Reviewer signature:

Jennifer Hughes

Digitally signed by: Jennifer Hughes  
DN: CN = Jennifer Hughes email = jenniferh@clackamas.us C = US O =  
Clackamas County OU = Planning and Zoning Division  
Date: 2021.06.07 11:16:46 -0700

Date:

6/7/21

**STEP 3: Approval to use Emergency Declaration**

Following Board Resolution 2020-014, *Declaring a Local State of Emergency and Declaring Emergency Measures*, the Board of County Commissioners agrees to extend the approval period for the previously approved land use permit until December 31, 2022.

**Date of Board Issues Session where approval granted:**

**From:** [John Logan](#)  
**To:** [Hughes, Jennifer](#)  
**Subject:** Case File No. Z0439-14-C  
**Date:** Wednesday, April 7, 2021 1:40:05 PM  
**Attachments:** [RE Case File No. Z0439-14-C.msg](#)

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**Warning: External email. Be cautious opening attachments and links.**

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Jennifer,

Case File No. Z0439-14-C

Original approval date, April 15, 2019. Extended to April 15, 2021, on May 23, 2019.

COVID-19 has presented challenges to Ever Fresh's expansion efforts. I am writing to you to inquire about whether a supplemental extension would be considered based upon COVID-19 impacts.

In the spring of 2020, due to uncertain economic times, Ever Fresh looked into less expensive options to the approved plant expansion (mentioned above) only to come up empty. The less expensive options would not have fixed our long-term plans. As you can imagine, this burned a lot of valuable time on our side that was needed to get the building plans done in time and get the plans into the county with the ample review timeframe to complete the project. In addition to running out of time as previously mentioned, Ever Fresh didn't feel comfortable that we would weather the COVID-19 storm until late 2020.

This time last year our revenue declined as suppliers and buyers dealt with uncertain circumstances and fluctuating markets. In an abundance of caution for our bottom line and to ensure our ability to sustain 100 plus local staff and employees, we determined commencing our project during a pandemic was not advisable. As we collectively move beyond the past year's challenges, we have retained all our employees and our financial outlook has rebounded. We are hopeful some leniency can be granted regarding our permit, which will allow us to create additional local jobs and help our community thrive again.

Many deadlines in all areas of life are being extended for periods or dates uncertain due to the uncertainty of the pandemic world we live in. I know that Rick's and Clay's cut and dried answers in the email attached are according to code. We respectfully request that the County considers the unprecedented economic uncertainty of the current pandemic world and entertain our request for an extension of time.

With all that the last year has brought, this email is an effort to avoid the timely process on Ever Fresh's and Clackamas County's staff of reapplying. With a two-year extension, ideally, we could be to permitting by the end of 2022.

Thank you for your consideration.

**John Logan**  
**Chief Financial Officer**  
**Ever Fresh Fruit Company**  
**SQF Food Safety Code Certified**

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