



Written by [Bob Adelman](#) on April 1, 2024

Food Pantry Wins Discrimination Case Against City

District Court Judge Mark Clarke [chided city officials in his ruling last week](#) for discriminating against a food pantry operated by a local church:

The City of Brookings is very fortunate to have [Reverend] Lindley and the entire congregation of St. Timothy's as compassionate, caring, and committed members of the community.

Consistent with their faith, and with the City's full awareness, St. Timothy's has cared for vulnerable people in the community for decades, including during the early days of the Covid-19 pandemic when there were few, if any, other accessible resources in the area.

The clergy and the congregation at St. Timothy's have shown that they have been prepared to work with the City to care for those in need, and at the same time preserve the livability of the area for their neighbors by cooperating with law enforcement when necessary.

The homeless are not "vagrants," [a term used by city officials uncovered during discovery] but are citizens in need.

This is a time for collaboration, not ill-conceived ordinances that restrict care and resources for vulnerable people in our communities.



Salvation Army USA West/Flickr

For more than a decade, St. Timothy's Episcopal Church has been feeding homeless individuals in Brookings, Oregon (population 6,500) out of its church facility. It has been operating under a "conditional use" permit because it is located in a residential neighborhood. In fact, a mayor of the small town was heavily involved in the ministry for a number of years.

But in 2021 some neighbors became upset as the number of homeless coming to the pantry for free food greatly increased, causing them to take note of "vagrants" continuing to "live and congregate" at the church, some of them living out of their vehicles in the church's parking lot. They complained that some of them were trespassing and involved in "criminal activity" in and around the church.



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They filed a petition to the City Council in April 2021 asking the members to “reconsider” allowing the church’s food ministry to continue.

In July, the city notified the church that it was now illegally operating a “commercial kitchen” and a “restaurant” in a single-family residential neighborhood. It followed that warning by passing an ordinance that amended the zoning code to create a new conditional permit that required the church to request a permit and limit its food service to just two days a week (down from the five or six days the church was currently operating its pantry).

In November, the church notified the city that the new policy violated the Oregon and federal constitutions, along with the federal law known as the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA).

The church continued to operate its “kitchen,” serving meals three to four days a week.

In January 2022, the church filed a lawsuit against the city, and the city backed down briefly from enforcing the new code.

In April, things changed. The city delivered a “Notice of Abatement” that directed the church to apply for a new conditional use permit, noting that “failure to abate the violation may warrant issuance of a citation and imposition of a civil penalty of up to \$720 for every day the pantry was operating.”

Judge Clarke, after reviewing all the facts uncovered during discovery, took the side of the church:

As a preliminary matter, there can be no genuine question that St. Timothy’s feeding ministry is a sincerely held religious belief. The legal analysis of this issue is discussed below, but as a general, practical matter, feeding the hungry and caring for the most vulnerable members of a community is at the very heart and foundation of the Christian tradition....

Regarding the Episcopalian tradition in particular, St. Timothy’s feeding ministry is in keeping with the “core beliefs that guide the Episcopal church: feed the hungry, respect the dignity of every human being....”

The city failed to show a compelling reason for the change in the conditional use permit, especially since, in that same residential neighborhood there were 20 — *twenty!* — other non-conforming services operating and none of them had been cited. They included a golf course, some daycare facilities, and a hospital. As the judge noted:

It is unclear why a church serving meals to the public for free would be considered a “restaurant” under the City’s zoning laws, but a golf course or bed and breakfast serving paid meals would not.

This blatant inconsistency undermines the idea that without the Ordinance and a conditional use permit, St. Timothy’s would be disallowed from serving meals at all. If the other non-single-family residential uses can serve meals unrestricted, why not a church? ...

The idea that the Ordinance’s limitation is permissive [as claimed by the city] instead of restrictive defies any stretch of the imagination.

He then ruled for the church and against the city.



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It is likely that the tension between homeless people enjoying free meals offered by ministries like St. Timothy's and the neighbors impacted negatively by their behaviors will continue to grow.



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