



Medford City Council Meeting

Agenda

September 20, 2018

6:00 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Employee Recognition

20.2 Introduction of City Emergency Management Coordinator

20.3 Oregon Department of Transportation update by Gary Leaming

30. Oral Requests and Communications from the Audience

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

40. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

40.1 COUNCIL BILL 2018-112 A resolution adopting a fourth Supplemental Budget for the 2017-19 biennium.

40.2 COUNCIL BILL 2018-113 An ordinance amending sections 10.012, 10.314, 10.337, 10.743, 10.816, 10.817, 10.840, 10.859, and adding section 10.819A of the Medford Municipal Code to allow for temporary shelters. (DCA 17-062) Land Use, Legislative

50. Approval or Correction of the Minutes of the September 6, 2018 Regular Meeting

60. Consent Calendar

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

80.1 COUNCIL BILL 2018-114 A resolution adopting a revised investment policy for the City of Medford.

80.2 COUNCIL BILL 2018-115 An ordinance amending sections 5.257 and 5.990 of the Medford Municipal Code to classify prohibited camping as a violation instead of a misdemeanor.

80.3 COUNCIL BILL 2018-116 A resolution authorizing the approval of The Hospital Facilities Authority of the City of Medford, Oregon Revenue Bonds, Series 2018 (Farmington Square Medford Project (the "Bonds") in one or more series, issued by The Hospital Facilities Authority of the City of Medford, Oregon (the "Authority").

90. Council Business

90.1 Proclamations issued:
Home Inventory Week – September 16-22, 2018

90.2 Committee Reports and Communications

100. City Manager and Staff Reports

100.1 Further reports from City Manager

110. Adjournment



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 40.1

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DEPARTMENT: Finance
PHONE: (541) 774-2030
STAFF CONTACT: Ryan Martin, CFO/Assistant City Manager

AGENDA SECTION: Public Hearings
MEETING DATE: September 20, 2018

COUNCIL BILL 2018-112

A resolution adopting a fourth Supplemental Budget for the 2017-19 biennium.

SUMMARY AND BACKGROUND

The Finance Department is seeking Council approval of a fourth supplemental budget for the 2017-2019 biennium which will affect six departments and four funds as outlined below. The total impacted is a \$2,300,340 increase in appropriations for the 2017-2019 biennium. ORS 294.471 provides for a Supplemental Budget process. This supplemental budget is being presented in a public hearing due to the Community Development Block Grant Fund increasing appropriations by more than 10%. When this occurs, a public hearing is required.

PREVIOUS COUNCIL ACTIONS

June 15, 2017 – Council approved Resolution 2017-57 adopting the 2017-2019 biennial budget.

October 19, 2017 – Council approved Resolution 2017-122 adopting first supplemental budget for the 2017-2019 biennium.

December 7, 2017 – Council approved Resolution 2017-138 adopting a second Supplemental Budget for the 2017-19 biennium.

June 7, 2018 – Council approved Resolution 2018-51 adopting a third Supplemental Budget for the 2017-2019 biennium.

ANALYSIS

General Fund (100):

Non-Departmental:

The City is looking to recognize and appropriate \$161,630 in additional revenues for a payment from the Medford Urban Renewal Agency (MURA). A supplemental budget was approved by the MURA Board on June 21, 2018 to account for increases in property tax revenue and also to appropriate monies for City of Medford staff with MURA duties. This supplemental budget request is to account for the revenue on the City of Medford side of the transaction. The monies being transferred will be added to the General Fund Contingency.

Municipal Court:

Municipal Court is looking to recognize and appropriate \$740,000 from an increase in citation volume from photo enforcement. The Oregon Department of Transportation (ODOT) requested that the City of Medford place the photo enforcement van in the construction zone on Interstate 5. In July 2018, 1,794 tickets were written by the photo enforcement van compared to a normal monthly average of 563. Because of this and the implementation of "speed on green" photo enforcement in two intersections, the Municipal Court has a substantial increase in revenues. Because the City pays vendors based off the ticket volume and amount of the ticket, the City is also incurring \$530,000 in additional expenses. The difference of the revenue and expenses, \$210,000, is being transferred to the General Fund Contingency.



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Fire Department:

The Fire Department is looking to recognize and appropriate \$272,830 in additional revenues from reimbursements from conflagrations, Hazmat training, and Hazmat incident response. With the worsening fires in Oregon and Northern California, the Medford Fire Department has participated in conflagrations where firefighters and equipment are sent to aid fire crews. The City is reimbursed for all expenses incurred including regular and overtime salaries, overtime salaries for callbacks, benefits, and equipment usage.

The Fire Department has received four reimbursements that are included in this Supplemental Budget:

- Expended unbudgeted overtime and equipment for HazMat incident response
- Expended unbudgeted overtime and equipment for HazMat training and exercises
- Expended unbudgeted overtime for training services provided to Douglas Co. and expended budgeted CIP for Fire Station #3 energy efficient construction
- Expended unbudgeted overtime for the Thomas Fire in California

Human Resources:

The Human Resources Department is looking to transfer and re-appropriate \$97,620 for payments to the City's third-party administrator (TPA), USI Northwest. In the past, the cost of the agent of record was built into the premium. When the City changed providers to USI Northwest, the structure changed and TPA agent of record fees became due as a separate bill. An error occurred and Finance did not budget this agent of record fee for the 2017-2019 budget. This request for a transfer of appropriations is to transfer \$97,620 from the Risk Management Fund (HR Department) to the General Fund (HR Department). Savings in professional services (outside attorney fees) in the Risk Management Fund accounts for the \$97,620 being transferred.

Planning:

Request #1

The Planning Department is looking to recognize and appropriate \$715,010 in additional revenues for the Neighborhood Stabilization Program. The additional revenues are for:

- State program income grant from Oregon Housing and Community Services (OHCS) for acquisition and rehabilitation of 915 Newtown
- State program income grant from Oregon Housing and Community Services (OHCS) for acquisition and rehabilitation of 2516 Gould
- State program income grant from Oregon Housing and Community Services (OHCS) for acquisition and rehabilitation of 3024 Timothy
- FY2016-17 funds that were not carried over during budget preparation (funds reserved for rehabilitation of 851 Humphrey)

Of the additional revenues, \$615,900 was sent directly to the bank of the title company from OHCS for the acquisition of the three properties listed above. The City is required by Oregon Budget Law to record the revenue and expenditure even if it does not pass through the City's bank account.

Request #2

On May 3, 2018, Council approved Council Bill 2018-31 authorizing the acceptance, recognizing the revenue, and authorizing the expenditure of a grant from the Oregon Department of Land Conservation and Development (DLCD). The Planning Department was awarded a Technical Assistance Grant in the amount of \$40,000 from the Department of Land Conservation and Development (DLCD) on December 11, 2017. With the funds, the Planning Department hired two consultants to draft code amendments and evaluate economic programs related to housing and land use changes identified by the Housing Advisory Committee.



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On April 18, 2018, the Planning Department received a Certified Local Government grant from the Oregon Parks and Recreation Department Heritage Programs. The \$5,320 grant reimburses expenses incurred for the undertaking of heritage-related projects by sending staff and commissioners to approved trainings and conferences. Included is a matching local contribution commitment of staff time. This grant is federally funded; CFDA number is 15-904 Historic Preservation Fund Grants in Aid.

Community Development Block Grant (CDBG) Fund (731)

The CDBG Fund is looking to recognize and appropriate \$277,780 in additional revenues. The CDBG biennial budget is determined and approved prior to HUD announcing the actual entitlement award for each year of the biennium. This increase results from a larger than expected FY2018-19 entitlement award, larger than expected program income received during FY2016-17 that carried into FY2017-18, and projects that were not fully expended during the fiscal year ending June 30, 2016.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The proposed resolution will increase appropriations as follows:

General Fund (100)	\$ 2,008,630
Fire Public Safety Fund (300)	13,930
Community Development Block Grant Fund (731)	<u>277,780</u>
Total	\$ 2,300,340

TIMING ISSUES

None

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide staff with direction.

STAFF RECOMMENDATION

Staff recommends approval of the resolution

SUGGESTED MOTION

I move to approve the resolution as outlined in the attached exhibit.

EXHIBITS

Resolution

Supplemental Budget Request

RESOLUTION NO. 2018-112

A RESOLUTION adopting a fourth Supplemental Budget for the 2017-19 biennium.

WHEREAS, a supplemental budget is required to change appropriations in certain circumstances under ORS 294.471; and

WHEREAS, a public hearing was held by the City on September 20, 2018, after proper notice thereof was given to the public; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

SECTION 1. The City Council hereby adopts a fourth Supplemental Budget for the 2017-19 biennium.

SECTION 2. The City Council hereby makes the new appropriations and transfers of appropriations for the 2017-19 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form which is attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

SUPPLEMENTAL BUDGET REQUEST PER ORS 294.471

Requesting Department: Finance

Biennium **BN2017-19**

Date of Proposed Council Action: September 20, 2018

Date **September 20, 2018**

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
	City Employees With MURA Duties			
100 1590 - 690 9099	Contingency		161,630	
100 0000 - 431 1001	Intergovernmental Revenue			161,630
	CDBG Supplemental Amendment			
731 6110 - 630 2214	Grant Programs and Projects		270,050	
731 6110 - 610 1001	Salaries and Wages		7,730	
731 0000 - 431 0101	CDBG Federal Grant			277,780
	Court Supplemental Budget			
100 1610 - 630 2101	Contracted Services		530,000	
100 1590 - 690 9099	Contingency		210,000	
100 0000 - 451 1602	Photo Speed			350,000
100 0000 - 451 1603	Red Light Camera			390,000
	Fire Supplemental Budget #1			
100 2220 - 610 1002	Operations, Overtime		4,570	
100 2220 - 620 2020	Operations, PERS		1,630	
100 2220 - 620 2030	Operations, Soc Sec		560	
100 2220 - 620 2031	Operations, Wkrs Comp		270	
100 2220 - 630 2431	Operations, Safety Equip		17,000	
100 0000 - 431 0207	Rev, HazMat FY17/18			24,030
	Fire Supplemental Budget #2			

Account Number	Description	Project Number	Debit	Credit
100 2220 - 610 1002	Operations, Overtime		5,300	
100 2220 - 610 1002	Operations, Overtime		1,130	
100 0000 - 431 0207	Rev, HazMat FY 17/18			5,300
100 0000 - 431 0207	Revenue, HazMat			1,130
	Fire Supplemental Budget #3			
100 2220 - 610 1002	Operations, Overtime		1,590	
300 2280 - 650 5100	Fire Station #3 CIP		6,130	
300 2280 - 650 5100	Fire Station #3 CIP		7,800	
100 0000 - 471 0108	Misc Fire Rev			1,590
300 0000 - 471 0108	Misc Fire Rev			6,130
300 0000 - 471 0108	Misc Fire Rev FY 17/18			7,800
	Fire Supplemental Budget #4			
100 2220 - 610 1002	Operations, Overtime		147,400	
100 2220 - 620 2020	Operations, PERS		53,490	
100 2220 - 620 2030	Operations, Soc Sec		16,960	
100 2220 - 620 2031	Operations, Wrkrs Comp		9,000	
100 0000 - 431 0201	Revenue, conflagration			226,850
	Human Resources Appropriation Xfer			
100 1410 - 630 2101	Professional and Contract Services		97,620	
100 0000 - 471 5700	Transfers to General Fund			97,620
700 1410 - 630 2101	Professional and Contract Services			97,620
700 1521 670 7100	Transfers from Risk Management Fund		97,620	
	NSP Supplemental Budget/Appropriation Xfer			
100 6110 - 630 2214	JL Project		226,850	
100 6110 - 630 2214	JL Project		222,060	

Account Number	Description	Project Number	Debit	Credit
100 6110 - 630 2704	JL Project		9,850	
100 6110 - 630 2214	JL Project		256,250	
100 0000 - 431 0104	New NSP-1 Grant Revenue			226,850
100 0000 - 431 0104	New NSP-1 Grant Revenue			222,060
100 1590 - 690 9099	Contingency			9,850
100 0000 - 431 0104	New NSP-1 Grant Revenue			256,250
	Planning Supplemental Budget			
100 1810 - 630 2214	TA-19-173 OR DLCD		40,000	
100 1810 - 630 2214	CLG OR-18-13		5,320	
100 0000 - 431 0207	General Misc. State Grant			40,000
100 0000 - 431 0202	Historic Preservation Grant			5,320
TOTALS			2,407,810	2,407,810

Requested by Ryan Martin
Department Head

Approved by [Signature]
City Manager



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

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DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP CFM, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: September 20, 2018

COUNCIL BILL 2018-113

An ordinance amending sections 10.012, 10.314, 10.337, 10.743, 10.816, 10.817, 10.840, 10.859, and adding section 10.819A of the Medford Municipal Code to allow for temporary shelters. (DCA-17-062)

SUMMARY AND BACKGROUND

The City Council is asked to consider a land development code amendment to portions of Chapter 10 to allow for the new land use, temporary shelters. Temporary shelters provide homeless individuals temporary relief from the elements and are intended to be implemented and located within an existing or new building, and must be accessory to an institutional use when located in a residential zone.

City Council began the review of this amendment in August 2017 directing its creation due to complications with permitting the Kelly Warming Shelter, currently the only temporary shelter to have operated to date. The intent of the amendment is to codify the experience of the Kelly Shelter and reproduce its successes for other shelters in the future (File No. DCA-17-062).

PREVIOUS COUNCIL ACTIONS

On September 18, 2017, at a Council study session staff was directed to separate the proposed Temporary Shelter amendment from the Transitional Housing amendment.

On August 23, 2018, Council directed staff to prepare two alternatives for consideration at the public hearing for DCA-17-062. Those alternatives are:

- *Alternative 1* (Exhibit A): The proposed language as reviewed by Planning Commission at their June 14, 2018, hearing.
- *Alternative 2* (Exhibit B): The proposed language for DCA-17-062 recommended for adoption with changes incorporated from the July 10, 2018, Non-Profit Service Provider Listening Session (Exhibit D).

Council had requested the Legal Department review the language of the revocation and suspension of temporary shelter permits. A memorandum summarizing this review can be found in Exhibit P.

ANALYSIS

Current land use regulations permit traditional homeless shelters/emergency shelters in commercial zones; traditional shelters are permanent in nature as they would operate year-round and always provide services. However, the cost and municipal code requirements of operating traditional shelters can be challenging to overcome for organizations attempting to provide shelter for Medford's most disadvantaged populations.

The two alternatives presented to Council for its consideration share many similarities but differ in several important respects. These differences consist of the following provisions:

1. Based on recommendations received from service providers at the July 10th Listening Session, staff has proposed two distinct classifications of temporary shelters: those being shelters for 15 or fewer clients and those for more than 15 clients. Shelters with a population exceeding 15 clients would be required to receive an approved Conditional Use Permit (CUP) and a Temporary Shelter Operational Permit; whereas shelters of 15 or fewer clients (in most cases) would only be required



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to obtain the Temporary Shelter Operational Permit and host a neighborhood meeting in conformance with the proposed code. All shelters would have to adhere to the special standards outlined in the proposed language of 10.819A (Exhibit B). The options for *Provision 1* include:

- a. Adopt as is allowing for temporary shelters of 15 or fewer clients, with a neighborhood meeting, without a Conditional Use Permit (CUP).
 - b. Adopt with modifications to the number of clients permitted to a number less than 15 but greater than five. Shelters with a number greater than the one selected in this modification would be required to obtain a CUP.
 - c. Require all temporary shelters to obtain a CUP, removing the 15 or fewer standards from DCA-17-062.
2. Based on comments from staff, Alternative 2 proposes to allow temporary shelters to operate for 90 days within a 9 month period, rather than a 12 month period as proposed in Alternative 1. The 9 month period would allow shelters to operate as intended to provide shelter during extreme weather events. A warming shelter, for example, that ceases operation in March would not be able to reopen until the following March under the 12 month provision, which clearly contradicts the purposes of ensuring the temporary nature of these facilities while allowing service providers to operate during times of need. The options for *Provision 2* include:
- a. Adopt as is allowing for temporary shelters to operate 90 days in a nine month period.
 - b. Remove and allow for temporary shelters to operate 90 days within a 12 month period.
3. Based on comments from Medford Fire-Rescue, Legal, Planning, and Building staff, Alternative 2 proposes to allow departments to add additional requirements in order to address anticipated operational deficiencies and/or impacts. The options for *Provision 3* include:
- a. Adopt as is allowing for staff to add provisions to the operations plan.
 - b. Remove.
4. Based on comments from the July 10, 2018, Non-Profit Service Provider Listening Session, Alternative 2 eliminates the maximum parking limitation in order to prevent the exclusion of potential temporary shelter sites due to the presence of large parking lots. The options for *Provision 4* include:
- a. Adopt as is removing the maximum parking standard.
 - b. Maintain the maximum parking requirement.
5. Based on comments from all services providers, temporary shelters would be required to use the Homeless Management Information System (HMIS), or the local technology system used by the Continuum of Care (CoC) to collect client data in order to improve intake and coordinate the provision of services for clients across multiple providers and facilities. The options for *Provision 5* include:
- a. Adopt as is supporting the goals of the Continuum of Care (CoC).
 - b. Remove, allowing for organizations to report their client data using a method of their choosing potentially conflicting with CoC and HUD requirements.
6. Based on comments received from service providers at the July 10th listening session, Alternative 2 proposes that temporary shelters serving 15 or fewer clients would be required to have one on-



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duty staff person rather than two. These shelters, furthermore, would not be subject to the 500 foot buffer provisions imposed on shelters serving more than 15 clients. Changes to *Provision 1* will directly effect this provision. The options for *Provision 6* include:

- a. Adopt as is allowing for only one on-duty staff person.
 - b. Maintain the requirement for two on-duty staff persons.
 - c. Adopt as is allowing for the removal of the 500 foot buffer with shelters of 15 or fewer clients.
 - d. Maintain the 500 foot buffer for shelters of 15 or fewer clients.
7. Based on comments from service providers, Alternative 2 proposes that service providers would sign waivers needed for the City to conduct compliance inspections of temporary shelters. Service providers expressed concerns about the legal and practical implications of having homeless individuals sign waivers.
- a. Adopt as is allowing for operators of a temporary shelter to assume the responsibility of notifying clients of the City's search requirements.
 - b. Remove requiring each client sign a waiver acknowledging the City's search requirements.

In reaching its decision, Council may choose to adopt a version of the proposed regulations that removes any of these provisions, in whole or in part.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Significant staff resources were consumed addressing a range of issues associated with the operation of the Kelly Warming Shelter during its first year of operation. Far fewer resources were required during the second year of its operation due in large part to the development of standard operating procedures for the shelter. Codification of this prescriptive approach will enable the application of best practices to similar cases in the future, thereby reducing the consumption of staff resources.

TIMING ISSUES

Although there are no direct timing issues associated with any State or Federal law, there are issues concerning permitting requirements. Typical conditional use permits require a three to four month time period for approval, assuming no continuances. If Council adopts the amendment this would allow for December or January to be the first month of operations for temporary shelters approved under these new provisions. Declining to adopt the amendment in September could limit the allowance of temporary shelters in the winter of 2018/2019.

COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline to approve the ordinance as presented, and direct staff regarding further action

STAFF RECOMMENDATION

Staff recommends approval of the ordinance as presented, using *Alternative 2* (Exhibit B) based on the recommendation from Planning Commission's hearing on June 14, from the July 10, 2018, Non-Profit Service Provider Listening Session (Exhibit D), and the Findings and Conclusions contained within the Commission report dated September 6, 2018.

Staff also supports modifications to *Alternative 2* as outlined within the AIC Analysis above.



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SUGGESTED MOTION

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Commission Report dated September 6, 2018.

EXHIBITS

Ordinance
Commission Report, including Exhibits A – P

ORDINANCE NO. 2018-113

AN ORDINANCE amending sections 10.012, 10.314, 10.337, 10.743, 10.816, 10.817, 10.840, 10.859, and adding section 10.819A of the Medford Municipal Code to allow for temporary shelters.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.012 of the Medford Municipal Code is amended to read as follows:

10.012 Definitions, Specific.

Easement, Minimum Access. See Section 10.430A(1), Minimum Access Easement. Also refer to Table IV-1, Medford Street Cross-Sections Dimensions.

Emergency Shelter. Any facility, the primary purpose of which is to provide permanent facilities that are used as a temporary or transitional shelter for the homeless in general or for specific populations of the homeless. See SIC Classification 832.

Highway. A transportation facility intended for interregional vehicular transportation, usually under the state jurisdiction (See Section 10.428, Higher-Order Street Classification System).

Homeless. Individual(s) or families who are experiencing one or more of the following living conditions:

- (1) Living in a place not meant for human habitation;**
- (2) Living in an emergency shelter or in transitional housing;**
- (3) At risk of imminently (within 14 days or less) losing their primary nighttime residence, which may include hotels/motels or sleeping in a residence as a temporary guest, and lack the resources or support networks to remain in housing;**
- (4) Unstably housed and likely to remain unstably housed;**
- (5) Attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain permanent housing; or**
- (6) At risk to exposure of extreme weather conditions.**

Homeless Shelter. See Emergency Shelter or SIC Classification 832.

Site plan. A plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses as required in the land use review applications.

Sleeping unit. A room, space, or structure intended for occupancy in which people sleep that can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.

Temporary Mobile Nonprofit Vendor. Any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar movable structure which is used by a registered nonprofit organization for the purpose of providing a walk-up service that is conducted completely within the structure, and that remains in or on any one site or lot for no more than 48 continuous hours without being removed completely from the site before returning. Temporary shall mean that all equipment must be removed from the site after no more than 48 continuous hours.

Temporary Shelter. A temporary use within a building meant to provide relief from extreme weather and substandard living conditions for individuals or families who are homeless.

Transit stop, planned. A location designated for use as a transit stop in a local or regional transportation plan or a plan adopted by the relevant transit service provider.

Transitional housing. A programmatic housing development that is run by a qualified organization to transition individuals from homelessness to permanent housing in a time period of 24 months or less. Clients of transitional housing must be homeless and shall agree to adhere to the standards for residency.

SECTION 2. Section 10.314 of the Medford Municipal Code is amended to read as follows:

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)
1. SINGLE-FAMILY RESIDENTIAL									
(a) Single-Family Detached Dwelling	P	P	P	P	P	Ps	Ps	Ps	10.710 & 10.826
(b) Zero Lot-Line Detached Dwelling	P	P	P	P	P	X	X	X	10.707
(c) Manufactured Home on Individual Lot	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.710, 10.826 & 10.900
(d) Temporary Shelter Residence	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.840
(e) Residential Home (care, training, treatment) (5 or fewer residents)	P	P	P	P	P	P	P	P	

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			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
003	Marijuana-related business									
	Type (as termed in State Law)	SIC Equivalent								
0031	Production	013, 016	X	X	X	X	Ps	Ps	Ps	Ps
0032	Processing	205-207	X	X	X	X	Ps	Ps	Ps	Ps
0033	Wholesale	512, 516, 519	X	X	X	X	Ps	Ps	Ps	Ps
0034	Laboratory	873	Ps	X	Ps	Ps	Ps	Ps	X	X
0035	Dispensary	549, 591	X	X	Ps	Ps	Ps	X	X	X
0036	Retail	549, 591	X	X	Ps	Ps	Ps	X	X	X
004	Temporary Shelter (15 or fewer clients)		Ps	Cs	Ps	Ps	Ps	Ps	Ps	Cs
004	Temporary Shelter (15+ clients)		Cs							

See section 10.839 for special use regulations on marijuana-related businesses.

See section 10.819A for special use regulations for Temporary Shelters.

SECTION 4. Section 10.743 of the Medford Municipal Code is amended to read as follows:

10.743 Off-Street Parking Standards.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards		
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)	
	Minimum Number of Required Parking Spaces	Maximum Permitted Parking Spaces

	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones

Day Care, Child or Adult Care Center	0.8 space per teacher/employee on the largest shift, plus 1.0 space per 7.0 students	0.9 space per teacher/employee on the largest shift, plus 1.0 space per 6.5 students	1.1 spaces per teacher/employee on the largest shift, plus 1.0 space per 5 students
Emergency Shelter	1 space per 30.0 resident beds, plus 1.0 space per employee on the largest shift	1 space per 25.0 resident beds, plus 1.0 space per employee on the largest shift	-

Taverns, Dance Halls, Night Clubs, and Lounges	16.0 spaces	18.0 spaces	22.0 spaces
Temporary Shelter*	1 space per 30.0 resident beds, plus 1.0 space per employee on the largest shift	1 space per 25.0 resident beds, plus 1.0 space per employee on largest shift	-

* A single asterisk indicates that minimum parking standards may be exempt for a particular use, by the approving authority, if adequate parking can be demonstrated to already exist.

**The Downtown Parking District is bound by Fourth Street on the north, Tenth Street on the south, Bear Creek on east, and the railroad right-of-way on the west.

SECTION 5. Section 10.816 of the Medford Municipal Code is amended to read as follows:

10.816 Churches, Hospitals, or Other Religious or Charitable Institutions in an ~~"R"~~ **Residential District.**

(1) In any residentially zoned district, hospitals or other religious or charitable institutions, excepting churches, shall be located on a designated arterial or collector street. Side and rear yard setbacks shall be a minimum of thirty (30) feet and landscaped as required to buffer adjacent properties.

(4) Temporary shelters, with 15 or fewer clients shall be permitted as an accessory use to all churches, hospitals, religious, or charitable institutions as permitted per Section 10.314(6)(c)(i).

(5) Temporary shelters, with more than 15 clients, shall be conditionally permitted as an accessory use to all churches, hospitals, religious, or charitable institutions as permitted per Section 10.314 (6)(c)(ii).

SECTION 6. Section 10.817 of the Medford Municipal Code is amended to read as follows:

10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in an "R" Residential District.

(1) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.

(4) Temporary shelters with 15 or fewer clients, shall be permitted as an accessory use to all community buildings, social halls, lodges, fraternal organizations, and clubs as permitted per Section 10.314(6)(c)(i) of this Code.

(5) Temporary shelters, with more than 15 clients, shall be conditionally permitted as an accessory use to all community buildings, social halls, lodges, fraternal organizations, and clubs as permitted per Section 10.314(6)(c)(ii) of this Code.

SECTION 7. Section 10.819A of the Medford Municipal Code is hereby added to read as follows:

10.819A 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 shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.819A.

(B) Definitions Pertaining to Temporary Shelters.

When used in Chapter 10 in reference to temporary shelters, the following terms shall have the meanings as herein ascribed:

(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 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 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) **Shelter Area(s):** Designated space(s) within a temporary shelter intended for sleeping and/or relief from weather events that shall not include common areas, the access point, bathrooms, hallways, public right-of-way, or kitchens.

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

(C) Temporary Shelter Permit Requirements

(1) 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 shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period.

(2) An operator of a 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 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.

(5) 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.

(6) All applicable permits must be approved prior to the initial date of operations.

(7) Each temporary shelter shall adhere to the Temporary Shelter Policy as established by the City.

(D) General Standards for Temporary Shelters

The following standards of subsection 10.819A (D) shall apply to 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.** The operator shall be required to meet the following standards as it pertains 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 shelters. Temporary shelters shall comply with all applicable building, fire, health, life, and safety codes as they pertain to temporary shelters. Compliance with this section requires the Operator maintain a Temporary Shelter Operational Permit.

(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 the dates of the operational period. Additional requirements may be required as a part of the operations plan as deemed necessary by the Building, Fire-Rescue, Legal, Parks, Planning, Police, and Public-Works/Engineering Departments. Any additional requirements shall be based on applicable codes and approved by the appropriate approving authority for each department representative.

(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.

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

iv. 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.

(e) Shelter Areas. Temporary shelters may have 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.

(f) 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 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.

(h) Operational Requirements stated in this Section may be conditions of approval as deemed necessary by the approving authority.

(2) Operational Period.

(a) The use of a temporary shelter shall not exceed 90 days within a nine 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 nine month period or nine 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 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 operations plan.

ii. Specific dates in which operations are to occur, not exceeding 90 days in a nine 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 Medford Fire-Rescue each time the shelter is closing.

(d) The operator shall notify Medford Fire-Rescue 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 Medford Fire-Rescue 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. 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 of the end of the operational period, and/or upon application for an extension to the operational period pursuant to section 10.819A(D)(2)(e), the operator shall submit a report to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information:

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, Ashland/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 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 40 emergency service calls within 30 calendar days are made regarding activity in or near the temporary shelter.

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

iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.

(b) 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) When a temporary shelter is closed 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 shelter areas and all other 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. 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 of 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 Medford Fire-Rescue 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 for Temporary Shelters

The following standards shall apply to the development and use of temporary shelters.

(1) Temporary shelters serving more than 15 clients 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.

(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 shelter area(s) 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 shelter areas and areas intended for sleeping

(c) Location of buildings access point(s)

(d) Location(s) of trash receptacle(s)

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

(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.

(F) Temporary Shelters of 15 or Fewer Clients

When a temporary shelter has 15 or fewer clients, a temporary shelter permit shall be issued by the City, including the Temporary Shelter Operational Permit from Medford Fire-Rescue. All standards of Section 10.819A are applicable and required for shelters of 15 or fewer clients unless stated in this Section.

(1) Neighborhood Meeting. To ensure neighborhood input into the creation of an operations plan for a temporary shelter of 15 or fewer clients, a neighborhood meeting shall be required prior to the approval of a Temporary Shelter Operational Permit. Operators of a temporary shelter shall administer the neighborhood meeting and the below requirements. City staff may attend the neighborhood meeting to observe and document the proceedings. The neighborhood meeting requirements are as follows:

(a) The operator shall arrange and conduct the neighborhood meeting. Attendees shall be asked to sign a signature sheet and provide their mailing address.

The neighborhood meeting shall include a presentation containing the following information:

i. A map depicting the location of the subject property proposed as a temporary shelter; and,

ii. A visual description of the project including a tentative site plan that should highlight the proposed locations of:

(1) Sleeping areas

(2) Any common areas used in conjunction with the temporary shelter, if applicable (i.e. kitchen(s), bathroom(s), shower(s) and gathering space(s))

(3) Access point(s) (the entrances and exits)

iii. A preliminary outline/overview of the operations plan,

iv. A description of the nature of the proposed development and its physical characteristics, including but not limited to, total number of clients proposed to be served, amenities/services available; and,

(b) It shall be the responsibility of the operator to schedule and host the neighborhood meeting. The applicant may request to use City facilities for the meeting (fees may apply). Property owners within 200 feet of the proposed temporary shelter shall be notified. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice of the meeting shall be mailed a minimum of 15 days prior to the Neighborhood Meeting which shall be held in Medford on a weekday evening. Meetings shall be held in a location able to accommodate the noticed property owners. Meetings may be held on the proposed site of the temporary shelter. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for the mailing of said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in Section 10.819A(F)(1)(c). The notice for the Neighborhood Meeting shall include:

i. Date, time, and location of the neighborhood meeting

ii. A brief written description of the proposal,

iii. The location of the subject property, including the address (if applicable), nearest cross streets, and any other easily understood geographical reference

iv. A map (such as a tax assessor's map) which depicts the subject property

(c) Documentation attesting to the completed Neighborhood Meeting shall be submitted at the time of application. The documentation shall include:

i. A copy of a Certificate of Mailing for the Neighborhood Meeting notification mailing pursuant to Section 10.818A(F)(1)(b)

ii. A completed Verification of Neighborhood Meeting affidavit attesting to the contents of the materials provided or reviewed at the meeting

iii. Copies of the signature sheet(s) from the neighborhood meeting.

(d) City staff may attend the meeting and submit to the City Manager a memorandum summarizing the neighborhood feedback on the proposed temporary shelter. Conditions for the temporary shelter's operations plan may be included within the memorandum.

(e) The Planning Director in his/her discretion may request the City Council to hold a public hearing on the application for a temporary shelter based on the neighborhood feedback received at the Neighborhood Meeting.

(f) The conditions produced in reference to 10.819A(F)(1)(d) shall be considered by the City Manager in approving an operations plan for the temporary shelter and may be imposed at the discretion of the City Manager. Any appeal of these conditions shall be to City Council, and may be made by either the operator or any attendee of the neighborhood meeting. The City Manager's decision shall be effective immediately.

(2) Supervision. There shall be at least one on-duty representative of the temporary shelter when the client capacity is 15 persons or fewer. 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.

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

(4) Shelter Capacity. The shelter capacity shall not exceed 15 clients, each client representing one individual person.

SECTION 8. Section 10.840 of the Medford Municipal Code is amended to read as follows:

10.840 Temporary Uses and Structures.

D. Types of Temporary Uses and/or Temporary Structures.

(4) Temporary Residential Uses of Movable Structures and Vehicles.

(d) Temporary ~~Shelter~~ **Residence**.

When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following:

1. A building permit for the temporary ~~shelter~~ **residence** shall be obtained from the Building Safety Department, pursuant to Chapter 9.

SECTION 9. Section 10.859 of the Medford Municipal Code is amended to read as follows:

10.859 Location and Use of Movable Structures or Vehicles Outside of Mobile Home, Manufactured Dwelling, or Recreational Vehicle Parks.

No person shall use or occupy, or rent or offer for rent, a house trailer, mobile home, trailer coach, travel trailer, manufactured dwelling, recreational vehicle, or other similar movable structure or vehicle within the city at any location other than a mobile home park, a manufactured dwelling park, or a recreational vehicle park, as defined in this Code, operating under a conditional use permit, except as allowed in Section 10.840(D)(4) Temporary ~~Shelter~~ **Residence**, and Section 10.900 Manufactured Housing.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



COMMISSION REPORT

for a Type IV legislative decision: **Development Code Amendment**

Project Temporary Shelters

File no. DCA-17-062

To City Council *for 09/20/2018 hearing*

From Planning Commission via Kyle Kearns, Planner II – Long Range Division

Reviewer Carla G. Angeli Paladino, Principal Planner – Long Range Division

Date September 6, 2018

BACKGROUND

Proposal

A code amendment within the Medford Land Development Code (MLDC) to allow for a new land use, temporary shelters. Temporary shelters are a use within an existing or new structure, short-term in nature, in which homeless individuals or families are provided temporary shelter for no more than 90 days in a nine month period.

Direction from August 23, 2018 City Council study session

Per the direction received on August 23, 2018 at a regularly scheduled City Council study session (minutes Exhibit C) staff has provided two alternatives for consideration in adoption of DCA-17-062. Each alternative is briefly described below:

Alternative 1 (Exhibit A): The proposed language as reviewed by Planning Commission at their June 14, 2018 hearing.

Alternative 2 (Exhibit B): The proposed language for DCA-17-062 recommended for adoption with changes incorporated from the July 10, 2018 Non-Profit Service Provider Listening Session (Exhibit D). **Recommended for Adoption**

Additionally, within *Alternative 2*, there has been an added exception to shelters with 15 or fewer clients. Staff modeled this number after the existing land use of residential facilities. If moved by Council, this number can be reduced. This reduction will require direction from the City Council to amend the proposal.

DCA-17-062 Alternatives

The proposed alternatives of DCA-17-062, in large part, function the same. Much of what is in *Alternative 1* is contained within *Alternative 2*; whereas *Alternative 2* contains additional standards or modifications not in *Alternative 1*, per the direction received from Planning Commission on June 14, 2018 (Minutes Exhibit E). Below is a brief summary of the similarities and differences between the two alternatives.

Key Code Provisions	<i>Alternative 1</i>	<i>Alternative 2</i>
Requirement of an operations plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Requirement of a Conditional Use Permit when client/user <u>population size exceeds 15 persons</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Requirement of a Conditional Use Permit when client/user <u>population size is fewer than 15 persons</u>	<input checked="" type="checkbox"/>	
Standards for closure of temporary shelter based on established criteria (10.819A(D)(4)).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Shelter permitted for 90 days every:	12 months	9 months
Allowance for City Departments to add additional requirements to the operations plan		<input checked="" type="checkbox"/>
Removed maximum parking requirement		<input checked="" type="checkbox"/>
Made use of Continuum of Care (CoC) reporting software a mandatory requirement.		<input checked="" type="checkbox"/>
Built in exceptions for shelters of 15 or fewer clients		<input checked="" type="checkbox"/>
How is neighborhood input reflected?	CUP Public Hearing	Neighborhood Meeting
Consent to search waiver signed by:	Client	Operator

Alternatively, if moved by City Council, portions of *Alternative 2* (Exhibit B) can be modified by removing additions made after the Planning Commission’s hearing.

Other Cities and Temporary Shelters

To provide perspective on what other municipalities in Oregon are doing in regards to temporary shelters staff has reviewed various municipal codes and proposals. Below is a brief summary of other Oregon municipalities.

Bend: Allowed for as a residential use called temporary housing conditionally permitted in most zones, permitted outright in their Mixed-Use Urban zone. Additionally they require compliance with local, State, and Federal laws, supervision requirements and a 1,000 foot buffer from other temporary housing facilities.

Portland: Mass shelters are permitted by right as a Type II (Administrative) review of 7-15 residents when with an existing institutional use. When more than 15 residents shelters are required to be a conditional use. Other standards require clients be referred to the shelter (no queuing), no parking standard, 600 foot buffer and they be open 24 hours a day with little additional standards.

Washington County: Proposing several temporary shelter iterations. A shelter of 20 or less homeless persons is exempt from permits if 60 days or less, a shelter of 40 or less persons is a Type I land use review for 70 days or less, beyond 40 persons is a Type II land use review for 90 days or less. In any iteration of a shelter it must be accessory to an institutional use with minimal requirements beyond ADA accommodations.

History

Temporary shelters, much like homeless shelters, offer opportunities for individuals to obtain shelter, services, and relief from extreme weather. Locally, an example of such a shelter would be the Kelly Shelter. Now having operated in both the winter of 2017 and 2018, the Kelly Shelter serves as a framework for future temporary shelters and has aided in modeling the code language proposed in DCA-17-062.

In the first year of operations the Kelly Shelter had a disjointed method of permitting with no clear path forward, seeking approval for exceptions to City building and fire codes, to no avail. As such, Planning Staff was directed to draft standards and a process for permitting temporary shelters to ensure clear paths for regulation of the temporary shelter land use and to guide the navigation of often complicated building, fire, and land use codes.

Originally, temporary shelters were drafted as an addition to the now separate Development Code Amendment (DCA-17-109 – Transitional Housing Villages). These projects are now unrelated and have no correlation to each other.

Since 2017, Staff has presented the code language pertaining to temporary shelters to local homeless service providers, Planning Commission, City Council, the Land Development Committee, and the Housing and Community Development Commission (now Housing Advisory Commission). DCA-17-062 (Temporary Shelters) was separated into its own development code amendment after receiving direction from City Council at the September 18, 2107 (Exhibit J) study session; all feedback prior to the September 18 date was in combination with the transitional housing village amendment (DCA-17-109).

Since August 31, 2017 staff has presented and reviewed the proposal nine times before Council, Commissions and non-profit agencies, the minutes of which are contained as exhibits in this report. Previously, all meetings had been summarized within the report. Items previously summarized have been omitted from this reports summary.

The results of the outreach are summarized within this memorandum below or within the minutes provided as exhibits.

- April 26, 2018 City Council Study Session (Minutes Exhibit G)

- April 23, 2018 Planning Commission Study Session (Minutes Exhibit H)
- October 4, 2017 Housing and Community Development Commission (HCDC) (Minutes Exhibit I)
- September 18, 2017 Planning Commission and City Council Joint Study Session (Minutes Exhibit J)
- September 11, 2017 Planning Commission Study Session (Minutes Exhibit K)
- August 31, 2017 City Council Study Session (Minutes Exhibit L)

June 11, 2018 Planning Commission Study Session (Minutes Exhibit F)

Staff focused on reviewing with Planning Commission the updated proposal (Exhibit A) and seeking direction as whether or not changes were needed prior to the hearing on June 14, 2018. The direction given at the study session can be summarized as word-smithing, including minor changes to language within DCA-17-062. These changes, incorporated in both *Alternatives 1 & 2* (Exhibits A & B, respectively), include:

- Change of existing language in 10.314 & 10.840 from “temporary shelter” to “temporary residence” instead of “temporary shelter”
- DCA-17-062 language in 10.819A(D)(4)(h) changed from “...shall be final...” to “shall be effective immediately...”
- Remove requirement that operators of temporary shelters transition clients to permanent housing

June 14, 2018 Planning Commission Hearing (Minutes Exhibit E)

Planning Commission recommended approval with an 8-0 vote in the following motion:

“The Planning Commission based on the findings and conclusions that all of the approval criteria are either met or not applicable, initiates the amendment, and forwards a favorable recommendation for adoption of DCA-17-062 to the City Council per the staff report dated June 7, 2018, including Exhibits A through L, staff’s changes discussed at the June 11, 2018 Planning Commission study session and per Exhibit L, and incorporation of public input from local homeless services providers.”

*Motion from City of Medford Planning
Commission Hearing Minutes June 14, 2108*

At the June 14 hearing several representatives of the non-profit sector wanting to operate temporary shelters spoke to provide input to the development of DCA-17-062. Per Planning Commission’s direction, staff prepared a listening session for the “...incorporation of public input from local homeless service providers,” which has been incorporated into the proposed language within *Alternative 2* (Exhibit B). *Alternative 1* (Exhibit A) excludes the input provided from the local homeless service providers, but does include changes directed by the Planning Commission at their June 11 study session.

July 10, 2018 Non-Profit Service Provider Listening Session

Per the direction received from the Planning Commission on June 14, staff invited representatives from several local non-profits to review, comment on, and propose changes to DCA-17-062. Representatives from Maslow Project, ACCESS, Rogue Retreat, Jackson County Housing Authority, Jackson County Homeless Task Force, and Jackson County Continuum of Care participated, as did interested parties and local religious leaders. Staff presented a summary of the proposal (Exhibit D) and then solicited feedback from the attendees.

The majority of the input centered on creating “low-barrier” shelters. Many of the service providers felt that the proposed language was too onerous given the limited capacity of many of the organizations. Additionally some of the specific populations of the homeless served, particularly young adults ages 18-24, have different needs than those 25 and older. The institutional nature of signing waivers consenting to searches, for example, was not preferred for organizations helping youth/young adults. Comments from July 10 included:

- Make the use of the Continuum of Care reporting software mandatory
- Allow operators, not users of temporary shelters, to sign consent to search waivers to prevent the feeling of institutionalization
- Asked the maximum parking requirement be removed
- Wanted less restrictive requirements for smaller shelters

Additional email communication, in response to the solicitation for comments on July 10, was provided for by Mary Ferrell of Maslow Project (Exhibit M).

Additional Public Comment

Staff also sought feedback from professionals whom provide the services addressed within the proposal, specifically the operator of the Kelly Shelter previously mentioned; the email communication of which is provided for in Exhibit N & Exhibit O. Staff has also notified the Jackson County Homeless Task Force (JCHTF) of the public hearing process for DCA-17-062 and attended meetings of the JCHTF in the past to gather insight into providing shelter for the homeless.

Authority DCA-17-062

This proposed plan authorization is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.110

ANALYSIS

Current land use regulations permit traditional homeless shelters/emergency shelters in commercial zones; traditional shelters are permanent in nature as they would operate

year-round and always provide services. However, the cost and municipal code requirements of operating traditional shelters can be arduous to fiscally strapped organizations attempting to provide shelter for the most disadvantaged populations of Medford.

When considering land use, the permanence of a use is considered in the application of code requirements. Compromises of code can be made when particular land uses are considered impermanent. For example, temporary mobile food vendors (food trucks) are not required to have permanent seating and cooking facilities, but they must vacate their location at the end of a business day. These are the compromises temporary uses must make in order to remain permissible as temporary.

For temporary shelters the compromise is that a shelter can only operate, or provide shelter, a maximum of 90 days in a nine month period. In exchange for these limitations shelters are exempt from many costly requirements of code that would prevent certain organizations from being able to provide shelter. These code requirements include items such as ADA requirements, fire suppression systems and seismic design requirements, to list a few. It is the intent of DCA-17-062 to provide land use review procedures to mitigate impacts of temporary shelter to surrounding land uses while also providing a clear path to permitting.

Conditional Use Permit (CUP) and 15 or Fewer Client Shelters

As proposed, temporary shelters would be conditionally permitted, with special standards (proposed 10.819A), in all residential and commercial/industrial zones when the shelter has 16 or more clients. Temporary shelters of 15 or fewer clients would be permitted outright, with special standards, in all but the SFR-00, SFR-2, Neighborhood Commercial (C-N) and Heavy Industrial (I-H) zones. Temporary shelter with, 15 or fewer clients, also have the following requirements:

- Must be accessory to an institutional use in residential zones (still require a conditional use permit (CUP) in SFR-00 & SFR-2)
- Must obtain a CUP if located in the Neighborhood-Commercial (C-N) or Heavy Industrial (I-H) Zones
- Must create an operations plan, adhere to the City of Medford Temporary Shelter Policy, and abide by most of the special standards in 10.819A

To be permitted, a shelter would have to be within "...an existing or newly constructed building," (Section 10.819A(E)(2-3)). A building is then further defined as "Any structure used or intended for supporting or sheltering any use or occupancy," (Section 10.012 Definitions, Specific.). Additionally, the proposed language explicitly forbids temporary shelters from being in tents, yurts, and similar temporary structures per Section 10.819A(E)(8). Lastly, when in a residential zone, temporary shelters are required to be an accessory use to an institutional use (e.g. church, non-profit, government building); shelters may be a primary use only in commercial and industrial zones.

For shelters serving more than 15 homeless persons, the need for a conditional use permit (CUP) provides benefits to operators of temporary shelters and surrounding community members. First the benefit to the operator is, if approved as a CUP, a temporary shelter at the particular site would require only an initial land use review, which would be valid for successive seasons (unless major changes to the CUP are proposed by the applicant). Second, the CUP process requires a public hearing at which surrounding property owners and community members are able to provide input which can be considered by the Planning Commission when imposing conditions to mitigate possible impacts of the shelter. This enables a more transparent and involved process for potential neighbors of a shelter, something otherwise not provided through an administrative review.

Staff considered the implications of not requiring a CUP for shelters serving 15 or fewer clients. To address this change, staff is proposing that operators of temporary shelters host a neighborhood meeting, such as is required for Planned Unit Developments (PUDs). Additionally, conditions from the neighborhood meeting can be added to the operations plan with input from the surrounding neighbors of the proposed shelter. Shelters required to adhere to this requirement could not be approved without holding a neighborhood meeting. The proposed code designates the City Manager as the approval authority, with an appeal right to the City Council.

In making these changes, staff modeled the 15 or fewer client shelters after the land use regulations for residential facilities, which permit residential treatment (i.e. rehabilitation services) of up to 15 residents in all residential zones. Residential facilities for up to 15 residents are permitted as an outright use in all residential zones, without a public hearing or a neighborhood meeting. The intention of the CUP public hearing process or the neighborhood meeting requirement is to adequately mitigate neighborhood impacts of the temporary shelter land use, regardless of population size.

Proposed Special Use Regulations 10.819A

As a temporary use, temporary shelters require in-depth consideration for the land use and operators of said land use. The various sections of the temporary shelter regulations have been summarized below for consideration in the analysis of DCA-17-062.

Purpose and Intent - 10.819A(A)

Briefly summarizes the overall intent of the proposal. This section was added in order to keep consistent formatting that is used with similar land use regulations.

Definitions Pertaining to Temporary Shelters - 10.819A(B)

Certain definitions proposed in conjunction with temporary shelters pertain solely to the function of the temporary shelter land use. These words, when used elsewhere in the MLDC will have different definitions or are not used at all.

Temporary Shelter Permit Requirements - 10.819A(C)

Staff, particularly in the Building and Fire Departments, worked to create clear and concise policies in permitting this type of use. This section requires that temporary shelters seek approval from the Medford Fire Department, Building Department, and conform with any other applicable requirements of local, state, and Federal laws.

General Standards for Temporary Shelters - 10.819A(D)

Staff prepared specific standards to be considered as conditions of approval when considering the CUP for a temporary shelter. These general standards include:

- *(1) Operational Requirements:* Operators of a shelter would be required to submit plan outlining how items related to operations and maintenance, client intake, safety and security, supervision, and shelter population size are being considered prior to land use approvals.
- *(2) Operational Period:* This section clearly outlines the permitted time frames, how extensions will be considered, and the noticing requirements of opening and closing a shelter.
- *(3) Reporting Requirements:* This section requires operators to submit a report after the temporary shelter has ceased operations for the season. The report must include data such as the number of clients served, services provided to the clients, and number of calls for police or fire services and reasons for those calls.
- *(4) Standards for Closing/Suspending Temporary Shelters:* Early on in the process of drafting code language, concerns of neighborhood impacts were of a high priority. These concerns drove much of the creation of the proposed text of DCA-17-062. In order to prevent substandard shelters from continuing operations, staff is proposing standards permitting the closure or suspension of shelters due to code violations, the City Manager's determination that closure is in the public interest, or any safety issues identified during inspections.
- *(5) Consent to Inspection of Temporary Shelters:* With exemptions to specific Building Codes and Fire Codes, periodic inspections of temporary shelters are required to ensure safe operations. The intent of this subsection is to outline procedures for inspections and to ensure proper notice of inspection is given to the operators of temporary shelters.

Site Standards Temporary Shelters - 10.819A(E)

Proposed site mitigation standards include: a minimum distance requirement of 500 feet between temporary shelters, provision of access for emergency vehicles, a requirement for trash receptacles at the entrance, and a prohibition of tents, yurts, and other temporary structures at temporary shelter sites.

Temporary Shelters of 15 or Fewer Clients - 10.819A(F)

Per the direction received at the July 10, 2018 Listening Session, staff has proposed the addition of exceptions to 10.819A for shelters serving 15 or fewer clients. These exceptions are minimal, requiring only a Temporary Shelter Operational Permit (previously requiring both a CUP and an Operational Permit), one instead of two on-duty representatives, and removal of the 500 foot buffer. Additionally, a neighborhood meeting requirement was added to address neighborhood impacts and input into the permitting of a temporary shelter serving 15 or fewer clients as an outright use rather than a conditional use. Conditions may be added to the operations plan by City staff based on input from the neighborhood meeting.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.218 The criteria are rendered in italics; findings and conclusions in roman type.

10.218 Land Development Code Amendment Approval Criteria.

The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

(A) Explanation of the public benefit of the amendment.

Findings

Temporary shelters are currently permitted in a small capacity, that being the Kelly Warming Shelter. The Kelly Shelter has provided immediate public benefit to the users of the shelter and the larger Medford Community. Per Rogue Retreats website, the operator of the Kelly Shelter, 131 chronically homeless were provided shelter. Thirty-one (31) of the 131 people were provided with more permanent housing, 41 people were signed up for health insurance, and four shelter guests were enrolled in college. This, in large part, is the success that DCA-17-062 is trying to reproduce. This was in three months of operation during 2018. Permitting additional shelters through the application of prescriptive standards would better ensure positive outcomes in the future.

Conclusions

Providing shelter to otherwise unsheltered individuals has larger implications for the public benefit most immediately being the improved quality of life for shelter users, improved quality of life for the community as a whole, and cost savings of tax dollars (e.g. less emergency service calls).

Improving the quality of life for shelter users is evident through the experience of the Kelly Warming Shelter, as addressed in the above findings. Additionally providing

a shelter, with services, to homeless individuals and families enables shelter users to be connected with healthcare services, case workers, social service providers, and other service providers who specialize in facilitating connections to homeless assistance. More importantly, enabling organizations to provide a temporary shelter for homeless individuals enables a place for one to sleep as the City of Medford does not permit camping in the City per Municipal Code Section 5.257 Prohibited Camping.

Whereas the individuals receiving shelter see immediate benefit in their lives, there are also long term benefits for the larger community. Providing shelter enables the homeless a place to stay that is in addition to public parks, sidewalks, and otherwise public realms enabling the perception of a “homeless problem” to be removed from sight; albeit subjective, this enables community members to perceive the problems of homelessness differently while providing a shelter to the otherwise homeless.

In a recent survey of business owners in the Rogue Valley, conducted by Southern Oregon University, 52% of the 621 respondents said homelessness impacted their business 1-5 times a week, 14% citing impacts 6-10 times per week.¹ Having a place for homeless individuals and families to seek shelter removes potential conflicts from surrounding community members, and potentially enabling homeless persons to seek aid in achieving permanent housing, both of which would aid with concerns of conflicts of businesses, community members, and homeless people.

Lastly, providing shelter saves tax dollars. A recent study commissioned by the City of Albuquerque found that for every dollar spent housing chronically homeless persons resulted in a cost savings return of \$1.78.² Albuquerque’s program focused more on permanent housing over shelter, but anecdotally Rogue Retreat has cited a savings of \$150,000 in their second year of operations of the Kelly Shelter, per the Rogue Retreat website. The cost savings are attributed, in both cases, to less emergency service calls, less jail time, and less court time. Providing temporary shelter provides many benefits to the larger community of Medford, not just homeless persons, and should be considered as one of the many tools in addressing homelessness.

The criterion has been satisfied.

¹ Benitez, Karla, et al. Business Perceptions of Homelessness and How Homelessness Impacts Business Along the I-5 Corridor in Southern Oregon. 2018, Business Perceptions of Homelessness and How Homelessness Impacts Business Along the I-5 Corridor in Southern Oregon.

² Hilf, Aaron. “UNM Research Reveals Big Benefits to Housing Homeless Population.” UNM Newsroom, 24 Oct. 2016, news.unm.edu/news/unm-research-reveals-big-benefits-to-housing-homeless-population.

(B). *The justification for the amendment with respect to the following factors:*

(1) *Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The following goals, policies, and implementation measures are from the Housing Element:

Policy 8: The City of Medford shall assist regional housing agencies, nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing.

The following goals, policies, and implementation measures are from the Population Element:

Goal 1: To accept the role and responsibilities of being the major urban center in a large and diverse region that includes portions of southwest Oregon and northern California.

The following goals, policies, and implementation measures are from the Public Facilities Element:

Health Services Goals, Policies, and Implementation Measures

Goal 1: To support the provision of adequate health services and facilities to meet the needs of the people within the Medford Urban Growth Boundary and the region.

Policy 1-B: The City of Medford shall encourage cooperation among local, state, federal, and private agencies in planning and providing for health and related social services.

Conclusions

The comprehensive plan is relatively silent on directly addressing issues of homelessness, however the proposal of DCA-17-062 is supported by the Housing, Population, and Public Facilities Element. Medford, being the regional hub of the Rogue Valley has, "To accept the role and responsibilities of being the major urban center in a large and diverse region..." In doing this it means accepting that Medford takes on many complex issues of being an urban center, homelessness

being one of them. Providing shelter to homeless individuals, although temporary, is a start to "...accept[ing] the role and responsibilities of being the major urban center..." as stated in Goal 1 of the Population Element.

In accepting these aforementioned roles this would further require enabling those who provide "...adequate health services and facilities..." (Public Facilities Element) the ability to do just that, provide health services. In providing an avenue for the allowance of temporary shelters the City would be in direct support of the Public Facilities Element of the Comprehensive Plan. The requirement of an operations plan through 10.819(D)(1) and coordination with the Continuum of Care (10.819A(D)(3)) ensures that adequate health services and facilities are provided for in temporary shelters.

Additionally, DCA-17-062 is supported by the Housing Element of the comprehensive plan as it calls for the support of "...nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing," (Policy 8). Within the housing element temporary housing programs are recognized as a service provided to homeless persons by non-profits, churches, or cities. In drafting DCA-17-062 staff sought direction from service providers. As proposed, DCA-17-062 would assist local agencies, developers, and nonprofits in their efforts in providing affordable housing. Temporary shelters aid in meeting several goals, policies and implementation items of the Comprehensive Plan.

The criterion has been satisfied.

(2) Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings

Staff has spent over a year in direct coordination with the Medford Fire-Rescue, Building, and Legal departments.

Conclusions

Items pertaining to time limits of temporary shelters, closures/suspensions of shelters, exemptions to codes, extensions of operational periods, references to the Oregon Structural Specialty Code, and the Temporary Shelter Operational Policy have all been prepared in coordination with one of the three aforementioned departments.

Additionally the Legal department has produced a memorandum of their interpretation of the proposal, specifically language regarding the closure and suspension of shelter operations, and it can be found in Exhibit P.

The criterion has been satisfied.

(3) *Public comments.*

Findings

As summarized early in the Commission Report, in conjunction with normal outreach methods, staff held a listening session to solicit feedback of agencies seeking to open temporary shelters (Exhibit D). The incorporation of this listening session as well as other public comment has been incorporated into DCA-17-062 *Alternative 2* proposed for adoption by ordinance.

See Exhibit M, Industry Comments - Maslow Project – Mary Ferrell

See Exhibit N, Industry Comments - Rogue Retreat – Heather Hassett

See Exhibit O, Industry Comments - Rogue Retreat – Chad McComas

Conclusions

Staff has incorporated the comments provided. Additionally, staff has informed the Jackson County Homeless Task Force of the hearing on temporary shelters and provided them with the commission report dated September 6, 2018 for review.

The criterion has been satisfied.

(4) *Applicable governmental agreements.*

Findings & Conclusions

Staff could find no applicable governmental agreement. This criterion does not apply.

RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendments, specifically *Alternative 2* (Exhibit B), based on the analysis, findings, and conclusions in the Commission Report dated September 6, 2018 including Exhibits A through P.

EXHIBITS

- A Proposed Amendment – *Alternative 1*
- B Proposed Amendment – *Alternative 2 Recommended for Adoption*
- C Minutes – City Council Study Session August 23, 2018
- D Memo – Non-Profit Service Provider Listening Session July 10, 2018
- E Minutes – Planning Commission Hearing June 14, 2018
- F Minutes – Planning Commission Study Session June 11, 2018
- G Minutes – City Council Study Session April 26, 2018
- H Minutes – Planning Commission Study Session April 23, 2018
- I Minutes – Housing and Community Development Commission (HCDC) Meeting October 4, 2017
- J Minutes – Planning Commission/City Council Study Session September 18, 2017
- K Minutes – Planning Commission Study Session September 11, 2017
- L Minutes – City Council Study Session August 31, 2017
- M Industry Comments - Maslow Project – Mary Ferrell
- N Industry Comments - Rogue Retreat – Heather Hassett
- O Industry Comments - Rogue Retreat – Chad McComas
- P Legal Review – Deputy City Attorney, Eric Mitton

CITY COUNCIL AGENDA:

SEPTEMBER 20, 2018

Exhibit A

Proposed amendment – *Alternative 1*

(Deleted text is ~~struck-through~~, new text is underlined)

SPECIAL USE REGULATIONS (10.811 - 10.~~838839~~)

- 10.811 Nursery Schools, Day or Child Care (Centers) Facilities
- 10.813 Agricultural Services and Animal Services
- 10.814 Animal Hospitals and Veterinary Clinics
- 10.815 Cemetery, Crematory, Mausoleum, Columbarium
- 10.816 Churches, Hospitals, or Other Religious or Charitable Institutions
in an "R"Residential District
- 10.817 Community Buildings, Social Halls, Lodges, Fraternal
Organizations, and Clubs in an "R"Residential District
- 10.819A Temporary Shelters
- 10.820 Two Single-Family Residences in Lieu of Duplex

* * *

ARTICLE I - GENERAL PROVISIONS

* * *

10.012 **Definitions, Specific.**

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Emergency Shelter. Any facility, the primary purpose of which is to provide permanent facilities that are used as a temporary shelter for the homeless in general or for specific populations of the homeless. See SIC Classification 832.

* * *

Homeless. Individual(s) or families who are:

- (1) Living in a place not meant for human habitation;

- (2) Living in an emergency shelter or in transitional housing;
- (3) At risk of imminently (within 14 days or less) losing their primary nighttime residence, which may include hotels/motels or sleeping in a residence as a temporary guest, and lack the resources or support networks to remain in housing;
- (4) Unstably housed and likely to remain unstably housed;
- (5) Attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain permanent housing; or
- (6) At risk to exposure of extreme weather conditions.

Homeless Shelter. See Emergency Shelter or SIC Classification 832.

* * *

Temporary Shelter. A temporary use within a building meant to provide relief from extreme weather and substandard living conditions for individuals or families who are homeless.

* * *

Transitional housing. A programmatic housing development that is run by a qualified organization to transition individuals from homelessness to permanent housing in a time period of 24 months or less. Clients of transitional housing must be homeless and shall agree to adhere to the standards for residency.

* * *

Sleeping unit. A room, space, or structure intended for occupancy in which people sleep that can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.

* * *

ARTICLE III - ZONING DISTRICTS

10.314 Permitted Uses in Residential Land Use Classification.

* * *

PERMITTED USES IN RESIDENTIAL ZONING DIS- TRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
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**1. SINGLE-FAMILY
RESIDENTIAL**

(a) Single-Family Detached Dwelling	P	P	P	P	P	Ps	Ps	Ps	10.710 & 10.826
(b) Zero Lot-Line Detached Dwelling	P	P	P	P	P	X	X	X	10.707
(c) Manufactured Home on Individual Lot	Ps	10.710, 10.826 & 10.900							
(d) Temporary Shelter Residence	Ps	10.840							
(e) Residential Home (care, training, treatment) (5 or fewer residents)	P	P	P	P	P	P	P	P	

* * *

OFF-STREET PARKING AND LOADING REQUIREMENTS. (10.741 - 10.751)

* * *

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
<u>Temporary Shelter*</u>	<u>1 space per 30.0 resi- dent beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 25.0 resi- dent beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 20.0 resident beds, plus 1.0 space per em- ployee on the larg- est shift</u>
<u>Emergency Shelter</u>	<u>1 space per 30.0 resi- dent beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 25.0 resi- dent beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 20.0 resident beds, plus 1.0 space per em- ployee on the larg- est shift</u>

* A single asterisk indicates that minimum parking standards may be exempt for a particular use, by the approving authority, if adequate parking can be demonstrated to already exist.

**The Downtown Parking District is bound by Fourth Street on the north, Tenth Street on the south, Bear Creek on east, and the railroad right-of-way on the west.

* * *

SPECIAL USE REGULATIONS. (10.811 - 10.838839)

* * *

10.816 Churches, Hospitals, or Other Religious or Charitable Institutions in an "R" District, Residential District

(1) In any residentially zoned district, hospitals or other religious or charitable institutions, excepting churches, shall be located on a designated arterial or collector street. Side and rear yard setbacks shall be a minimum of thirty (30) feet and landscaped as required to buffer adjacent properties.

(2) In the C-S/P zone, with conditional use approval, overnight parking for travel trailers, campers and similar vehicles for use by patients and families of patients at a hospital, may

be

allowed as an accessory use to a hospital, subject to the following standards:

(a) A minimum twenty (20) foot setback to the paved parking and maneuvering area for the spaces shall be provided along all lot lines, including the front lot line, and sufficiently landscaped so as to avoid adverse impacts on adjacent properties.

(b) Each of the spaces may be provided full hookups for power, water, and sanitary sewer.

(3) Churches located within the residential district shall be subject to the following standards:

(a) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.

(b) Located on a standard residential street, collector or arterial street.

(4) Temporary shelters shall be conditionally permitted as an accessory use to all churches, hospitals, religious, or charitable institutions as permitted per Section 10.314 (6)(c)(i).

10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in a "R" Residential District.

(1) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.

(2) There shall be no external signage, advertising or other evidence of any incidental commercial activities taking place within the building.

(3) All such uses, except Public Parks Recreation and Leisure Facilities and Services and appurtenant buildings and structures, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

(4) Temporary shelters shall be conditionally permitted as an accessory use to all community buildings, social halls, lodges, fraternal organizations, and clubs as permitted per Section 10.314 (6)(c)(i).

* * *

10.819A 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 shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.819A.

(B) Definitions Pertaining to Temporary Shelters

When used in Chapter 10 in reference to temporary shelters, the following terms shall have the meanings as herein ascribed:

(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) 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 land use review of a temporary shelter.

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

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

(5) Shelter Area(s): Designated space(s) within a temporary shelter intended for sleeping and/or relief from weather events that shall not include common areas, the access point, bathrooms, hallways, public right-of-way, or kitchens.

(C) Temporary Shelter Permit Requirements

(1) 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 shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period.

(2) An operator of a 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 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.

(5) 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.

(6) All applicable permits must be approved prior to the initial date of operations.

(D) General Standards for Temporary Shelters

The following standards of subsection 10.819A (D) shall apply to 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. The operator shall be required to meet the following standards as it pertains 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 shelters. Temporary shelters shall comply with all applicable building, fire, health, life, and safety codes as they pertain to temporary shelters. Compliance with this section requires the Operator maintain a Temporary Shelter Operational Permit.
- (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 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) **Population Size.** Shelter population sizes shall be determined by applicable Building and Fire Codes.
- (e) **Shelter Areas.** Temporary shelters may have 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.
- (f) **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 three foot clearance shall be maintained on all sidewalks.
- (g) Written proof of compliance with requirements of this Section and 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.
- (h) Operational Requirements stated in this Section may be conditions of approval as deemed necessary by the approving authority.
- (2) Operational Period.**
- (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 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 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 Medford Fire-Rescue each time the shelter is closing.

(d) The operator shall notify Medford Fire-Rescue 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 Medford Fire-Rescue 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. 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 of the end of the operational period, and/or upon application for an extension to the operational period pursuant to section 10.819A(D)(2)(e), the operator shall submit a report to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information:

- 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 may coordinate the reporting requirement with the Medford, Ashland/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 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 40 emergency service calls within 30 calendar days are made regarding activity in or near the temporary shelter.
 - iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues.
 - iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.
- (b) 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) When a temporary shelter is closed 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 shelter areas and all other 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. 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 user of temporary shelter shall be required to sign a waiver and give consent to searches by the Medford Police and Fire-Rescue Departments for reasons deemed necessary to ensure safe operations of a temporary shelter. 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 Medford Fire-Rescue 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 for Temporary Shelters

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.

(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 shelter area(s) 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 shelter areas and areas intended for sleeping

(c) Location of buildings access point(s)

(d) Location(s) of trash receptacle(s)

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

(5) Adequate space shall be provided for client's personal items; 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 do not qualify as a structure for the temporary shelter land use.

* * *

10.840 Temporary Uses and Structures.

* * *

D. Types of Temporary Uses and/or Temporary Structures.

* * *

(4) Temporary Residential Uses of Movable Structures and Vehicles.

* * *

(d) Temporary ResidenceShelter.

When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following:

1. A building permit for the temporary shelter-residence shall be obtained from the Building Safety Department, pursuant to Chapter 9.
2. Required water and sanitary facilities shall be provided.

3. The maximum length of the permit shall be six (6) months, but may be extended for a period not to exceed 60 days in the event of circumstances beyond the control of the owner.
4. Application for the extension shall be made at least 15 days prior to expiration.

* * *

10.859 Location and Use of Movable Structures or Vehicles Outside of Mobile Home, Manufactured Dwelling, or Recreational Vehicle Parks.

No person shall use or occupy, or rent or offer for rent, a house trailer, mobile home, trailer coach, travel trailer, manufactured dwelling, recreational vehicle, or other similar movable structure or vehicle within the city at any location other than a mobile home park, a manufactured dwelling park, or a recreational vehicle park, as defined in this Code, operating under a conditional use permit, except as allowed in Section 10.840(D)(4) Temporary [ShelterResidence](#), and Section 10.900 Manufactured Housing.

Exhibit B

Proposed amendment – *Alternative 2*

(Deleted text is ~~struck through~~, new text is underlined, **highlighted text** represents changes incorporated from July 10, 2018 Listening Session)

SPECIAL USE REGULATIONS (10.811 - 10.~~838839~~)

- 10.811 Nursery Schools, Day or Child Care (Centers) Facilities
- 10.813 Agricultural Services and Animal Services
- 10.814 Animal Hospitals and Veterinary Clinics
- 10.815 Cemetery, Crematory, Mausoleum, Columbarium
- 10.816 Churches, Hospitals, or Other Religious or Charitable Institutions
in an "R"Residential District
- 10.817 Community Buildings, Social Halls, Lodges, Fraternal
Organizations, and Clubs in an "R"Residential District
- 10.819A Temporary Shelters
- 10.820 Two Single-Family Residences in Lieu of Duplex

* * *

ARTICLE I - GENERAL PROVISIONS

* * *

10.012 **Definitions, Specific.**

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Emergency Shelter. Any facility, the primary purpose of which is to provide permanent facilities that are used as a temporary shelter for the homeless in general or for specific populations of the homeless. See SIC Classification 832.

* * *

Homeless. Individual(s) or families who are:

- (1) Living in a place not meant for human habitation;

(2) Living in an emergency shelter or in transitional housing;

(3) At risk of imminently (within 14 days or less) losing their primary nighttime residence, which may include hotels/motels or sleeping in a residence as a temporary guest, and lack the resources or support networks to remain in housing;

(4) Unstably housed and likely to remain unstably housed;

(5) Attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain permanent housing; or

(6) At risk to exposure of extreme weather conditions.

Homeless Shelter. See Emergency Shelter or SIC Classification 832.

* * *

Temporary Shelter. A temporary use within a building meant to provide relief from extreme weather and substandard living conditions for individuals or families who are homeless.

* * *

Transitional housing. A programmatic housing development that is run by a qualified organization to transition individuals from homelessness to permanent housing in a time period of 24 months or less. Clients of transitional housing must be homeless and shall agree to adhere to the standards for residency.

* * *

Sleeping unit. A room, space, or structure intended for occupancy in which people sleep that can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.

* * *

ARTICLE III - ZONING DISTRICTS

10.314 Permitted Uses in Residential Land Use Classification.

* * *

PERMITTED USES IN RESIDENTIAL ZONING DIS- TRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
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**1. SINGLE-FAMILY
RESIDENTIAL**

(a) Single-Family Detached Dwelling	P	P	P	P	P	Ps	Ps	Ps	10.710 & 10.826
(b) Zero Lot-Line Detached Dwelling	P	P	P	P	P	X	X	X	10.707
(c) Manufactured Home on Individ- ual Lot	Ps	10.710, 10.826 & 10.900							
(d) Temporary Shel- ter Residence	Ps	10.840							
(e) Residential Home (care, training, treat- ment) (5 or fewer resi- dents)	P	P	P	P	P	P	P	P	

* * *

* * *

OFF-STREET PARKING AND LOADING REQUIREMENTS. (10.741 - 10.751)

* * *

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
<u>Temporary Shelter*</u>	<u>1 space per 30.0 resi- dent beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 25.0 resi- dent beds, plus 1.0 space per employee on the largest shift</u>	■
<u>Emergency Shelter</u>	<u>1 space per 30.0 resi- dent beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 25.0 resi- dent beds, plus 1.0 space per employee on the largest shift</u>	■

* A single asterisk indicates that minimum parking standards may be exempt for a particular use, by the approving authority, if adequate parking can be demonstrated to already exist.

**The Downtown Parking District is bound by Fourth Street on the north, Tenth Street on the south, Bear Creek on east, and the railroad right-of-way on the west.

* * *

SPECIAL USE REGULATIONS. (10.811 - 10.838839)

* * *

10.816 Churches, Hospitals, or Other Religious or Charitable Institutions in an "R" District. Residential District

(1) In any residentially zoned district, hospitals or other religious or charitable institutions, excepting churches, shall be located on a designated arterial or collector street. Side and rear yard setbacks shall be a minimum of thirty (30) feet and landscaped as required to buffer adjacent properties.

(2) In the C-S/P zone, with conditional use approval, overnight parking for travel trailers, campers and similar vehicles for use by patients and families of patients at a hospital, may

be allowed as an accessory use to a hospital, subject to the following standards:

- (a) A minimum twenty (20) foot setback to the paved parking and maneuvering area for the spaces shall be provided along all lot lines, including the front lot line, and sufficiently landscaped so as to avoid adverse impacts on adjacent properties.
 - (b) Each of the spaces may be provided full hookups for power, water, and sanitary sewer.
- (3) Churches located within the residential district shall be subject to the following standards:
- (a) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.
 - (b) Located on a standard residential street, collector or arterial street.

(4) Temporary shelters, with 15 or fewer clients shall be permitted as an accessory use to all churches, hospitals, religious, or charitable institutions as permitted per Section 10.314(6)(c)(i).

(5) Temporary shelters, with more than 15 clients, shall be conditionally permitted as an accessory use to all churches, hospitals, religious, or charitable institutions as permitted per Section 10.314 (6)(c)(ii).

10.817 **Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in a "R" Residential District.**

- (1) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.
- (2) There shall be no external signage, advertising or other evidence of any incidental commercial activities taking place within the building.
- (3) All such uses, except Public Parks Recreation and Leisure Facilities and Services and appurtenant buildings and structures, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

(4) Temporary shelters with 15 or fewer clients, shall be permitted as an accessory use to all community buildings, social halls, lodges, fraternal organizations, and clubs as permitted per Section 10.314(6)(c)(i) of this Code.

(5) Temporary shelters, with more than 15 clients, shall be conditionally permitted as an accessory use to all community buildings, social halls, lodges, fraternal organizations, and clubs as permitted per Section 10.314(6)(c)(ii) of this Code.

* * *

10.819A 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 shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.819A.

(B) Definitions Pertaining to Temporary Shelters

When used in Chapter 10 in reference to temporary shelters, the following terms shall have the meanings as herein ascribed:

(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 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 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) Shelter Area(s): Designated space(s) within a temporary shelter intended for sleeping and/or relief from weather events that shall not include common areas, the access point, bathrooms, hallways, public right-of-way, or kitchens.

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

(C) Temporary Shelter Permit Requirements

(1) 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 shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period.

(2) An operator of a 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 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.

(5) 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.

(6) All applicable permits must be approved prior to the initial date of operations.

(7) Each temporary shelter shall adhere to the Temporary Shelter Policy as established by the City.

(D) General Standards for Temporary Shelters

The following standards of subsection 10.819A (D) shall apply to 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. The operator shall be required to meet the following standards as it pertains 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 shelters. Temporary shelters shall comply with all applicable building, fire, health, life, and safety codes as they pertain to temporary shelters. Compliance with this section requires the Operator maintain a Temporary Shelter Operational Permit.

(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 the dates of the operational period. Additional requirements may be required as a part of the operations plan as deemed necessary by the Building, Fire-Rescue, Legal, Parks, Planning, Police, and Public-Works/Engineering Departments. Any additional requirements shall be based on applicable codes and approved by the appropriate approving authority for each department representative.

(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.

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

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

(d) Population Size. Shelter population sizes shall be determined by applicable Building and Fire Codes.

(e) Shelter Areas. Temporary shelters may have 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.

(f) 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 three foot

clearance shall be maintained on all sidewalks.

(g) Written proof of compliance with requirements of this Section and 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.

(h) Operational Requirements stated in this Section may be conditions of approval as deemed necessary by the approving authority.

(2) Operational Period.

(a) The use of a temporary shelter shall not exceed 90 days within a nine 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 nine month period or nine 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 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 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 Medford Fire-Rescue each time the shelter is closing.

(d) The operator shall notify Medford Fire-Rescue 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 Medford Fire-Rescue 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. 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 of the end of the operational period, and/or upon application for an extension to the operational period pursuant to section 10.819A(D)(2)(e), the operator shall submit a report to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information:

- 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, Ashland/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 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 40 emergency service calls within 30 calendar days are made regarding activity in or near the temporary shelter.
 - iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues.
 - iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.
- (b) 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) When a temporary shelter is closed 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 shelter areas and all other 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. 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 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 Medford Fire-Rescue 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 for Temporary Shelters

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.
- (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 shelter area(s) 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 shelter areas and areas intended for sleeping
 - (c) Location of buildings access point(s)
 - (d) Location(s) of trash receptacle(s)
 - (e) Location(s) of lighting for site and building(s)
- (5) Adequate space shall be provided for client's personal items; 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 do not qualify as a structure for the temporary shelter land use.

(F) Temporary Shelters of 15 or Fewer Clients

When a temporary shelter has 15 or fewer clients, a temporary shelter permit shall be issued by the City, including the Temporary Shelter Operational Permit from Medford Fire-Rescue. All standards of Section 10.819A are applicable and required for shelters of 15 or fewer clients unless stated in this Section.

(1) Neighborhood Meeting. To ensure neighborhood input into the creation of an operations plan for a temporary shelter of 15 or fewer clients, a neighborhood meeting shall be required prior to the approval of a Temporary Shelter Operational Permit. Operators of a temporary shelter shall administer the neighborhood meeting and the below requirements. City staff may attend the neighborhood meeting to observe and document the proceedings. The neighborhood meeting requirements are as follows:

(a) The operator shall arrange and conduct the neighborhood meeting. Attendees shall be asked to sign a signature sheet and provide their mailing address.

The neighborhood meeting shall include a presentation containing the following information:

- i. A map depicting the location of the subject property proposed as a temporary shelter; and,
- ii. A visual description of the project including a tentative site plan that should highlight the proposed locations of:
 - (1) Location of sleeping areas
 - (2) Location of any common areas used in conjunction with the temporary shelter, if applicable (i.e. kitchen(s), bathroom(s), shower(s) and gathering space(s))
 - (3) Access point(s) (the entrances and exits)
- iii. A preliminary outline/overview of the operations plan,
- iv. A description of the nature of the proposed development and its physical characteristics, including but not limited to, total number of clients proposed to be served, amenities/services available; and,

(b) It shall be the responsibility of the operator to schedule and host the neighborhood meeting. The applicant may request to use City facilities for the meeting (fees may apply). Property owners within 200 feet of the proposed temporary shelter shall be notified. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice of the meeting shall be mailed a minimum of 15 days prior to the Neighborhood Meeting which shall be held in Medford on a weekday evening. Meetings shall be held in a location able to accommodate the noticed property owners. Meetings may be held on the proposed site of the temporary shelter. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for the mailing of said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in Section 10.819A(F)(1)(c). The notice for the Neighborhood Meeting shall include:

- i. Date, time, and location of the neighborhood meeting
- ii. A brief written description of the proposal,
- iii. The location of the subject property, including the address (if applicable), nearest cross streets, and any other easily understood geographical reference
- iv. A map (such as a tax assessor's map) which depicts the subject property

(c) Documentation attesting to the completed Neighborhood Meeting shall be submitted at the time of application. The documentation shall include:

- i. A copy of a Certificate of Mailing for the Neighborhood Meeting notification mailing pursuant to Section 10.818A(F)(1)(b)
- ii. A completed Verification of Neighborhood Meeting affidavit attesting to the contents of the materials provided or reviewed at the meeting
- iii. Copies of the signature sheet(s) from the neighborhood meeting.

(d) City staff may attend the meeting and submit to the City Manager a memorandum summarizing the neighborhood feedback on the proposed temporary shelter. Conditions for the temporary shelter’s operations plan may be included within the memorandum.

(e) The Planning Director in his/her discretion may request the City Council to hold a public hearing on the application for a temporary shelter based on the neighborhood feedback received at the Neighborhood Meeting.

(f) The conditions produced in reference to 10.819A(F)(1)(d) shall be considered by the City Manager in approving an operations plan for the temporary shelter and may be imposed at the discretion of the City Manager. Any appeal of these conditions shall be to City Council, and may be made by either the operator or any attendee of the neighborhood meeting. The City Manager’s decision shall be effective immediately.

(2) **Supervision.** There shall be at least one on-duty representative of the temporary shelter when the client population is 15 persons or fewer. 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.

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

(4) **Monitoring.** The on duty-representative(s) shall monitor all areas of a temporary shelter, including shelter areas, which may result in the lack of privacy. Monitoring shall be in conformance with all applicable local, state, and federal laws and shall not engage in unlawful discrimination under state and federal law.

(5) **Population Size.** The shelter population size shall not exceed 15 clients, each client representing one individual person.

(6) **Location.** 10.819A(E)(1) is replaced by: Shelters with 15 or less clients need not be 500 feet from other temporary shelter’s property lines as stated in 10.819A(E)(1).

* * *

10.840 **Temporary Uses and Structures.**

* * *

D. Types of Temporary Uses and/or Temporary Structures.

* * *

(4) **Temporary Residential Uses of Movable Structures and Vehicles.**

* * *

(d) Temporary Residence Shelter.

lot When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following:

1. A building permit for the temporary ~~shelter~~ residence shall be obtained from the Building Safety Department, pursuant to Chapter 9.
2. Required water and sanitary facilities shall be provided.
3. The maximum length of the permit shall be six (6) months, but may be extended for a period not to exceed 60 days in the event of circumstances beyond the control of the owner.
4. Application for the extension shall be made at least 15 days prior to expiration.

* * *

10.859 Location and Use of Movable Structures or Vehicles Outside of Mobile Home, Manufactured Dwelling, or Recreational Vehicle Parks.

No person shall use or occupy, or rent or offer for rent, a house trailer, mobile home, trailer coach, travel trailer, manufactured dwelling, recreational vehicle, or other similar movable structure or vehicle within the city at any location other than a mobile home park, a manufactured dwelling park, or a recreational vehicle park, as defined in this Code, operating under a conditional use permit, except as allowed in Section 10.840(D)(4) Temporary ~~Shelter~~ Residence, and Section 10.900 Manufactured Housing.

Exhibit C

Minutes – City Council Study Session

August 23, 2018



Medford City Council Study Session

Minutes

August 23, 2018
Medford Room, Medford City Hall
411 West 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 6:00 p.m. in the Medford Room of Medford City Hall on the above date with the following members and staff present:

Councilmembers Clay Bearson (arrived at 6:32 p.m.; left at 7:10 p.m.), Kay Brooks, Tim D'Alessandro, Tim Jackle, Kevin Stine, Kim Wallan and Michael Zarosinski

Acting City Manager Ryan Martin, City Attorney Lori Cooper, Deputy City Recorder Winnie Shepard, Deputy Public Works Director – City Engineer Alex Georgevitch, Planning Director Matt Brinkley, Principal Planner Carla Paladino

Mayor Wheeler and Councilmember Dick Gordon were absent.

* * *

Cooling/Warming Shelters

Planner II Kyle Kearns advised that staff was seeking direction before the public hearing scheduled for September 20 and outlined the following:

- Staff received feedback from the non-profit sector, which requested less onerous standards for smaller shelters
- New temporary shelter classification for 15 or fewer clients
 - Would adhere to special standards, including an operations plan
 - Obtain a Temporary Shelter operational Permit
 - Waive parking standards

- In residential zones temporary shelters would be required to be an accessory use to institutional uses
- Would be similar to residential care, residential training and residential treatment facilities
- Would require an operational permit and not a conditional use permit
- All temporary shelters require an operations plan that includes
 - Safety and security provisions
 - Dates of operational period
 - Additional requirements may be added City departments for safety
 - Client interactions
 - Rules for shelter use
 - Facility operations and maintenance
- The permitting process for a conditional use would take three to four months
- An additional change is that temporary shelters shall not exceed 90 days within a nine-month period, rather than 12 months
- The exceptions for temporary shelters of 15 or fewer
 - Would not require a 500 foot buffer from other shelters
 - Have one on-duty representative
 - No required fire watch

It was noted that the Planning Commission met and recommended approval. The Commission also approved future revisions requested by non-profits during a listening session. The Planning Commission did not discuss the proposed revisions made by the non-profits.

Council discussed whether to require neighborhood input regardless of the number of residents in a temporary shelter.

Council President Michael Zorosinski advised that Council would like to know what was actually approved by the Planning Commission and the requests made by the nonprofits after the Planning Commission's approval. Council would start with the recommendation and move on from there.

The meeting adjourned at 7:18 p.m.

Winnie Shepard
Deputy City Recorder

Exhibit D

Memo – Non-Profit Service Provider Listening Session July 10, 2018

MEMORANDUM

Project Temporary Shelters
File no. DCA-17-062
To Service Providers *for 07/10/2018 listening session*
From Kyle Kearns, Planner II
Date July 5, 2018

BACKGROUND

Proposal

The City of Medford is proposing amendments to the Municipal Code to allow for the land use of temporary shelters. Temporary shelters, per the proposal (Exhibit A), are defined as:

“Temporary Shelter. A temporary use within a building meant to provide relief from extreme weather and substandard living conditions for individuals or families who are homeless.”

A local example of a temporary shelter includes the Kelly Warming Shelter which has received local and regional media attention since its inception in 2017.

History and Next Steps

Since 2017, Staff has presented the code language pertaining to temporary shelters to local homeless service providers, Planning Commission, City Council, the Land Development Committee, and the Housing and Community Development Commission. Direction was given to seek out additional feedback from local service providers to discover any

potential hindrances to the homeless service providers and their ability to provide temporary shelters, thus the July 10 listening session.

The City of Medford Planning Commission has recommended approval of the proposal (Exhibit A) with incorporation of changes as proposed by the homeless service providers. Staff will be seeking Council Direction on August 9, 2018 on the proposed changes and seeking Council final approval in September.

The feedback provided on July 10 will enable a more functional and cohesive temporary shelter code language for those providing the services of a shelter.

TEMPORARY SHELTER LANGUAGE SUMMARY

Current land use regulations permit traditional homeless shelters/emergency shelters in commercial zones; traditional shelters are permanent in nature as they would operate year-round and always provide services. However, the cost and municipal code requirements of operating traditional shelters can be onerous to fiscally strapped organizations attempting to provide shelter for the most disadvantaged populations of Medford.

When considering land use, the permanence of a use is considered in the application of code requirements. Compromises of code can be made when particular land uses are considered impermanent. For example, temporary mobile food vendors (food trucks) are not required to provide parking spaces for patrons, but they must vacate the location at the end of a business day as they are temporary. These are the compromises temporary uses must make in order to remain permissible as temporary.

For temporary shelters the compromise is that a shelter can only operate, or provide shelter, a maximum of 90 days in 12 month period. In exchange for these limitations shelters are exempt from many costly requirements of code that would prevent certain organizations from being able to provide shelter. These code requirements include items such as ADA requirements, fire suppression systems and seismic design requirements, to list a few. It is the intent of this project to provide land use review procedures to mitigate impacts of providing temporary shelter to surrounding land uses while also providing a clear path in permitting.

HOMELESS SERVICE PROVIDER REQUEST

The Medford Planning staff is seeking direction from homeless service providers on the proposed code language as it pertains to temporary shelters. Direction on the entire proposal is welcome, however specific focus should be given to:

- The effects of a conditional use permit as opposed to outright permitted land use. Conditional use permits require a public hearing and approval by the Planning Commission. Additional conditions or denial of a temporary shelter can result due to conditional use hearings.

- Review and comment on the special use standards (10.819A) of the proposal, specifically sections
 - 10.819A (C) – Temporary Shelter Permit Requirements
 - 10.819A (D)(1) – Operational Requirements
 - 10.819A (D)(3) – Reporting Requirements
 - 10.819A (D)(5) – Consent to Inspection of Temporary Shelters

EXHIBITS

- A Proposed amendment (*Alternative 1* – Exhibit A for Commission Report Dated September 6, 2018)

Exhibit E

Minutes – Planning Commission Hearing June 14, 2018

From Public Hearing on **June 14, 2018**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E.J. McManus
Alex Poythress
Jared Pulver (left at 6:59 p.m.)

Staff Present

Kelly Akin, Assistant Planning Director
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Carla Paladino, Principal Planner
Terri Rozzana, Recording Secretary
Dustin Severs, Planner III
Kyle Kearns, Planner II
Steffen Roennfeldt, Planner III

* * *

New Business

50.3 DCA-17-062 Consideration of a land development code amendment to portions of Chapter 10 to allow for the new land use, cooling and warming shelters. Cooling and warming shelters provide homeless individuals temporary relief from the elements and are intended to be temporary and accessory in land use. Applicant: City of Medford; Planner: Kyle Kearns.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Kyle Kearns, Planner II, stated that the name has changed from cooling and warming shelters to temporary shelters.

The Land Development Code amendment approval criteria can be found in the Medford Land Development Code Section 10.184. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Kearns gave a staff report.

Commissioner Poythress asked, does the parking spot per employee requirement for 1 to 20 beds at the largest shift include volunteers? Mr. Kearns reported that would be worked out in the operations plan but it is not considered.

Mr. Kearns continued with the staff report.

The Public Hearing was opened.

a. Heather Hassett, Rogue Retreat, 468 W. Pine Street, Central Point, Oregon, 97502. Ms. Hassett reported that this was a good process to get feedback. She is in support of the final product.

b. Joe Vollmar, 941 Parkdale Avenue, Medford, Oregon, 97501. Mr. Vollmar is the Housing Director for Access and is present tonight to speak on their behalf. Access supports the code amendment as presented.

c. Chad McComas, 1743 Alcan Drive, Medford, Oregon, 97504. Mr. McComas stated that temporary shelters are for 30 to 90 days and that is what they are looking at. In the future they will be back regarding a transitional shelter. This is a good start.

d. Mary Ferrell, 500 Monroe Street, Medford, Oregon, 97501. Ms. Ferrell is the Executive Director of Maslow Project. They work with a slightly different population of homeless individuals specifically families and children experiencing housing transition. Their Board of Directors has approved for the agency to move forward looking into opening up a temporary shelter for the transitioned aged youth that would be 18 to 24. They are hoping to get a Conditional Use Permit in their existing facility where the kids are already comfortable. They would like the opportunity to provide written comment on this content that they only received recently. She has several concerns with some of the language that creates barriers with the population they deal with specifically the search requirement. She would like to work with the City to refine some of the language. If there will be a second study session they would like to be a part of that. They were not included in the first study session.

e. Jamie Hazlett, 15 Crater Lake Avenue, Medford, Oregon, 97504. Ms. Hazlett is the President for Maslow Project Board this year. They would like to develop a warming shelter for this coming winter season. They do not want the City to take a one size fits all approach that would exclude their kids. A waiver could create an obstacle for some of the kids. The same goes with the search. They look forward to being a part of another study session.

f. Karen Phillips, 500 Monroe Street, Medford, Oregon, 97504. Ms. Phillips expanded on what Ms. Ferrell and Ms. Hazlett stated. A lot of what they do at Maslow is work to get upstream of chronic homelessness. There are specific ways one works with youths that one does not necessarily work with the adult population.

Mr. Mitton clarified that the search issue is not searching backpacks or inside pockets. It is a search of the shelter such as fire personnel going in making sure it is not over crowded or electrical concerns. Ms. Ferrell reported that is why they would like to have some conversation. Had they been at the study session or provided comment they probably would have gotten that clarity and may not have had the search concern. Mr. Mitton's clarification alleviated her concerns.

Mr. Kearns read the search language to see where the confusion may have come in. "Each user of a temporary shelter shall be required to sign a waiver and give consent to searches from the Medford Police and Fire and Rescue Departments for reasons deemed necessary to ensure safety operations of temporary shelters. This shall be a part of the operation plan and may differ from shelter to shelter." Mr. Mitton stated he had been reading in conjunction with Subsections (a) and (b) where it is talking about inspections and searches of the shelter itself. There may be ways to clarify that language.

Vice Chair McFadden asked, does this go to the City Council next? Mr. Kearns clarified the timeline. The City Council has requested that after tonight staff takes it back to a study session scheduled for Thursday, August 9, 2018 and the hearing Thursday, August 16, 2018. It may be pushed back several more weeks taking into consideration vacations.

The Public Hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the approval criteria are either met or not applicable, initiates the amendment, and forwards a favorable recommendation for adoption of DCA-17-062 to the City Council per the staff report dated June 7, 2018, including Exhibits A through L, staff's changes discussed at the June 11, 2018 Planning Commission study session and per Exhibit L, and incorporation of public input from local homeless services providers.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Commissioner Mansfield stated that he appreciates the people that have come in favor of the amendment. The Planning Commission is only a recommendatory body on this issue. He is hoping the concerned citizens follow City Councils study session and public hearing. After all that is done this only authorizes a Conditional Use Permit. He recommended the people in favor attend the Conditional Use Permit hearings.

Roll Call Vote: Motion passed, 8-0.

* * *

Exhibit F

Minutes – Planning Commission Study Session June 11, 2018

From Study Session on **June 11, 2018**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
Joe Foley
Bill Mansfield
Mark McKechnie

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Kyle Kearns, Planner II
Seth Adams, Planner III

Commissioners Absent

David Culbertson, Excused Absence
E. J. McManus, Excused Absence
Jared Pulver, Unexcused Absence
Alex Poythress, Unexcused Absence

Subject:

20.1 DCA-17-062 Temporary Shelters (Formerly Cooling/Warming Shelters)

Kyle Kearns, Planner II, reported that staff will be presenting the findings of DCA-17-062, Temporary Shelters, on Thursday, June 14, 2018 before the Planning Commission. Staff is recommending approval of the code amendment. The intent of today's presentation is to determine if any changes are needed to the proposed amendment prior to the hearing.

The code amendment is to allow for a new land use, temporary shelters. Temporary shelters are a use within an existing or new structure, short-term in nature, in which homeless individuals or families are provided temporary shelter for no more than 90 days in a 12 month period. An example of a shelter that would qualify as a temporary shelter would be the Kelly Warming Shelter. The Kelly Warming Shelter has operated in the winters of 2017 and 2018 and has aided in the drafting of the proposed language for DCA-17-062.

Citing frustrations with the process in which the Kelly Warming Shelter was permitted, staff was directed to draft proposed standards in order to provide a clear and concise path forward for permitting temporary shelters in the future.

Staff is proposing the shelters be conditional uses going through the Conditional Use process. Allowing for weather based timing events. Removal of the allowance of tents, yurts, and similar structures. A 500 feet buffer from any property line that has a shelter. Created standards for revocation of permits.

Temporary shelters are conditionally permitted with special standards in residential zones as accessory use to institutional uses and as a primary use or as an accessory use in commercial/industrial zones.

In Code Sections 10.816 and 10.817 adding language "added provision stating allowance of temporary shelters as a conditional use per these special standards."

Vice Chair McFadden stated that since this is included in the conditional use section does it need to be mentioned twice? Kelly Akin, Assistant Planning Director, reported that the use table talks about it as a stand-alone use. This would allow it as an accessory to one of the other conditional uses.

Commissioner McKechnie asked, would this apply to natural disaster shelters? Chair Miranda reported that he read there is a condition for emergency shelters. Mr. Kearns clarified that temporary shelters is defined for people that are homeless. This amendment was not meant for natural disaster temporary shelters.

Commissioner Foley asked, why is the definition for transitional housing included in this text amendment? Mr. Kearns stated that it is used in the definition of temporary shelters that they may be transitioned to transitional housing. It is needed to define transitional housing for clarification of what it is.

Commissioner Mansfield commented that everything in this section requires a conditional use permit. He is not opposed to that. There is going to be resistance. Mr. Kearns reported that as a conditional use it would come before the Planning Commission and it would have to meet the criteria.

The purpose and intent of the special use standards is to *"...ensure that any conflicts with temporary shelters and the surrounding land uses are mitigated through the special regulations..."*

Definitions pertaining to temporary shelters defined the following terms specifically for temporary shelters:

1. Access Point
2. Operator
3. Operational Period
4. Operations Plan
5. Shelter Areas

Commissioner Mansfield pointed out that throughout this entire set of instruments there are all kinds of things the City Manager is authorized to do. Does standards need to be set? Eric Mitton, Deputy City Attorney, stated that there is specific criteria that the City Manager needs to identify for termination. There is public safety and violation of the code criteria.

Commissioner Mansfield referred to page twelve of the study session packet “... (h) *The City Manager’s decision to revoke a temporary shelter’s permits shall be final. Appeals shall be made to the City Council.*” He is concerned with that. It seems to be inconsistent to say it is final and then stating the right to appeal. Commissioner Mansfield stated he was in error and apologized for missing the standard. Mr. Mitton stated that in terms of appeals shall be made to the City Council is that if the City Manager is trying to revoke a permit for a safety issue there is a question whether the revocation is effective or not while trying to get on a City Council calendar that can take several weeks. Commissioner Mansfield suggested changing the word “*final*” to “*effective immediately*”.

Vice Chair McFadden asked, in light of the recent shooting in a Portland shelter, does police and their responsibilities need to be addressed in this code amendment versus normal procedures for Medford Police? Mr. Mitton responded that he can research any specific issues with the Portland shooting. One of his concerns is if things were to escalate and something happened or walking through a routine inspection and saw heroine in an obvious position or a weapon he did not want a motion suppressed by an officer being in a shelter to begin with. He wants to make sure there is no constitutional challenge for officers being there and charges rise out of it. Their safety can defer to their normal standards.

Commissioner McKechnie asked, in a residential area as and accessory use, is there a square footage limitation? Mr. Kearns replied no.

* * *

Exhibit G

Minutes – City Council Study Session April 26, 2018

AGENDA

April 26, 2018

6:00 p.m.

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

1. Proposed Code Amendment of Chapter 10, Article II
2. Proposed Code Amendment – Senate Bill 1051 (updated housing laws)
3. Warming/Cooling Shelters
4. Transitional Housing

MINUTES

April 26, 2018

6:00 p.m.

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 6:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson (joined by phone at 7:30 p.m.); Kay Brooks (arrived at 6:15 p.m.), Tim D’Alessandro, Dick Gordon, Tim Jackle, Kim Wallan, Michael Zarosinski

City Manager Brian Sjothun; City Attorney Lori Cooper; City Recorder Karen Spoonst;

Councilmembers Kevin Stine was absent.

* * *

Warming/Cooling Shelters – Kyle Kearns

- Noted revisions from past study sessions; weather based timing events; removal of the allowance of tents, yurts, and similar structures; concentration prevented with 500; distancing requirement; create standards for revocation of permits
- Code language overview
- Scenarios presented on future
- Planning Commission study session
 - Unsure of need for 500' distancing requirement
 - Mixed opinions on keeping or removing language
 - Concerns over unlimited number of shelters
 - Prohibit tents and yurts
 - Why site plan if all inside a building

Council comments:

- 500' feet requirement
- Churches in residential neighborhood; impacts are different than the rest of the neighborhood
- Neighbors should have an option to provide input
- Can we include case management program that would be using the facility; is in the operations plan
- Schools can be included
- Day care programs are not included in the operations plan, but could be
- One facility could be used for cooling and/or warming shelter
- Using specific dates for shelter operation is difficult to enforce
- Council liked that it could be year-round; difficult to get volunteers and could be easier if it was consistent
- Temporary shelters could only be open 180 days or the facility would need to meet code
- Handle each concern on a case-by-case basis
- Establish set criteria on conditional use level and services

- Sleeping outside costs about \$150/night
- Council wanted to repeat success of last year
- Currently, ACCESS does want to offer services
- Need a CUP in residential
- Clarify timing; warming and cooling are different
- Permitted in commercial zones, but option of including locations adjacent to residential, or within a buffer zone
- Topic goes to the Planning Commission next, then back to Council for another study session before the public hearing

Recess until 7:30 p.m.

Councilmember Clay Bearnson joined the meeting via phone.

* * *

Exhibit H

Minutes – Planning Commission Study Session April 23, 2018

From Study Session on **April 23, 2018**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E. J. McManus
Alex Poythress
Jared Pulver

Staff Present

Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Kyle Kearns, Planner II

Subjects:

20.2 DCA-17-062 Cooling / Warming Shelters

Kyle Kearns, Planner II, reported that the City Council directed staff to separate cooling/warming shelters from transitional housing into its own code amendment.

Staff is seeking direction and has identified three options for this code amendment and request that the Commission express its preference:

1. Continue drafting code language, have a study session with the Planning Commission. That being done today. Housing and Community Development Commission (date to be determined); and proceed to hearings for Planning Commission and City Council in June and July.
2. Similar timeline to the above option but includes another City Council study session prior to hearings; or
3. Cease work on DCA-17-062

Vice Chair McFadden asked if another option would be for the Planning Commission and Housing and Community Development Commission have a joint meeting. Carla Paladino, Principal Planner something could be setup.

Commissioner Pulver asked, is this presentation going to the City Council on Thursday for their study session? Mr. Kearns replied yes.

Commissioner Pulver stated that if City Council on Thursday states to cease work and the Planning Commission spends a lot of time discussing it today that might be all for not. Staff is optimistic about this.

Staff was directed to draft code language after complications with local shelter and unclear path forward for regulation. The proposal was discussed at four separate study sessions. The larger discussion points included text revisions:

- Allow for weather based timing events
- Removal of the allowance of tents, yurts, and similar structures
- Concentration prevented with 500 foot distancing requirement
- Create standards for revocation of permits

Cooling/Warming shelters, as proposed are defined as a temporary shelter within a structure meant to provide relief from extreme weather conditions for individuals or families who are homeless or in need of relief due to substandard living conditions.

They are permitted with special standards in residential zones as accessory use to institutional uses and in commercial/industrial zones as primary use or as an accessory use.

Vice Chair McFadden asked, what is the standard City Code dealing with tents and those types of structures? Mr. Kearns stated this has been discussed before and the Planning Commission's preference was to allow for tents in cooling/warming shelters but not in transitional housing.

Commissioner Mansfield asked staff to comment on the Not in My Back Yard (NIMBY) issue.

Commissioner McKechnie asked, if it is an accessory use, is there a size limitation? Mr. Kearns reported whatever is in the Building Code.

Mr. Kearns addressed the NIMBY issue stating it is more related to the transitional housing code amendment.

Commissioner Culbertson asked, how many properties are actually 500 feet away centrally located in any lot that can accomplish 500 feet on each side. Commissioner Foley reported it is 500 feet from property line to property line.

Vice Chair McFadden does not see the need for the 500 feet.

Chair Miranda asked, what is the logic for the 500 feet? Mr. Kearns replied they do not want them to concentrate.

Special standards include:

- Submittal of Operations Plan
- Reporting requirements for tracking
- Submittal of Safety and Security Plan
- Revocation of permit standards
- Site specific standards

To better understand the draft language, the following will be several scenarios that would permit or prohibit a shelter:

- Existing Institutional Use, regardless of zone – 607 W. Main – First United Methodist Church
 - Residential zone: accessory use
 - Commercial zoning: accessory or primary use
 - Existing structure, contained entirely within structure
- New Institutional Use, regardless of zone – Proposed Future Use
 - Residential or Commercial zoning
 - New Building, shelter as accessory use
 - Shelter use contained entirely within building
- Vacant building, in a commercial zone – 135 W. Main Street
 - Commercial zoning
 - Existing building, shelter as primary use
 - Shelter use contained entirely within building

Commissioner Mansfield stated the he looked for conditional use permit procedures, there is some reference to it. He has noticed Mr. Kearns has not discussed this. Is staff leaving out conditional use permit procedures? If so, why? Mr. Kearns reported that these are being permitted outright. They are not a conditional use because they are a temporary use. Under the 90-day timeframe they would not have to pull any sort of building permits. They do not have to do much for site development. These will be contained within the building. A conditional use process for a 90 day use that does not make any money seems out of place.

Commissioner McKechnie asked, if someone wants to provide one of these shelters, do they submit an application or is it a change of use application? Mr. Kearns reported that it is a Class "D" land use action or a Type II action. Administrative review with Class "D" noticing. It would be its own permit that would need to be created.

Commissioner McKechnie asked, is there a fee connected with the action? Mr. Kearns replied that staff has not established a fee. Currently the fees could be waived. The fees would be set low or no fee at all. Staff will need direction on that or research what other cities do.

- Vacant building, in a residential zone – 820 Crestbrook Road
 - Residential zoning
 - Existing building, shelter as primary use
 - Shelter use contained entirely within building
- Vacant Lot, no building, regardless of zone – 233 W. 6th Street
 - Residential or Commercial zoning
 - No buildings or structures
 - Shelter use as primary use
- Tents/yurts, combined with above scenario – Any location
 - Residential or Commercial zoning
 - Yurts, tents, etc. as accessory or primary structure
 - Shelter use as primary or accessory use

Chair Miranda would like the tents/yurts restricted. Structures that are self-contained, Category "A" facilities are his preference.

Hearing/Commission Dates (Past/Future)

- August 31 2017: City Council Study Session
- September 18, 2017: Joint Study Session
- October 4, 2017: Housing and Community Development Commission Meeting
- April 23, 2018: Planning Commission Study Session

Tentative Hearing Dates:

- June 14, 2018: Planning Commission Hearing
- July 19, 2018: City Council Hearing

Chair Miranda asked, if the City Council approves the amendment at their July 19, 2018 hearing, how long will it take to be implemented? Mr. Kearns reported that assuming the direction is to move forward it could be ready the day of adoption.

Commissioner Foley likes the proposed language.

Commissioner Mansfield thinks there will be problems with neighbors but staff has done a good job.

Commissioner McKechnie agrees with Commissioner Foley and Commissioner Mansfield.

Commissioner McKechnie asked, since everything is indoors, why is a site plan required? Mr. Kearns stated a site plan is required to show where they meet the lighting requirements. To show the location of the lighting. Commissioner McKechnie asked, why is that needed if it is indoors? Mr. Kearns reported that the site specific standard states that certain areas need to be lit to a certain level. Staff would need to know where the lighting is to understand that requirement. Also, to know where the access point is. The entry may not be understandable on a floor plan because it could be in the basement.

Commissioner McKechnie is confused about the reporting. Is there a template stating specifically what staff is asking the people to report on? Mr. Kearns stated that the code states exactly what they are reporting on. On page 18 of the memorandum under (3) Reporting Requirements. It reads: *"The operator shall be required to report to the Housing and Community Development Commission..."* They would have to report care using the industry standard software. *"The reporting shall include the following:*

- *Number of residents served*
- *Number of public service calls and reason for call*
- *Services provided*
- *Number of residents denied tenancy*
- *Reason for denying a tenant residency*
- *Number of nights spent at full capacity (if applicable)*
- *Number of residents provided with more permanent or transitional housing"*
- *Other requirements as required by Code Section 10.819A (D) (3) (a)*

Commissioner McKechnie stated that he can understand having parking for staff but why is there a parking requirement since these people are homeless or possibly living in their car? Mr. Kearns reported that staff was directed from talking with Rogue Retreat that a lot of the people that are homeless in the Rogue Valley have cars. It is probably a higher number than anticipated.

Commissioner Pulver asked, is it correct that there is no limit to the number, size and capacity of these shelters in the City? Mr. Kearns replied that is correct. That is a concern for Commissioner Pulver.

Commissioner Pulver asked, is the Continuum of Care (COC) organization going to be monitoring them? Mr. Kearns stated that it would be two different organizations. One would be the COC organization and the second organization would be the Housing and

Community Development Commission. That Commission would report to the City Council.

Commissioner Pulver asked, has the COC existed for a while? Mr. Kearns replied yes. It is being restructured.

Commissioner Pulver stated that the oversight responsibility is being given to the COC body that is in transition. It is his opinion the oversight factor is loose at best. Mr. Kearns reported that they are not going to oversee the shelter. They are to coordinate with the COC on the applicable software used to report to the COC organization on what they are doing.

Commissioner Pulver asked, does the City have the time, resources and staff to manage this? Commissioner McKechnie stated that the City is not managing the shelters. Commissioner Pulver understands that but the City has revocation privileges. The City is going to allow the shelters, the proposal is presented to the City and the City monitors it. He does not think Code Enforcement is staffed to handle all this. Mr. Kearns commented that the language can be tweaked on how to revoke the permit to make it broader. For the most part it is explicit how it can be done.

Chair Miranda asked, how did staff come up with 40 calls in 30 days? Mr. Kearns stated that apartment complexes in Medford exceed that. The Kelly Shelter in its first year of operation had over 100 service calls. They had less than 30 the second year. Staff used 100 for the standard then divided that over the course of 3 months. That is how staff came up with that number.

Commissioner Pulver reported that on page 6 of the memorandum it mentions of two new proposed uses, emergency shelter and then cooling/warming shelter. It is defined as providing temporary transitional shelter for the homeless. The emergency shelter term is used but it seems like staff might want to save that for something else. Mr. Kearns stated it is a HUD definition and staff is trying to allow for the traditional homeless shelter opened year round with that term.

Commissioner Pulver stated that on page 13 it talks about established days of operations may not exceed 90 calendar days. Is it or is it not continuous days? Mr. Kearns reported that is no longer continuous. That came from the City Building and Fire departments discussions. They notify the City's Fire department when they open and close. Once the shelter exceeds the 90 days the Fire code is enforceable. How is that tracked? Mr. Kearns stated that he would have to discuss that with the Fire department and get back with Commissioner Pulver.

Commissioner McManus if there are two buildings on a lot does that allow the property owner to have two permits; 90 days in one and 30 days in the other? Mr. Kearns reported that would be a question of how the 500 feet would play out. It would also depend on how they write their plan. If they are operating in two buildings under the same warming shelter it would be deferred to Building codes for occupancy load.

Would the direction be to make it per lot? Chair Miranda stated that previously that is where the 500 foot condition would come into play. Being on the same lot but within 500 feet, it would be disallowed.

Chair McFadden asked, does there have to be consistency between Hope Village and cooling/warming shelters? Mr. Kearns stated the intent is to keep them separate.

Any direction from the Planning Commission on the 500 feet? Chair Miranda wants the 500 feet per lot to remain as a limiting factor.

Ms. Paladino asked, after hearing from the City Council on Thursday and they indicate to move forward, does the Planning Commission want to see it before going to a public hearing? Chair Miranda stated that he did not need to see it again.

* * *

Exhibit I

Minutes – Housing and Community Development Commission (HCDC) Meeting October 4, 2017

MINUTES

Housing and Community Development Commission
Wednesday, October 04, 2017
5:30 p.m.-7:00 p.m.

Meeting called to order @ 5:33 p.m.

1. Roll Call

Bill Boehning, Marie Cabler, Denise James, John Michaels, Daniel Smith, Carol Fiddler and Rebecca Erickson. Staff: Angela Durant, Kyle Kearns. Council Liaison: Dick Gordon
Absent: Heidi Hill, Chad McComas

2. Public Comments - None.

3. Introduction of new Commissioners – Carol Fiddler and Rebecca Erickson

4. Approval of Minutes from September 6, 2017

Approved as presented.

5. Temporary & Transitional Housing (DCA-17-062) Update – Kyle Kearns

Over the course of 2016-17 the Medford Planning Department, per direction from the Medford City Council, has been drafting land use regulations to permit the use of transitional housing through the use of smaller housing units; the use would be called transitional housing villages. The intent is to provide a structure for organizations to follow in order to construct a transitional housing village. Using the Housing First Model of homeless housing assistance as a framework, the City has drafted standards that regulate the design, organization, operations, safety and maintenance of transitional housing villages.

Staff has solicited feedback from the Jackson County Continuum of Care and The Medford City Council, Planning Commission, Housing and Community Development Commission, and City Staff. Public hearings are positioned to start the spring of 2018 to solicit

public input. Mr. Kearns handed out a worksheet that asked if the proposed text aligned with the Council's original direction from the August 18, 2016. The Planning department will make edits as a result of the feedback.

Mr. Michaels would like to table this item and discuss it at the next meeting.

* * *

12. Adjourn

Meeting was adjourned at 7:22 p.m.

Exhibit J

Minutes – Planning Commission/City Council Study Session September 18, 2017

AGENDA

September 18, 2017

**Medford City Hall, Medford Room
411 West 8th Street, Medford, Oregon**

- 10. Introductions
- 20. Discussion Item
 - 20.1 DCA-17-104 Food Truck in public right-of-way
 - 20.2 DCA-17-062 Transitional Housing Amendment
- 30. Adjournment

MINUTES

September 18, 2017

**Medford City Hall, Medford Room
411 West 8th Street, Medford, Oregon**

The City Council Study Session was called to order at 12:06 p.m. in the Prescott Room of the Medford Police Department on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Tim D’Alessandro, Dick Gordon, Tim Jackle, Kevin Stine, Kim Wallan, and Michael Zarosinski

Planning Commissioners Dave Culbertson, Alex Poythress, Joe Foley, David McFadden, Patrick Miranda, Mark McKechnie, E.J. McManus; Bill Mansfield; Deputy City Manager Kelly Madding; City Attorney Lori Cooper; Senior Assistant City Attorney Eric Mitton; Planning Director Matt Brinkley; Principal Planner Carla Paladino; Parks & Recreation, Facilities Director Rich Rosenthal; Planner II Kyle Kearns; Deputy City Recorder Winnie Shepard

Councilmembers Kay Brooks, Tim D'Alessandro, Dick Gordon, Kevin Stine and Michael Zarosinski and Planning Commissioner Jared Pulver were absent.

* * *

Transitional Housing Amendment

Planner II Kyle Kearns spoke regarding Transitional Housing and provided an overview of Council's comments from August 31 study session.

- Planning Commission's key comments
 - requested additional review time
- Outlined the hearing schedules for the various items

Council/Commission comments

- Need to find adequate housing for people; Hope Village is still substandard housing
 - Substandard is relative; Hope Village is better than many homeless and it serves as a stepping stone, providing upward mobility
- Difficult to determine number of homeless people in our area
- Warming/cooling shelter is a big topic that needs extra work; needed to protect the public
- We should move forward in separating the project into two individual projects
 - Code amendment regarding warming shelters
 - Code amendment regarding transitional housing
- Slowly move forward with transitional housing regulations
- Consideration should be given for case by case developments

Deputy City Manager Kelly Madding stated she met with church staff regarding the warming shelter. At this point, the church needs improvements to meet the building and fire regulations. In addition, the Church staff preferred to be open specific days versus open during certain temperatures because of the need for staff volunteers.

Mayor recommended breaking down the topic to address one issue at a time. Mr. Brinkley clarified that staff will move forward with the warming/cooling shelter Code amendment and separate the transitional housing portion.

The meeting adjourned at 1:15 p.m.

Winnie Shepard
Deputy City Recorder

Exhibit K

Minutes – Planning Commission Study Session September 11, 2017

From Study Session on **September 11, 2017**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E. J. McManus
Jared Pulver
Alex Poythress

Staff Present

Matt Brinkley, Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Senior Assistant City Attorney
Seth Adams, Planner III
Kyle Kearns, Planner II

Subjects:

* * *

20.3 DCA-17-062 Temporary and Transitional Housing appraisal

Kyle Kearns, Planner II, this is a development code amendment to consider the allowance of two new housing types in Medford, those being housing villages and cooling/warming shelters. The underlying intent is to provide affordable housing options for the City's less fortunate and homeless housing providers.

August 18, 2016, the City Council directed staff to provide land use regulations for incorporating State statute and other standards. ORS 446.265 allows for municipalities to approve campgrounds within the urban growth boundary on up to two parcels. A local example is Hope Village. Other examples of transitional housing include:

- Eugene Opportunity Village (CUP process)
Emerald Village (CUP process)

- Cottage Grove Cottage Village (multi-family standards)
- Portland Dignity Village (ORS 446.265)
- Olympia, WA Quixote Village (CUP process)

Housing Villages (Special Use Regulations 10.818A) are defined as: *A housing development in which multiple sleeping and/or dwelling units, that are typically smaller than 500 square feet are located on a lot(s), tract(s), or parcel(s) of land that shall be under the same ownership. A housing village is also distinguished by the placement of structures, with the front entrances facing a common area(s) shared by all residents.*

Cooling/Warming Shelters (Special Use Regulations 10.819A) are defined as: *A temporary emergency shelter within an existing building meant to provide relief from extreme weather for homeless individuals or families.*

Housing villages is an umbrella term, or can be an umbrella term for smaller housing types. As proposed today it is only for homeless or near homeless individuals (i.e. disadvantaged populations, elderly with sub-par living, etc.).

The following are the proposed housing village types:

Emergency Housing Village (EHV). Key code provisions 10.818A (F) Standards for Emergency Housing Villages:

- *No permanent structures*
- *Time limits for removal*
- *For Declared Emergencies Only (i.e. floods, earthquakes)*
- *Exceptions to Municipal Code*

Interim Housing Village (IHV). These are for homeless individuals not during a time of emergency. They are temporary in nature. They would only be permitted for a maximum of 180 consecutive calendar days. They do have some limitations of the total number within a city at any point in time.

Transitional Housing Village (THV). These are more permanent in nature in the sense of development. Tenants are temporary. The idea is to transition tenants into permanent housing and the host agency of the THV must demonstrate through the ability to transition tenants into permanent housing.

Staff has prepared a site plan using the City's proposed standards of what a housing village could look like. It would be something that would come before the Site Plan and Architectural Commission or even the Planning Commission depending how this goes in the future.

Housing Village Provision	Interim Housing Village (IHV)	Transitional Housing Village (THV)
Public Outreach (neighborhood meeting)	10.818A (D)(1) Mirrors PUD standard already in place	
Operational Requirements (operations plan) 10.818A (E)(1)	180 day time limit, Max. of 4 IHVs in City, reporting requirements	Financial analysis, reporting requirements
Safety and Security (includes Safety and Security Plan)	10.818A (E)(4) - No open flames, population caps, water access, staffing of access point, structure separation, generator use (IHV only)	
Site Development Standards - General	10.818A (G)(1) - Grouping standards, parking design, parking reduction, sleeping unit standards	
Site Development Standards - THV	10.818A (G)(2) - manufactured structures, acre limit (unless CUP), tents & yurts allowed, fence requirement, 40 people max with acre	
Site Development Standards - IHV	10.818A (G)(3) - no permanent structures, acre limit, may exceed lot coverage by 10%, 40 people max with acre	

Cooling/Warming Shelters. Key Code Provisions (Within Exhibit A):

10.819A (C) General Standards Cooling/Warming Shelters

- *Neighborhood Meeting Requirement (mirrors Housing Village)*
- *Operations Plan (includes 90 day time limit)*
- *Reporting requirements*
- *Safety and Security Plan*

10/819A (D) Site Development Standards for Cooling/Warming Shelters

- *Within existing structure, accessory use, allowance for tents/yurts, lighting, separation of animals.*

Zoning for Temporary Housing (SFR & MFR)

ARTICLE III - ZONING DISTRICTS

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)
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* * *

6. Alternative Housing

(a) Housing Villages

Emergency Housing Village (EHV)	Ps	10.818A							
Interim Housing Village (IHV)	X	X	X	Cs	Cs	Ps	Ps	Ps	10.818A
Transitional Housing Village (THV)	X	X	X	Cs	Cs	Ps	Ps	Ps	10.818A
(b) Cooling/Warming Shelter	X	X	X	Cs	Cs	Ps	Ps	Ps	10.819A

Zoning for Temporary Housing (Commercial)

SIC USE ZONING DISTRICT

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
	* * *								
004	Temporary Housing								
	Emergency Housing Village (EHV)	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
	Interim Housing Village (IHV)	Cs	X	Ps	Ps	Ps	Ps	Ps	X
	Transitional Housing Village (THV)	Cs	X	Ps	Ps	Ps	Ps	Ps	X
	Cooling/Warming Shelter	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

See section 10.839 for special use regulations on marijuana-related businesses.
See Section 10.818A for special use regulations for the EHV, IHV, and THV use.
See Section 10.819A for special use regulations for Cooling/Warming Shelters.

Hearing/Commission Dates (Past/Future)

- August 31, 2017: City Council study session

- September 6, 2017: Medford Housing Commission (informational). They requested staff return and they would provide a formal position.
- September 11, 2017: Planning Commission study session
- October 4, 2017: Housing and Community Development Commission meeting
- October 12, 2017: Planning Commission hearing
- November 2, 2017: City Council hearing. This may have to be moved because of all the comments staff is receiving.

Staff asked if the Planning Commission thought this was a good timeframe.

Does the proposed text align with the City Council's original direction from August 18, 2016? (i.e. THV/Hope Village)

Should staff retain, amend, or remove the standards pertaining to:

- Emergency Housing Villages (EHV)
- Interim Housing Villages (IHV)
- Cooling/Warming Shelters

Should the timing requirements for cooling/warming shelters be based on calendar days or weather events?

City Council's comments from August 31, 2017:

- Code language expands past ORS 446.265
- Allowance for cooling/warming shelters based on weather
- Similar controls like with Hope Village
- Neighborhood meeting requirement insufficient
- Allowance for tents/yurts with cooling/warming shelters not desired
- Concerns regarding concentrations of villages and shelters
- Will housing villages be considered needed housing
- Outright permitted use not desired

Chair Miranda asked, for Interim Housing the maximum length of stay is 180 calendar days. How long does that site have to stay vacant before they can move back? Mr. Kearns reported that once it ends it has to be a full calendar year before they can come back to that same location and they can only do that two years in a row.

Commissioner Foley stated that it makes more sense to treat them more with cooling than warming. The way it was written it is a maximum of 90 continuous days. That does not seem very effective given the fact that the last several weeks there was the need for cooling during the day. During the winter 90 days is not long enough for warming and giving up a place for an entire year. He is wondering if there is a different way to work it. He understands not making a permanent site. There has to be something that deals with the ability to open and close if not needed and not count against their 90 days. Mr. Kearns reported that staff was directed to address that. There is some code language within Fire

that would allow that. Staff was told it would not be an issue to allow for weather events. The issue comes up when they hit the consecutive 90 days. Commissioner Foley feels that it has to be triggered by the weather.

Commissioner McKechnie asked, Hope Village units are permanent. Is there a limitation on the length of time one can be at Hope Village? Mr. Kearns stated that is up to the organization running the village. Typically, it is a two year program. HUD has a definitions that staff has tried to mirror but that is out of the City's enforcement. It is something to consider.

Vice Chair McFadden asked, how do these new requirements affect organizations in the area already providing some of these services like St. Vincent DePaul and the Salvation Army and do these requirements affect how they do theirs? Mr. Brinkley stated no, not a traditional homeless shelter. As long as it is in a non-residential zone and an accessory use to a church or similar. That falls in what can be done. Vice Chair McFadden commented that the one on Old Pacific Highway is not associated with a church. It is a lot like a cooling/warming shelter. There has to be something in the code that states how they are similar or different. Mr. Brinkley reported that as long as they are in a commercial zone they are allowed. Mr. Kearns expanded on that stating staff is adding a definition of emergency shelters. Warming shelters are defined. That gives the distinction between the two uses.

It bothers Vice Chair McFadden on the weather. If one is cooling for three months and warming for three months that is very little overlap. Often the weather is one way or the other. Then there has to be consideration willing to put all this together; whether it be a charitable organization or not, continuous operation is better than something that starts and stops. He sees the City's position as trying to have the best possible living arrangements for anybody. Non-sanitary and non-utility provided places goes against why they are here.

Commissioner Pulver stated this issue has been discussed to a lot of other venues. It has not been discussed a lot within the Planning Commission. If they are going to approve something it warrants a fair amount of discussion time. He has a lot of things he has concerns about. Specific to today, he does not know how state of emergency works. Once that declaration is made does it stay around for a long time? Is it a funding mechanism? He wants to understand why the need for Interim Housing Villages as opposed to transitional. He is not in favor of a tent camp. It does not make sense to be moving every 180 days because that is a big undertaking. It discourages the entire concept. Hope Village has some substance and permanence to it that can be effective in its mission. He would like to understand the boundaries and limitations on applications and requirements from an on-going standpoint. He thought he saw mentioned that this code modification addressing tiny homes in a more generic sense. He does not know if he misread

something or if that was really the intent. If that was the intent he would like discussion on that. He does not think tiny homes in the conceptual is what is being discussed with this piece. Mr. Brinkley stated not with this piece.

Commissioner Culbertson stated that when this concept came out Vice Chair McFadden sent out an articulated letter that if they wanted to have Hope Village they should have come as a zoning change. They should have identified the property and try to fit the rules. They were told no so they did an end-around. Now, he gets the sense they did it and now wants things to be fixed. The email lined it out very simply.

Commissioner Foley reported that they spent 45 minutes on chickens and this needs a lot of discussion. There are 40 plus pages of reading. This needs a lot more discussion with the Planning Commission before they can have an informed opinion. They need to have the right things in place to make it work. This is a big topic.

Vice Chair McFadden stated that the beginning date on this with the City Council was a year ago. He is surprised this did not come to the Planning Commission six months ago.

Commissioner McKechnie defended staff stating they are basically rewriting the zoning, building, and fire code. Those have been in affect 40 years. They are updated every three years and staff is undertaking that and understand in a short period of time. He agrees they need a lot more discussion on this and understand the implications.

Chair Miranda agrees with the consensus that the Planning Commission should see this at least once or twice more in a study session.

Ms. Paladino reported that next Monday, September 18, 2017, there will be a joint study session with the City Council. This is one of the topics on the agenda.

Mr. Brinkley stated that the only urgency is the cooling/warming shelter part of this as far as City Council is concerned. They are cautious about the transitional and interim housing in no small part because of the experience with Hope Village. It was a frustrating experience for staff trying to make sure they were following life safety issues of the building code that were important. Hope Village is at the point of getting their Certificate of Occupancy. It has been a challenging process and having prescriptive rules in place is needed as staff hopes it will help them manage that in the future.

The Housing Advocacy Committee is starting and Ms. Paladino sent an email if anyone was interested in participating. She heard from Commissioner McManus and Commissioner Foley. Staff would like to have a Planning Commissioner representation on that committee. Vice Chair McFadden recommended both Commissioner McManus and

Commissioner Foley and have them act as primary and secondary. If one cannot make a meeting then the other one will. It was a unanimous favorable consensus.

Last Thursday at City Council they finalized the local urban growth boundary process. They had to combine their findings with the County's into a new ordinance with the City. The will be sending it to the State in a month or so.

Article II reorganization also went to the City Council last Thursday. It was moved to a study session in October, no hearing date.

30. Adjournment

The meeting was adjourned at 1:24 p.m.

Submitted by:

Terri L. Rozzana

Recording Secretary

Exhibit L

Minutes – City Council Study Session August 31, 2017

AGENDA

August 31, 2017

12 Noon

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

1. Utility Billing System
2. Transitional Housing/Warming Shelter Text Amendment

MINUTES

August 31, 2017

12 Noon

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 12:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Kay Brooks (arrived at 12:10 p.m.), Tim D'Alessandro, Dick Gordon, Tim Jackle, Kevin Stine, Kim Wallan, and Michael Zarosinski

City Manager Brian Sjothun; Deputy City Manager Kelly Madding; City Attorney Lori Cooper; Planning Director Matt Brinkley; Public Works Business Director Lorraine Peterson, Planner II Kyle Kearns; Deputy City Recorder Winnie Shepard

* * *

Transitional Housing/Warming Shelter Text Amendment

Planning Director Matt Brinkley noted work on this amendment began over a year ago to revise Code for housing “villages” and will be reviewed by the Planning Commission on September 11, 2017 and will come back to Council again at the beginning of November.

Planner II Kyle Kearns noted:

- Proposed new Code:
 - Defines Housing villages and warming/cooling shelters
 - Emergency housing allowed only during a “declared” emergency
 - Interim Housing village allowed for max of 180 days; only 4 locations allowed
 - Transitional housing villages (like Hope Village)
 - More permanent
 - Designed to transition people into housing
 - Limited to 40 people
 - Outlined various standards and differences of Interim Housing/Transitional Housing Villages
 - Code amendment will be reviewed by Housing and Planning Commissions before presenting to the City Council at the November 2, 2017 meeting

Council discussion:

- In a “declared emergency” no permit will be required
- Some Councilmembers did not remember requesting anything outside of new Code for transitional housing villages; any revisions should be done slowly and incrementally
- Warming/cooling shelters
 - 90-day limitation: consecutive days or various weeks within a calendar year
 - Could use forecasted temperature requirements for opening versus number of days
 - If people are dying from weather, the ADA requirements shouldn’t be a priority
 - Last year’s warming shelter location doesn’t comply with proposed revisions
 - Deputy City Manager Kelly Madding noted a meeting will be held next week with the church that hosted last year’s warming shelter
 - Church does not appear to be willing to offer a solution this year
 - Church needs upgrades to comply with Fire Code’s sprinkler requirement
 - Expected to receive concerns from neighboring businesses/residence as we did last year
- Need control over transitional housing and a plan; if it’s not a CUP, we need a contract that can be revoked
- Community meetings/neighborhood meetings should be managed by City staff

- Hope Village was approved as an urban campground; proposed Code revisions require electricity, water and restrooms for transitional housing
 - Discussion regarding how to implement new Building Code

City Manager Brian Sjothun noted staff did meet with Rogue Retreat and the warming shelter church management at the end of the winter season regarding the pros and cons.

He further confirmed Council preferred to move forward with the cooling/warming shelter code revisions at this time.

The meeting adjourned at 1:40 p.m.

Winnie Shepard

Deputy City Recorder

Exhibit M

Industry Comments - Maslow Project – Mary Ferrell

Kyle W. Kearns

From: Mary Ferrell <mary@maslowproject.com>
Sent: Friday, July 6, 2018 3:58 PM
To: Kyle W. Kearns
Cc: Karen Phillips
Subject: Re: July 10 - Temporary Shelter Listening Session

Hi Kyle,

We only specifically have concerns with 5.(c) Consent to Inspection. The language currently reads as though it applies to the shelter guest (clients). It could easily be misinterpreted by any enforcement officer. The language as it is would frighten our clients and deter them from staying in such a place. It also is possibly unconstitutional if their person or personal property was to be searched. We would be advocates for the language clearly stating the "shelter facility (operators) are required to sign consent to searches OF THE FACILITY from..."

Second, section 4(g) requiring shelter operators to vacate the facility causes challenges for any group who may use the same facility for a different place during the day time. If that language could be modified to say "given 7 calendar days to remove/cease sheltering components from the property", or along those lines, so that it clearly does not interfere with anyone's usual operations (should they be located at the same address) that would be less challenging for groups like ours, possibly others too.

Our only other thoughts, are that the less difficult to have smaller operations (for example ours serving less than a dozen people at any time or a senior center opening up during smokey weather, etc.) the easier it will be to be responsive to emergency needs. I understand that larger efforts would require more structure to contain order but I would advocate for some level of flexibility at the city staff level for smaller efforts (of a defined size).

Thanks for listening and we

will see you Tuesday!

Mary

Exhibit N

Industry Comments – Rogue Retreat – Heather Hassett

From: Heather Hassett
To: [Kyle W. Kearns](mailto:Kyle.W.Kearns)
Subject: RE: Temporary Shelter Code Language
Date: Wednesday, May 9, 2018 5:33:22 PM

Thank you Kyle,

Calendar Year vs 12 month period, many shelters operate thru the new year, like December to February

Council wanted a form of a “clean up” clause. This was an attempt at that. The idea is to keep it vague, but at the same time end operations within the seven day window.

They can suspend shelter operations, but shouldn’t “clean up” be between the “host” site and the leasing agency as long as the agency isn’t providing shelter any longer??

Overall, this is very well thought out and I sincerely appreciate your willingness to take suggestions to the code and language. I feel very honored to have been included in this process. Thank you for that.

Heather Hassett

WE’VE MOVED:

711 E Main St. #25, Medford, OR 97504

From: Kyle W. Kearns [mailto:Kyle.Kearns@cityofmedford.org]
Sent: Wednesday, May 9, 2018 3:38 PM
To: 'Heather Hassett'
Subject: RE: Temporary Shelter Code Language

Hi Heather,

Thank you again for the comments. I’ve replied directly to the comments in the attached doc.

Like I had said, we'll be dialing this back a bit. Your suggestions will aid with that. A couple of items I'd like to discuss further with you are in regard to the on-duty representative and the 12 month period v. the calendar year.

If you have some rough numbers, or exact, on the cost of having a representative that would be helpful. A lot of the standards there came out of discussion with Medford Fire, not sure if it is code though.

The operational period, per Council's preferences, is the calendar year. Functionally they are about the same and the calendar year is a bit more permissive in that it re-sets each year. It may not match building code though, however our codes are trumped by building code in a lot of cases with these shelters.

Happy to discuss further and again I appreciate your time on

this. Best,

Kyle Kearns | Planner II
City of Medford Planning Depart-

ment Phone: 541-774-2380

From: Heather Hassett [mailto:info@rogueretreat.com]

Sent: Wednesday, May 9, 2018 11:51 AM

To: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>

Subject: RE: Temporary Shelter Code Language

Hi Kyle,

I'd be happy to see your responses any way you'd like to give them, provided you mention which section it refers to so I know where to look. **J**

Heather Hassett

WE'VE MOVED:

711 E Main St. #25, Medford, OR 97504

From: Kyle W. Kearns [mailto:Kyle.Kearns@cityofmedford.org]

Sent: Wednesday, May 9, 2018 10:59 AM

To: 'Heather Hassett'

Subject: RE: Temporary Shelter Code Language

Hi Heather,

Would you like responses directly to your comments, an email, or a phone call?

I appreciate the thoughts, it added another layer of perspective. We are going to create a second version of this code that is dialed down quite a bit. Bend has a code worth mirroring, although our direction from Council has been a bit more on the micromanaged side of things and we can't get it to be as "small" as Bend's code. I've provided Bend's below, what are your thoughts on something more like this?

O. Temporary Housing.

1. Supervision. On-site supervision must be provided at all times. At least one competent adult must be present for every 25 persons utilizing the facility.
2. Loitering. There shall be no loitering at the facility location.
3. Outdoor Activities. All functions associated with a temporary housing use, except for children's play areas, outdoor recreation areas, parking and outdoor waiting must take place within the building proposed to house the temporary housing use. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way and must be large enough to accommodate the expected number of clients. Waiting shall not take place beyond one hour before the facility opens or more than one hour after it has closed.
4. Development Standards. The development standards for the base zone and any overlay zone shall apply to temporary housing uses, unless superseded by standards in this section.
5. Parking. The parking space requirements for temporary housing uses shall be one space per 500 square feet of gross floor area.
6. Signs. Signs shall comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to, [BC Chapter 9.50](#), Signs, and Design Review provisions in this code.
7. Separation. Any proposed temporary housing facility must be located at least 1,000 feet from any other temporary housing facility.
8. Compliance. Any temporary housing facility must meet all other applicable requirements of Federal, State, and/or local authorities including but not limited to local Fire Department, building and Environmental Health requirements.

From: Heather Hassett [<mailto:info@rogueretreat.com>]
Sent: Thursday, May 3, 2018 6:51 PM
To: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>
Subject: RE: Temporary Shelter Code Language

Hi Kyle,
Thank you so much for giving us the opportunity to share our input. I couldn't wait to get started. Here is my notes (in red).

Heather Hassett

WE'VE MOVED:

711 E Main St. #25, Medford, OR 97504

From: Kyle W. Kearns [<mailto:Kyle.Kearns@cityofmedford.org>]
Sent: Thursday, May 3, 2018 4:41 PM
To: 'Chad McComas'; Heather Hassett; Connie Saldana
Subject: Temporary Shelter Code Language

Good afternoon,

As you may be aware, we are preparing code language to permit temporary shelters (formerly cooling/warming shelters) in the City of Medford. We have been directed to reach out to folks within the homeless service provider realm and the three of you elevated to the top.

I've worked with Chad and Heather directly in the past and some of you were at the April 26 City Council Study Session where this was discussed. I've attached the code language for your consideration, if you have time over the next three weeks to review this and provide comments that would be much appreciated. We'd like comments back by the week of May 21.

We are looking for anything that may be a barrier to agencies like Rogue Retreat, ACCESS, and others as well as insight from the professionals taking on the task of sheltering fellow Rogue Valley residents.

If you have any questions or know of others who may have some thoughts let me know or forward them my email.

Best,

Kyle Kearns | Planner II
City of Medford Planning Depart-

ment Phone: 541-774-2380

Exhibit O

Industry Comments – Rogue Retreat – Chad McComas

From: Chad McComas
To: [Kyle W. Kearns](#)
Subject: Re: Temporary Shelter Code Language
Date: Thursday, May 17, 2018 4:25:28 PM

Thanks for your comments. Sounds like you are doing the right things. Good luck on the next meeting!
Chad

Sent from my iPhone

On May 17, 2018, at 3:21 PM, Kyle W. Kearns <Kyle.Kearns@cityofmedford.org> wrote:

Thank you Chad,

In response to your comments.

- 1) We've changed population size to defer to applicable Building and Fire codes. My understanding is this would generally allow for a larger number than 40, or 50 for that matter. What is your thought on this?
- 2) I have changed the language to allow for one Fire Watch to be one of the supervisors. Fire is rather persistent that there be at least two people. There is language to allow for this to be approved differently, but it would have to be proposed as such.
- 3) The City Manager's decision could be appealed. It being a Final Decision doesn't not detract from the ability to appeal the decision. I've added language to clarify.

Thank you again for the comments. I planned on sending an email to the Homeless Task Force to inform of the hearing dates and to allow for those who want to advocate, to advocate.

Keep an eye out. We will be going to Planning Commission on June 14

(@5:30) PM for the first hearing.

Kyle Kearns | Planner II
City of Medford Planning Department

Phone: 541-774-2380

From: Chad McComas [<mailto:chad@rogueretreat.com>]

Sent: Thursday, May 17, 2018 1:20 PM

To: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>

Subject: Re: Temporary Shelter Code Language

Kyle:

I've looked over your hard work. Wow...this has taken some time. My only comments are:

1. Size of shelter population is listed to cap at 40. I'd like to see that be 50. I realize you have given a way to increase it, but can we start with 50?
2. Staff of at least two at all times can be a bit of a financial crisis especially when you can't count fire watch personnel. Can we make it one paid staff during the night with emergency access to more staff as needed?
3. You mention that the City Manager can close a shelter with no appeal. Can't City Council be an appeal?

At the study session City Council members were talking about regulations for day shelters. I don't see any of this in the document you sent. Good... I believe it will cause more problems trying to control a church for what they do during the day with people in their buildings.

Hope this helps. I'm thankful for your time and en-

ergy. Chad McComas
Rogue Retreat

On Thu, May 3, 2018 at 4:41 PM, Kyle W. Kearns
<Kyle.Kearns@cityofmedford.org> wrote:

Good afternoon,

As you may be aware, we are preparing code language to permit temporary shelters (formerly cooling/warming shelters) in the City of Medford. We have been directed to reach out to folks within the homeless service provider realm and the three of you elevated to the top.

I've worked with Chad and Heather directly in the past and some of you were at the April 26 City Council Study Session where this was discussed. I've attached the code language for your consideration, if you have time over the next three weeks to review this and provide comments that would be much appreciated. We'd like comments back by the week of May 21.

We are looking for anything that may be a barrier to agencies like Rogue Retreat, ACCESS, and others as well as insight from the professionals taking on the task of sheltering fellow Rogue Valley residents.

If you have any questions or know of others who may have some thoughts let me know or forward them my email.

Best,

Kyle Kearns | Planner II
City of Medford Planning

Department Phone: 541-774-

2380

Exhibit P

Legal Review – Deputy City Attorney, Eric Mitton

MEMORANDUM

TO: Kyle Kearns, Planner II
FROM: Eric Mitton, Deputy City Attorney
RE: Revocation of permits for a temporary shelter
DATE: September 5, 2018

This memorandum may be placed in the record and is not intended to be confidential. There are four bases specified for which the City Manager may terminate a temporary shelter:

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

i. The City Manager has determined that it would be in the public interest to terminate the temporary shelter.

This is a catchall meant to address situations that do not trigger one of the other three revocation sections, but nevertheless raise serious public health, safety, or welfare concerns. Like any catchall provision, it is meant to be used sparingly and in extreme situations. Nevertheless, there may be situations where events that have transpired at a temporary shelter raise serious concerns as to whether that particular temporary shelter should remain operational. As a hypothetical example, if a temporary shelter was pressuring clients to provide cash donations in exchange for shelter on cold nights, or if a temporary shelter was knowingly allowing certain clients to engage in predatory behavior toward other clients on the temporary shelter's premises, those circumstances might trigger the "public interest" provision even though they might not trigger one of the three other provisions. Staff recommends a catchall such as this, that the City may respond to such unique circumstances should they arise.

The question may be raised whether the flexibility of this catchall violates the Fair Housing Act. It does not appear to. First, as a threshold issue, the Ninth Circuit has expressed doubt that homeless shelters, particularly those of a temporary or emergency nature, are "dwellings" at all as that term is used in the Fair Housing Act. *Community House, Inc., v. City of Boise, Idaho*, 623 F.3d 945, 968-969 (9th Cir. 2010).

Second, it is understood that any discretionary decision provided for in the Medford Municipal Code may not be applied in a discriminatory nature. An express limitation stating that discretion should not be utilized in a manner that discriminates against a protected class is not needed, because such a limitation implied into every grant of discretionary authority throughout the Medford Municipal Code.

ii. Excessive emergency service calls exceeding 40 calls within 30 calendar days.

This is a clear and objective boundary line. It is understood that there may be an occasional need for calls for service, particularly while a temporary shelter is getting up and running. However, if calls for service continue at such a rate that this objective limit is hit, then clearly the temporary shelter's operational plan is not working.

iii. Any safety issues identified during an inspection, including, but not limited to, any fire and life safety issues identified during any fire inspections in accordance with State law. Nothing in this Section shall limit the authority granted by State law.

This is an essential component. The temporary shelter code allows buildings which are not originally designed for such use to be temporarily converted to such use. However, the policy interests in protecting homeless individuals from extreme weather events are not served if temporary shelters are allowed to operate in dangerous conditions. City Staff is of course available to help address potential concerns before the temporary shelter starts operation, but ultimately, the operator of the shelter is responsible for providing a safe place for its clients, and if the operator is not doing so, the City must be able to take protective action.

iv. Any violation of the Medford Municipal Code, State law, or Federal law.

This provision is necessary to allow the City to react if a temporary shelter is violating any number of legal requirements, such as Oregon's Indoor Clean Air Act (which would prohibit tobacco smoking inside a temporary shelter) or federal environmental regulations and related municipal law (which would prevent discharge of certain harmful materials into the water system). This provision is clear, objective, and enforceable because the laws it incorporates are clear, objective, and enforceable. The temporary shelter code need not contain an exhaustive list of every local, state, or federal law that the operator must follow because, ultimately, operators themselves are responsible for knowing and following the law.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.cityofmedford.org

DEPARTMENT: Finance **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2030 **MEETING DATE:** September 20, 2018
STAFF CONTACT: Ryan Martin, CFO/Assistant City Manager

COUNCIL BILL 2018-114

A resolution adopting a revised investment policy for the City of Medford.

SUMMARY AND BACKGROUND

Council is requested to consider approval of the City's Investment Policy.

The City's Investment Policy was created in 1986 and later revised in 1992, 2001, 2010, and 2011. The goal of the Investment Policy is to set guidelines for City investments that safeguard the City's assets. The Investment Policy was presented by the Finance Department and the City's investment advisor at the February 8, 2018 Budget Committee meeting. No direction was given at this meeting.

Donna Holtz, former Interim Finance Director, and Mary Donovan of Insight Investments rewrote the Investment Policy to be in accordance with ORS 294.035, 294.040, 294.052, 294.135, 294.145, and 294.810. After the Investment Policy was rewritten, it was sent to the Oregon Short Term Fund Board (OSTF Board) for review. The Board reviewed the policy on July 10, 2018 and concluded that the statutory policy review requirement was satisfied.

PREVIOUS COUNCIL ACTIONS

On June 17, 1982 – Council Bill 4624 was approved authorizing execution of an investment policy for the City of Medford.

On May 16, 1985 – Council Bill 5444 was approved authorizing execution of a new investment policy for the City of Medford and repealing Council Bill 4624.

On July 3, 1986 – Council Bill 5686 was approved authorizing execution of new investment policies and repealing Council Bill 5444.

On October 1, 1992 – Council Bill 7215 was approved authorizing execution of a revised investment policy and portfolio guidelines for the City of Medford and repealing Council Bill 5686.

On June 21, 2001 – Council Bill 2001-118 was approved authorizing execution of a revised investment policy and guidelines for the City of Medford and repealing Council Bill 7215

On February 18, 2010 – Council Bill 2010-30 was approved authorizing execution of a revised investment policy for the City of Medford.

On September 15, 2011 – Council Bill 2011-183 was approved authorizing execution of a revised investment policy for the City of Medford.

ANALYSIS

The comments on the Investment Policy from the OSTF Board, along with the City's responses, can be found below:

Investment Advisor Criteria

The OSTF recommends adding to the Investment Policy specific criteria for selecting an investment advisor. Adding the criteria that broker/dealer firms must be registered with the Financial Industry



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.cityofmedford.org

Regulatory Authority (FINRA) would limit options available to the City and exclude our current advisor from participating in the RFP process.

The City goes through the formal purchasing process to select an investment advisor including a request for proposal and selection process. Current practice for the selection of an investment advisor is prescribed in the Purchasing Policy, and this has satisfied all statutory requirements as well as the City's obligation to protect the taxpayer money.

Minimum Credit Ratings and Percentage Allocations to Corporate Indebtedness and Municipal Bonds

The OSTF recommends stricter requirements for minimum credit ratings and percentage allocations than statutes allow. The City prefers to retain the policy language that reflects the minimum statutory requirements for ratings and the maximum statutory requirements for corporate bond and commercial paper allocations. The City falls within the range of OSTF's recommendations. However, stricter requirements could mean that the City would be out of compliance for a long period of time if a current bond rating is downgraded.

After review by the City's former Interim Finance Director, the City's CFO, the City's investment advisor, and the OSTF Board, staff believes the Investment Policy as presented adequately conforms to required statutes, meets the requirements of the OSTF Board, and safeguards the City's assets while providing Council the most flexibility allowed in state law.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

None

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution per OSTF recommendations in whole or part

Deny the resolution and provide direction to staff

STAFF RECOMMENDATION

Staff recommends approving the resolution as presented.

SUGGESTED MOTION

I move to approve the resolution accepting the revised Investment Policy as presented.

EXHIBITS

Resolution

OSTF Board Review Letter

RESOLUTION NO. 2018-114

A RESOLUTION adopting a revised investment policy for the City of Medford.

WHEREAS, the City last revised its investment policy and portfolio guidelines in 2011 and since that time, legislative and administrative rule changes have modified local government investment practices in Oregon; and

WHEREAS, Insight Investments, the City's investment advisors, have assisted in revising the City's investment policy to comply with the administrative rule changes and the revised policy was submitted to the Oregon Short Term Board for review; and

WHEREAS, the requested policy modifications provide a detailed and comprehensive set of guidelines to achieve the City's principal investment objections; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that a revised investment policy for the City of Medford, on file in the City Recorder's Office, is hereby adopted.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



OREGON SHORT TERM
FUND BOARD
16290 SW UPPER BOONES FERRY ROAD
TIGARD, OR 97224-7220
(503) 431-7900
FAX (503) 620-4731

OREGON SHORT TERM FUND BOARD

8/10/2018

City of Medford
Donna Holtz
411 West 8th Street
Medford, OR 97501

Subject: City of Medford Investment Policy Review

Dear Ms. Holtz,

The City of Medford policy was submitted by Ryan Martin to the Oregon Short Term Fund ("OSTF") Board ("the Board") for review.

The OSTF Board's statutory obligation is to "review and comment to the governing body" (ORS 294.135(a)) on the written investment policy submitted to the Board. To assist in the policy revision process, the Board developed a model policy laying out the elements it believes are important in policies. These are also the elements against which submitted policies are reviewed. As part of the local government investment policy review process, resources of the Office of the State Treasurer's staff ("Staff") are provided to assist as needed on policy revisions or development.

The Oregon Short-Term Fund Board reviewed the City of Medford investment policy at the OSTF Board meeting on July 10th, 2018 and the Board is pleased to inform you that the statutory policy review requirement has been satisfied.

During the review, the OSTF Board offered the following comments:

- Board Member Sharon Wojda pointed out that most of the Staff' recommendations were included with the exception of three; Investment Advisor Criteria, Minimum Credit Ratings and Allocations for the Corporate Indebtedness, Municipal Bonds and Liquidity Requirements.

Mary Donovan with Insight thanked the board for their thorough review and agreed. She stated that with respect to the investment advisor criteria the City does go through a purchasing process, an RFP for advisory services. It stands to work better for them to maintain criteria for the selection of the advisor and the routine maintenance of that contract under the purchasing office rather than in the investment policy and with respect to the center of registration, it didn't seem applicable to the nondiscretionary relationship that the City currently engages their investment advisor. The minimum credit ratings and allocations for the corporate indebtedness and municipal bonds as well as the liquidity requirements,



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OREGON SHORT TERM FUND BOARD

they had taken the changes that the prior Finance Director had contemplated to City Council with the City of Medford earlier this year as they kicked off this process and were not contemplating changes to those areas. So those areas of the policy remained unchanged in compliance with State Statute and if there was a recommendation from the Short Term Fund Board they would go back to City Council with them and revisit those sections of the policy.

- Board Member Deanne Woodring' only suggestion was regarding the reference to the ORS limit on the pool. Ms. Woodring recommended removing the date with the maximum amount since that is subject to change; by doing that it allows the policy to stay current. Ms. Woodring also suggested changing the description of "Times Deposits" to "Certificates of Deposit".

Mary Donovan with Insight agreed with Deanne regarding the terminology.

- Board Member Darren Bond stated that after the investment advisor criteria, the best practice would be to include investment advisor selection criteria in your investment policy with the expectation that your procurement staff actually look to something like an investment policy when they are procuring these types of services. This will build their procurement solicitation based on those policies rather than the criteria that a procurement shop uses in general services solicitations, which are not going to have this specific kind of investment related selection criteria that we would look to.
- Board Chairman Doug Goe stated that he would like echo the previous comments of the Board. He questioned section 25.3 and the typo in the reference to ORS 294.1356 and recommended the City adopt language similar to the Sample Policy.

Should any member wish to discuss the policy, please call Angela Schaffers at the Office of the State Treasurer. The phone number is (503) 431-7900.

Sincerely,

Darren Q. Bond
Deputy Treasurer, Oregon State Treasurer

cc: City of Medford Board Member(s)
Board Representative Ryan Martin
Ms. Angela Schaffers, Oregon State Treasury



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

DEPARTMENT: Police; Legal	AGENDA SECTION: Ordinances and Resolutions
PHONE: (541) 774-2020	MEETING DATE: September 20, 2018
STAFF CONTACT: Lt. Mike Budreau, MPD; Eric Mitton, Deputy City Attorney	

COUNCIL BILL 2018-115

An ordinance amending sections 5.257 and 5.990 of the Medford Municipal Code to classify prohibited camping as a violation instead of a misdemeanor.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance amending Medford Municipal Code sections 5.257 and 5.990 to classify prohibited camping as a violation instead of a misdemeanor.

PREVIOUS COUNCIL ACTIONS

On November 3, 1988, City Council approved Ordinance No. 6226 which enacted the prohibited camping ordinance. On March 17, 2000, City Council approved Ordinance No. 2000-46, amending the prohibited camping ordinance to provide for certain specific enforcement procedures applicable to established camp sites.

ANALYSIS

On September 5, 2018, the United States Court of Appeals for the Ninth Circuit issued an opinion entitled *Martin v. City of Boise*, stating that, under certain circumstances, issuing criminal penalties for prohibited camping violates the Eighth Amendment of the United States Constitution (prohibition on “cruel and unusual punishment”).

Section 5.990 of the Medford Municipal Code (MMC) states that a violation of a provision of Chapter 5 not classified as a “violation” is classified as a “crime.” Crimes are punishable by a fine not exceeding \$1,000 and imprisonment not exceeding one year. Violations are punishable by a fine not exceeding \$250, and conviction of a violation does not give rise to any legal disadvantage based on conviction of a crime.

MMC section 5.257, “Prohibited Camping,” is not classified as a “violation,” therefore it is a “crime.” Although in practice, prohibited camping in Medford is frequently cited and/or prosecuted as a violation, not as a crime, it is still classified as a crime and therefore punishable by jail time.

The 9th Circuit case struck down Boise’s ordinance, which treated prohibited camping as a crime punishable by jail time. The Court held that imposing jail time on those camping within the city was cruel and unusual punishment, therefore violating the Eight Amendment.

Our proposed code amendment would reclassify prohibited camping as a violation only, not as a crime, therefore allowing the City of Medford to continue to enforce its prohibited camping ordinance without implicating the holding of *Martin v. City of Boise*.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The *Martin v. City of Boise* case was published on September 5, 2018, and was effective immediately upon publication. Therefore, the code should be amended immediately.

COUNCIL OPTIONS

Council could take one of the actions below.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

1. Approve the ordinance.
2. Modify the ordinance.
3. Deny the ordinance and provide direction to Staff.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the ordinance.

SUGGESTED MOTION

I move to approve the ordinance reclassifying prohibited camping as a violation.

EXHIBITS

Ordinance

ORDINANCE NO. 2018-115

AN ORDINANCE amending sections 5.257 and 5.990 of the Medford Municipal Code to classify prohibited camping as a violation instead of a misdemeanor.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 5.257 of the Medford Municipal Code is amended to read as follows:

5.257 Prohibited Camping.

- (b) Such persons, by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health, and safety of themselves and the community; and,
- (c) The enactment of this provision is necessary to protect the peace, health, and safety of the city and its inhabitants.
- (3) No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park, or any other publicly-owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the Mayor in emergency circumstances.
- (4) Prior to removing homeless individuals from an established camping site, law enforcement officials shall post a notice, written in English and Spanish, 24 hours in advance.
 - (a) At the time the notice is posted, law enforcement officials shall inform ~~the~~ local agencyies that delivers social services to homeless individuals that the notice has been posted. Any local agency, providing service within the City limits of Medford, desiring to be on this notification list must provide its name, address, telephone number, and **name of** contact person to the Medford Police Department, in writing, requesting notification.
 - (b) The local agencyies may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.
- (5) All unclaimed personal property shall be given to law enforcement officials whether 24-hour notice is required or not. The property shall be stored for 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia, and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.
- (6) The 24-hour notice required under subsection (4) of this section shall not apply:
 - (a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.
 - (b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

(7) A person authorized to issue a citation for unlawful camping may not issue the citation if

-1-Ordinance No. 2018-115

the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.

(8) Violation of this section constitutes a violation. Every day in which prohibited camping as defined in this section occurs constitutes a separate violation.

SECTION 2. Section 5.990 of the Medford Municipal Code is amended to read as follows:

5.990 Penalties.

(3) A violation of sections 5.120, 5.130, 5.152, 5.298(2), 5.710, and 5.715 is a crime and is punishable by a fine not exceeding \$1,000 and imprisonment not exceeding six months.

(4) A violation of sections 5.185, 5.247, 5.250, ~~5.257~~, 5.292, 5.296(4)(a) and 5.603(1)(c) is a crime and is punishable by a fine not exceeding \$500 and imprisonment not exceeding 30 days.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

DEPARTMENT:	Finance	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	541-774-2030	MEETING DATE:	September 20, 2018
STAFF CONTACT:	Ryan Martin, Chief Financial Officer		

COUNCIL BILL 2018-116

A resolution authorizing the approval of The Hospital Facilities Authority of the City of Medford, Oregon Revenue Bonds, Series 2018 (Farmington Square Medford Project) (the "Bonds") in one or more series, issued by The Hospital Facilities Authority of the City of Medford, Oregon (the "Authority").

SUMMARY AND BACKGROUND

The Authority has received a request from QSH Medford, LLC and its Georgia based nonprofit affiliate, Quality Senior Housing Foundation, Inc. (the "Borrower"), to issue Tax-Exempt Bonds on the Borrower's behalf. The Bonds, if approved will be issued in an amount not to exceed \$27,000,000 in tax-exempt proceeds.

The purpose of the Bonds is for financing all or a portion of the acquisition, construction, renovation, installation and equipping of a 52-unit, 74-bed memory care facility for the elderly (the "Senior Living Facility") and the funding of a working capital fund to finance certain capital expenditures and start-up costs related to the Senior Living Facility.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

For the Bonds to qualify as tax-exempt obligations, Council approval is required following a public hearing. A public hearing will be held by the Authority at 1:00 pm on September 20, 2018.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The City is not the issuer of the Bonds and the City will not be liable for payment of the Bonds. The Bonds will be payable only from the revenues and resources of the Borrower. The City does not expect to issue any tax-exempt bonds during the remainder of 2018 therefore, the City's \$10M annual limit on "bank qualified obligations" will not be adversely affected by the Bonds.

TIMING ISSUES

On September 20, 2018 the Authority will hold a public hearing and will consider the adoption of an inducement resolution, preliminarily authorizing the issuance of Bonds. This process is slightly different than prior bond issuance requests to the Authority, due to the fact that the Authority is not familiar with this Borrower. Because of this unfamiliarity, the Authority requested a large amount of information from the Borrower, which took some time to gather and review. Since the Borrower desires to complete bond acquisition as soon as possible, the Council is being asked to approve the issuance of bonds after the Authority's preliminary approval, but prior to the Authority's final approval.

The Bonds are expected to be issued in October 2018. A report on the public hearing will be presented to the City Council. The approval of the issuance of the Bonds by the City Council will be subject to the final approval of the issuance of the Bonds by the Authority.

COUNCIL OPTIONS

- Approve the resolution as presented.
- Modify the resolution as presented.
- Deny the resolution and provide direction to staff.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution approving the issuance of the bonds.

EXHIBITS

Resolution

RESOLUTION NO. 2018-116

A RESOLUTION authorizing the approval of The Hospital Facilities Authority of the City of Medford, Oregon Revenue Bonds, Series 2018 (Farmington Square Medford Project) (the “Bonds”) in one or more series, issued by The Hospital Facilities Authority of the City of Medford, Oregon (the “Authority”).

WHEREAS, the Authority has received a request from QSH Medford, LLC, an Oregon limited liability company (the “Borrower”), whose sole member is Quality Senior Housing Foundation, Inc., a Georgia nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), to issue one or more series of the Bonds, in a maximum dollar amount not to exceed \$27,000,000 in tax-exempt proceeds, for the purpose of financing all or a portion of (i) the acquisition, construction, renovation, installation and equipping of a 52-unit, 74-bed memory care facility for the elderly (the “Senior Living Facility”), and (ii) the funding of a working capital fund to finance certain capital expenditures and start-up costs related to the Senior Living Facility (collectively, the “Project”); and

WHEREAS, on September 20, 2018 the Authority adopted a Resolution (the “Resolution”), which among other things, gave its preliminary approval for the issuance of the Bonds to finance the Project; and

WHEREAS, the City Council (the “City Council”) of the City of Medford, Oregon (the “City”) has been advised by bond counsel that the principal of and interest on the Bonds will not constitute a debt of the City or any other political subdivision of the State of Oregon, nor shall the Bonds be payable from a tax of any nature levied upon any property within the City or any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources provided by the Borrower; and

WHEREAS, Section 147(f) of the Code requires that qualified 501(c)(3) bonds, such as the Bonds, be approved by the applicable elected representatives of the governmental unit issuing the Bonds and by the applicable elected representatives of the governmental unit having jurisdiction over the area in which the Senior Living Facility is located. The City Council are the applicable elected representatives of the governmental unit having jurisdiction over the Authority and the area in which the Senior Living Facility is located; and

WHEREAS, on September 20, 2018, the Authority conducted a public hearing regarding the issuance of the Bonds and invited oral and written comments from the public. A notice of the public hearing (the “Notice”) was broadcast aloud on September 6, 2018 on KCMX-FM radio station, a station which serves the greater Medford, Oregon area. An affidavit (the “Affidavit”) confirming that the Notice was broadcast to the general public, consistent with the requirements of the Code, has been obtained; and

WHEREAS, the City finds that it would be in the best interest of the City to approve of the issuance of the Bonds by the Authority pursuant to the requirements of Section 147(f) of the Code;

now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. Public Hearing. The City Council has reviewed the Affidavit related to the reading of the Notice and finds that the reading of the Notice gave reasonable public notice of such hearing. The Authority has confirmed that no written comments were received and no members of the public appeared at the public hearing to express their views on the proposed Project.

Section 2. Approval of Bonds. As the applicable elected representatives of the governmental unit having jurisdiction over the Authority and the applicable elected representatives of the governmental unit having jurisdiction over the area in which the Senior Living Facility is located, the City Council approves the issuance of the Bonds by the Authority for purposes of Section 147(f) of the Code in a maximum dollar amount not to exceed \$27,000,000 in tax-exempt proceeds, subject only to the final approval of the issuance of the Bonds by the Authority.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption by the City Council and signature of the Mayor.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor