

Draft Code Amendment

Shelters and Temporary Shelter Provisions

10.012 Definitions, Specific.

Non-Temporary Shelters. A permanent use within a building or buildings, meant to provide overnight sleeping accommodations and related services for individuals or groups who are homeless.

10.108 Land Use Review Procedure Types.

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
<u>Non-Temporary Shelters (Use of Existing Building)</u>	III	<u>10.184;</u> <u>10.819(A)</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Non-Temporary Shelters (New Construction)</u>	III	<u>10.184;</u> <u>10.819(A)</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Temporary Shelters as Accessory Uses</u>	III	<u>10.184;</u> <u>10.819(A)</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Temporary Shelters in Commercial/Industrial Zones</u>	III	<u>10.184;</u> <u>10.819(A)</u>	<u>Planning Commission</u>	<u>Yes</u>

10.314 Permitted Uses in Residential Land Use Classification.

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
6. NONRESIDENTIAL SPECIAL USES									
(c) Institutional Uses	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815- 817
(c)(i) Temporary Shelters <u>as</u> Accessory Uses	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.816- 817 & 10.819A
(c)(ii) Severe Event Shelters, <u>as</u> Accessory Uses	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.825

10.819A Temporary and Non-Temporary Shelters.

(A) Purpose and Intent.

~~Temporary~~ shelters provide ~~short-term~~ relief for homeless individuals and families, as well as those without adequate protection during times of extreme weather, within an existing or newly constructed building. It is the intent of these standards to ensure that any conflicts with temporary or non-temporary shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.819A.

(B) Definitions Pertaining to Temporary and Non-Temporary Shelters.

When used in Chapter 10 in reference to temporary or non-temporary shelters, the following terms shall have the meanings as herein ascribed: Other applicable definitions are described in the Shelter Policy (Administrative Regulation #708).

(1) Access Point: The main point of entry and exit for a ~~temporary~~ shelter where users, visitors, and other persons must sign in and out to maintain security within a shelter.

(2) Client(s): Person or persons who receive services from an operator of a ~~temporary~~ shelter which shall include overnight sleeping, and may include other related services, items established per the shelter's operations plan as required in Section 10.819A(D)(1)(b).

(3) Operator: The organization in charge of daily operations of a ~~temporary~~ shelter. The operator shall be a civic, non-profit, public, religious, membership based, or otherwise competent organization and shall be the applicant for the applicable land use review of a ~~temporary~~ shelter.

(4) Operational Period: An operator's established days of operations.

(5) Operations Plan: The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.

(6) User(s): See 10.819A(B)(2) client(s).

(C) ~~Temporary Shelter~~ Permit Requirements.

(1) Land Use Applicability and Site Standards:

~~(1-a)~~ The conditional use permit (CUP) as required by Sections 10.314 and 10.337 of this Code shall run with the lot(s), tract(s), or parcel(s) of land on which a temporary or non-temporary shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period for a temporary shelter.

(b) Temporary shelters in residential zoning districts must be at least 500 feet, measured from any property line, from any other temporary shelter's closest property line. This Section applies to temporary shelters during their operational period, not for land use approvals.

(c) Temporary shelters shall be an accessory use in residential zones.

(d) In commercial and industrial zones, temporary shelters may be an accessory or primary use.

(e) Tents, yurts, and similar temporary structures are not allowed to be used.

(f) Upon request by the applicant, the Planning Director may reduce or waive the land use application fees and any other fees required by the Planning

Department. In evaluating such a re-request, the Director will consider the financial hardship to the applicant and other information relevant to the cost of processing the application and/or the applicant's ability to pay the fees.

(2) Building and Fire Code Applicability:

~~(a2)~~ An operator of a temporary or non-temporary shelter shall comply with all applicable local, state, and federal laws, rules, and regulations (e.g. Building and Fire Department approvals) unrelated to land use applications/reviews, unless waived by the appropriate approving authority/official.

~~(3) Upon request by the applicant, the Planning Director may reduce or waive application fees and any other fees required by the Planning Department. In evaluating such a re-request, the Director will consider the financial hardship to the applicant and other information relevant to the cost of processing the application and/or the applicant's ability to pay the fees.~~

~~(4) In order to begin operating a temporary shelter, an operator shall apply for and receive an approved Temporary Shelter Operational Permit from the Medford Fire-Rescue Department for each operational period.~~

~~(5b) Temporary shelters~~ operating with extensions, granted per Section 10.819A(D)(2)(e), shall be required to perform all improvements, acquire all permits, and fulfill all other requirements of the Medford Municipal Code, unless waived by the appropriate approving authority.

~~(c6) The applicant shall receive approval from the City, in writing, prior to the start of operations. All applicable permits must be approved prior to the start of operations.~~

~~(d7) As applicable, E~~each temporary or non-temporary shelter shall adhere to the ~~Temporary Shelter Policy (Administrative Regulation #708)~~, as established by the City, including any future amendments.

(D) General Standards for Temporary and Non-Temporary Shelters

The following general standards ~~of subsection 10.819A(D)~~ shall apply to temporary and non-temporary shelters. The words operator and applicant may be used interchangeably in this subsection as they are one and the same. The requirements are as follows:

(1) Operational Requirements. Except for paragraph (c) of this subsection, Tthe operator shall be required to meet the following standards pertainings to shelter operations:

(a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with applicable local, state, and federal regulations relating to the operations of temporary and non-temporary shelters. Temporary and non-temporary shelters shall comply with all applicable building, fire, health, life, and safety codes, as they pertain to temporary shelters. Compliance with this section may requires the Operator to maintain an ~~Temporary Shelter Operational Permit~~ from the Medford Fire Department.

(b) Operations Plan. An operations plan shall be required for a temporary

shelter. An operations plan shall include, at a minimum, items addressing client interaction, rules for shelter use, facility operations and maintenance, safety and security provisions, signage that complies with the Medford Municipal Code, and for temporary shelters, the dates of the operational period.

~~(c) Supervision. There shall be a minimum of two on-duty representatives of the temporary shelter at any time, unless approved otherwise. The representative(s) contact information shall be clearly posted at the shelter's access point each day. The representative may be a volunteer, hired employee, or otherwise competent and responsible adult.~~

~~i. When required by Medford Fire-Rescue, a fire watch shall be in place in addition to an on-duty representative(s).~~

~~ii. On-duty representatives shall monitor all areas of a temporary shelter, in order to ensure that all applicable rules are being followed.~~

~~(d) Shelter Capacity. Shelter capacity shall be determined by applicable Building and Fire Codes.~~

~~(ce) Areas for Sleeping. Temporary or non-temporary shelters may have individual areas separate and designated areas for sleeping or shelter for the comfort of clients by separating clients into male only, female only, and family only sleeping areas.~~

~~(df) Shelter queuing. During times of shelter intake, lines or queues of people awaiting admittance shall not obstruct any public space or right of way. A minimum three foot clearance shall be maintained on all sidewalks.~~

~~(g) Written proof of compliance with requirements of this Section shall be available in hard copy at the temporary shelter's access point and shall also be made available to the Fire Code Official, upon request.~~

~~(eh) The sleeping area restrictions Operational Requirements stated in subsection (c) of this Section may be imposed as conditions of approval as deemed necessary by the approving authority.~~

(2) Operational Period for Temporary Shelters.

(a) The use of a temporary shelter shall not exceed 90 days within a 12 month period, unless otherwise permitted by this code. The operational period shall start on the first day of operations in which individuals were provided shelter and shall end once shelter has been provided for 90 days within a 12 month period or 12 months after the first day of operations, whichever occurs sooner.

(b) The intended timeframe in which an operational period is to take place shall be clearly stated in the land use application, an operations plan. This shall include one of the following:

i. Operations based on local weather events such as, but not limited to, temperature extremes, persistent smoke or fog, and other acts of nature that are hazardous to human health. Conditions for opening and closing based on weather events shall be clearly stated in the land use application, operations plan.

ii. Specific dates in which operations are to occur, not exceeding 90 days in a 12 month period as identified in this Section, subject to the 180 day limitation for Temporary Uses described in 10.819A(D)(2)(e) below.

(c) The operator shall notify the Medford Fire-Rescue Department each time the shelter is closing.

(d) The operator shall notify the Medford Fire-Rescue Department a minimum of four business days prior to each re-opening of the shelter and shall provide the opportunity for inspection prior to re-opening the shelter. In times of emergency the operator shall coordinate with the Medford Fire-Rescue Department if it is not possible or prudent to give four days' notice.

(e) The operational period may be extended for a temporary shelter by the City if local conditions warrant an extension. Extensions may be granted for a total of 30, 60, or 90 calendar days. Extensions shall be approved by the City Manager. The total operational period, including extensions, shall not exceed a total of 180 ~~consecutive~~ days, in a 12 month period recognizing overlap into the next permitting cycle may occur. Extensions are subject to the following conditions:

i. Operators must request to extend the operational period a minimum of 14 business days prior to the first anticipated day of extended operations.

ii. An extension of the operational period for a temporary shelter may require additional conditions that were not previously required. Additional conditions shall be consistent with applicable Building and Fire Codes, unless otherwise waived by the appropriate approving authority or the City Manager.

(f) The limitations on the length of operational periods shall apply to the lot(s), tract(s), or parcel(s) of land on which a temporary shelter operates.

(3) Reporting Requirements. Within 30 days ~~after of~~ the end of the operational period, and/or upon application for an extension to the operational period pursuant to ~~S~~section 10.819A(D)(2)(e) for temporary shelters and annually for non-temporary shelters, the operator shall submit a report to the Planning Department for routing to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information regarding the applicable operational period:

i. Number of clients served at the ~~temporary~~ shelter ~~during the operational period~~

ii. Number of public service calls to the ~~temporary~~ shelter and reason for each call

iii. Services provided to the clients of the ~~temporary~~ shelter, if applicable

iv. Number of nights spent at full capacity (if applicable)

v. Number of clients ~~from the operational period~~ who were provided with more permanent or transitional housing

The operator shall coordinate the reporting requirement with the Medford, Ash-

land/Jackson County Continuum of Care using the industry standard software (e.g. Homeless Management Information System) in place at the time of reporting.

(4) Standards for Closing/~~Suspending Temporary~~ Shelters

~~The City shall consider the reports submitted by operators to the HAC in determining whether to close or suspend a temporary shelter.~~ A shelter may be closed ~~or suspended~~ in accordance with the following procedures and criteria.

(a) The City Manager may close ~~or suspend~~ a ~~temporary~~ shelter ~~use~~ if:

i. The City Manager has determined that it would be in the public interest to do so.

ii. More than ~~2040~~ valid emergency service calls within 30 calendar days are made regarding activity in or associated with ~~near~~ the temporary shelter.

iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues that warrant closure.

iv. Any violation of the building or fire permits or land use decision, Medford Municipal Code and/or state or federal law occurs.

(b) Clients of a shelter, the operator, and the property owner shall be given seven calendar days to remove shelter components, and for clients to vacate the location of the shelter. In cases of emergency or threat to human health or life safety, less than seven days' notice may be given. The owner or operator shall not be required to remove components utilized for the shelter that are also part of the owner or operator's other routine operations on the property.

(c) The City Manager's decision to close a shelter shall be effective immediately and shall specify the duration of the closure. Appeals shall be made to the City Council.

(d) Additional Provisions for Temporary Shelters.

(i) Any day on which the temporary shelter is closed ~~or suspended~~ due to non-compliance with applicable codes, laws, or rules shall not count as a day of the operational period. Closing of a temporary shelter ~~under this section invalidates all temporary shelter permits for the tax lot(s) on which the shelter is located, including temporary shelters in other buildings on the same tax lot, but~~ does not invalidate a conditional use permit issued pursuant to Section 10.184 of this Code.

~~(c)~~ (ii) When a temporary shelter is closed for the remainder of the operational period ~~or suspended~~ due to violation of the standards outlined in this Section, it shall not be allowed on the same tax lot(s) for a time period of one year (365 days) from the final day of operations, unless otherwise approved by the City Council.

~~(d) Clients of a temporary shelter, the operator, and the property owner shall be given seven calendar days for the operator and owner to remove temporary shelter components, and for clients to vacate the location in which a shelter operates, once the use has been terminated. In cases of emergency~~

~~or threat to human health or life safety, less than seven days' notice may be given. The owner or operator shall not be required to remove components utilized for the temporary shelter that are also part of the owner or operator's routine operations.~~

~~(e) The City Manager's decision to revoke a temporary shelter's permits shall be effective immediately. Appeals shall be made to the City Council.~~

(5) Consent to Inspection of Temporary Shelter(s)

(a) Temporary shelters are subject to inspection at any time by the City to verify safe operation of a shelter.

i. Inspections by the City may include inspections of all portions of a temporary shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.

ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.

~~(b) Inspections shall be required prior to each opening of a temporary shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a temporary shelter. Shelters shall be inspected and approved prior to opening.~~ Inspections may be required by the following City departments to verify conformance with applicable codes, prior to operations commencing:

- i. Building Department
- ii. Planning Department
- iii. Police Department
- iv. Fire-Rescue Department

(c) Each ~~operator~~ user of a temporary shelter must sign a waiver and give consent to inspections from the departments listed in this Section for reasons deemed necessary to ensure safe operations of a temporary shelter. This waiver shall include consent to walk-through inspections of sleeping areas as well as inspections of the facility. This shall be a part of the operations plan and may differ from shelter to shelter.

(d) Signage stating "Inspection by the City of Medford officials, including the Medford Fire-Rescue Department and Medford Police Department, may occur without notice" shall be prominently posted in the sleeping units, shower areas, and toilet areas of the temporary shelter.

(E) ~~Site Standards Application Materials~~ for Temporary Shelters.

~~An application for a Temporary or Non-Temporary Shelter shall contain the following: The following standards shall apply to the development and use of temporary shelters.~~

~~(1) Temporary shelters must be at least 500 feet, measured from any property line, from any other temporary shelter's closest property line. This Section applies to temporary shelters during their operational period, not for land use approvals.~~

~~(2) Temporary shelters shall be an accessory use in residential zones.~~

~~(3) In commercial and industrial zones, temporary shelters may be an accessory or primary use.~~

~~(1) The submittal requirements for a Conditional Use Permit in accordance with Section 10.184(G).~~

~~(2) Written findings identifying how the standards in 10.819A(D)(1) through (D)(3) and 10.819A(D)(5) are satisfied or will be satisfied.~~

~~(3) A site plan including the following at a minimum:~~

~~(4) A site plan depicting how the standards of Section 10.819A of this Code have been met shall be submitted as a part of the application submittal. A site plan shall, at a minimum, include the following:~~

~~(a) Building footprint(s) of the primary and accessory uses on the site in which the temporary shelter will be located.~~

~~(b) A floor plan, with square footage measurements labeled clearly for:~~

~~i. The location and size of the temporary shelter and areas intended for sleeping~~

~~ii. Location and size of other areas used in conjunction with the warming shelter (e.g. common area(s), kitchen(s), bathroom(s), and similar spaces).~~

~~iii. Total client capacity within the temporary shelter and areas intended for sleeping~~

~~(c) Location of buildings access point(s)~~

~~(d) Location(s) of trash receptacle(s); including points of entry that do not block the public right of way and are large enough for times of intake~~

~~(e) Location(s) of lighting for site and building(s)~~

~~(f) Space identified for client's personal items which does not displace required parking per Sections 10.741-10.751.~~

~~(g) Points of ingress and egress into the site shall be provided for emergency vehicles and personnel~~

~~(5) Adequate space shall be provided for client's personal items and shall not displace required parking per Sections 10.741-10.751.~~

~~(6) Access points shall have a trash receptacle that does not block the public right of way and is large enough for trash disposal during times of intake.~~

~~(7) Adequate access shall be given for emergency vehicles and personnel, where applicable.~~

~~(8) Tents, yurts, and similar temporary structures are not allowed to be used for the temporary shelter land use.~~