



Agenda

Joint Study Session

September 18, 2017

Noon

Medford Police Department, Prescott Room
219 South Ivy Street, Medford, Oregon

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



MEMORANDUM

Subject Mobile Food Vendors (Food Trucks) in the Public Right of Way (ROW)
File no. DCA-17-104
To City Council & Planning Commission *for September 18, 2017 joint study session*
From Carla G. Angeli Paladino, Principal Planner &
 Kyle Kearns, Planner II – Long Range Division
Date September 11, 2017

SEEKING CITY COUNCIL AND PLANNING COMMISSION DIRECTION

Staff is seeking direction on the following items:

- What options outlined under the section of the memo titled “Municipal Code Review for use of Public Right of Way,” are preferred?
- Direction is needed on how to address the changes to the mobile food vendor fee collection methods and permitting process.

PRESENTATION OUTLINE

- Presentation and information (Carla Angeli Paladino)
- Discussion & Direction (Mayor and Council and Planning Commission)

BACKGROUND

Standards pertaining to mobile food vendors, or food trucks, have been ever changing since their inception into the Medford Municipal code. Most recently City Council, by way of an ordinance approved on June 15, 2017, updated the standards pertaining to the size allowance and standards for outdoor equipment for food trucks under project number DCA-17-007. Originally proposed within DCA-17-007 was text that would have allowed for the use of food trucks within the public right of way during prescribed hours. As proposed, the text would have resided in Chapter 10 of the Municipal Code, which pertains to land use and would have allowed for the use of mobile food vendors in the public right of way. The text can be found in Exhibit A for reference. Staff was directed by the Planning Commission at the April 24, 2017 study session to remove the above referenced text as it was not a part of the original code amendment scope, DCA-17-007, which was intended to update standards pertaining to food truck sizes.

At the June 15, 2017 City Council hearing, pertaining to DCA-17-007, Councilman Bearson had asked that the text about mobile food vendors be incorporated back into the proposal. Staff revisited the issue with Council at the August 10, 2017 City Council Study Session (Exhibit B) as well as the August 17, 2017 City Council meeting. Staff was directed to research and propose language incorporating the allowance of food trucks in the public right of way in Chapter 6 of the Medford Municipal code while also addressing the fee structure for food trucks. Staff was also directed to host a joint study session with the Planning Commission and the City Council in order to gain ample input into the proposal.

MUNICIPAL CODE REVIEW FOR USE OF PUBLIC RIGHT OF WAY

Staff has reviewed the municipal code and has determined the portions of Chapters 2 & 6 in which code provisions are needed in order to allow for the use of public property and right of way. Chapter 2 is the portion of the municipal code pertaining to *Government and Administration* and Chapter 6 is the *Streets, Highways, Public Parking, and Public Right of Way* portion of the code. Staff has reviewed these codes and determined some paths forward for code provisions but is seeking direction on the best way to proceed.

Section 2.185 Permits for the Use of Publicly Owned Property and Right of Way

Staff has reviewed Chapter 2 and determined code provisions could be added to section 2.185. As this code currently exists it is intended to allow for the use of City property for special events, through a lease agreement or for no more than three consecutive days. Staff could add provisions that include:

- Specific street locations for use of right of way (e.g. Central Business Overlay, parking stalls adjacent to parks and plazas)
- Allowance for the use of specific parking areas at parks or City parking lots

Section 6.330 Prohibited Parking Generally

Staff could add provisions that include:

- Direct prohibition of parking mobile food vendors in the public ROW during prescribed times.

Section 6.340 Parking Permits

This code section pertains to the standards for permitting the use of public ROW and parking lots. Staff could add provisions that include:

- The allowance for mobile food vendor permits in the public ROW including provisions for permit fees, use, and definitions.

Section 6.350 Sales on Public Property

This code section establishes the standards for the sidewalk vendor permits, which includes establishments like Victory Dogs at the southwest corner of Central and 8th. Staff could add provisions that include:

- The allowance for the sale of ready to eat food on the street in the public ROW
- Mirror the standards of sidewalk vendors and alter as appropriate to allow for the use of mobile food vendors on public property in:
 - o Parks and Plazas
 - o Public Parking Lots

Section 6.360 Obstructions in the Right of Way

This code section pertains to the restrictions in place for what constitutes an obstruction in the public right of way. Staff could add provisions that include:

- Language regarding the permitted advertisements, queuing, and structures permitted in conjunction with mobile food vendors.

Section 6.380 Parks and Other Public Property

This code section pertains to the restrictions on the use of motor vehicles on City property and parks. Staff could add provisions that include:

- The allowance of mobile food vendors on City property and parks as permitted and reference proposed standards.

PERMITTING AND FEES FOR MOBILE FOOD VENDORS

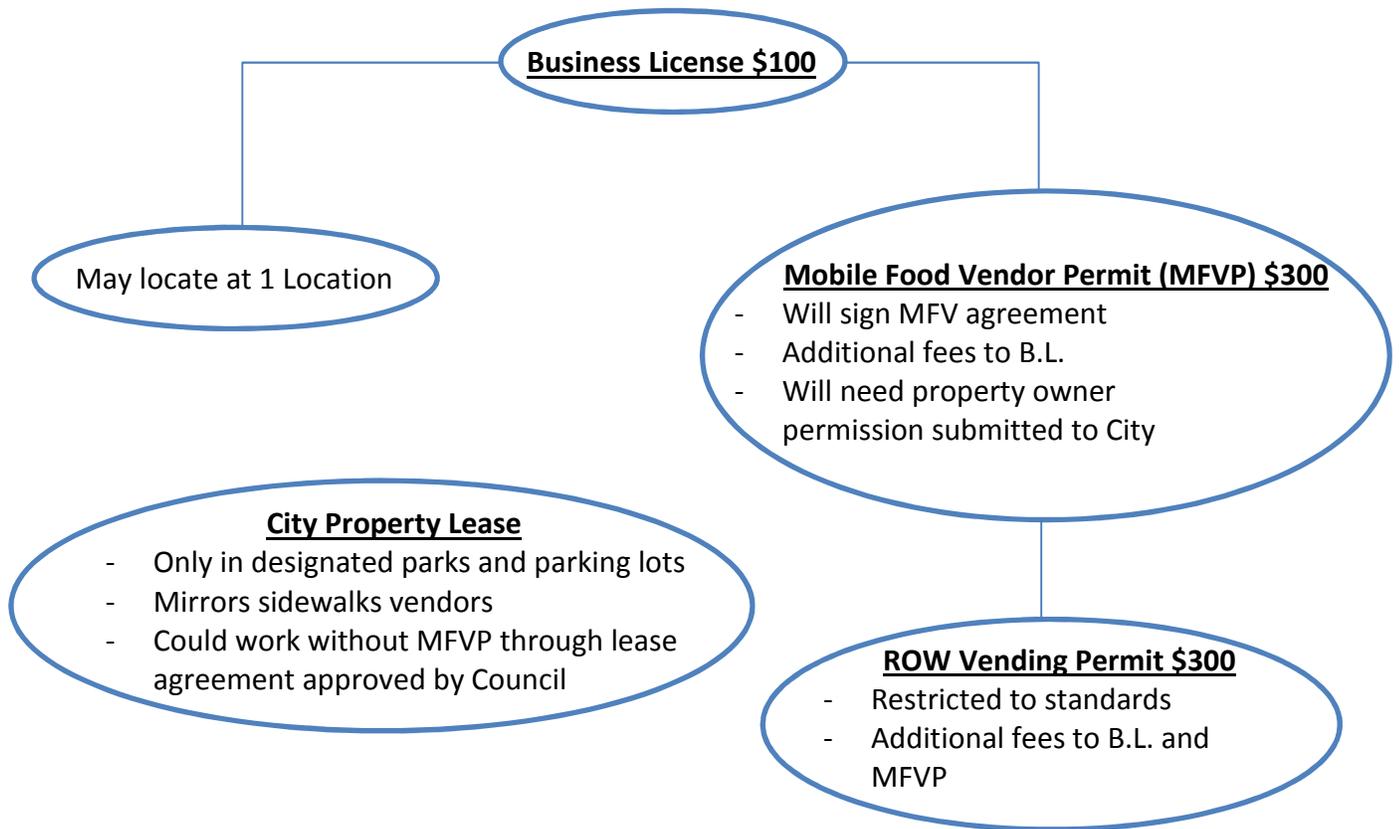
In order to accommodate the mobile nature of food trucks an update to the permitting requirements would be needed. In addition to an update to the permitting structure, the fees collected for food trucks would also need to be adjusted to reflect the new permitting process. Staff has summarized the possible code provisions moving forward that would be needed.

Permitting Food Trucks

Current code for food trucks allows for the mobile food vendors to locate at one location per business license address, the current form of permitting. A strict reading of the code requires that for each location a mobile food vendor locates, there must be an approved business license. In discussing this with the Business License Department and through observation many mobile food vendors do not obtain permits for multiple locations. The reality of the mobile food vendor is that they are mobile; they go where the customers are.

In conjunction with the Business License department staff has determined several methods to permitting food trucks that have been summarized below in a flow chart incorporating feedback from both the Planning and Business License departments.

Permitting Food Trucks – Flow Chart



If directed to prepare language enacting the above flow chart there would be several alternatives for a mobile food vendor. The first option would be using the current framework, one location per business license.

The second option would be if locating at multiple locations were desired, that the mobile food vendor would acquire a mobile food vendor permit. To supplement the MFVP an additional permit allowing for public right of way use could be acquired with similar provisions as the sidewalk vendor standards already in place regarding things such as clean up, utility connections, and site design considerations. Additionally, staff could also prepare a similar system for the use of City property (i.e. parks and parking lots) to mirror the sidewalk vendor program already in place for mobile food vendors. The Medford Parks and Recreation Department has already initiated the use of park property for mobile food vendors and has a process outlined currently (Exhibit C).

Permit Fees for Food Trucks

All fees as proposed would be yearly and would be collected as a business license fee. Staff has reviewed the applicable portions of the Municipal Code pertaining to fees for business licenses (Chapter 8) and system development charges (Chapter 4). The fees as proposed are:

- Mobile Food Vendor Permit - \$300 (annually) – on private property
- Right of Way Vending Permit - \$300 (annually) – within City ROW
- City Property Lease - \$300 (per quarter) – On City property (not ROW)

Staff does not support the use of system development charges (SDC) to capture the cost incurred by the use of mobile food vendors. Since they are temporary in nature and do not require utility connections, the charging of an SDC for the use of a food truck does not reflect the use. SDCs are intended to reflect the need to construct system improvements (i.e. roadways, sidewalks, pipes, etc.) and a food truck on a vacant lot or at an existing business does not require the need for improvements. The assertion that food trucks need not pay SDCs on a vacant lot is that the use is temporary until the lot develops or the use supplements an existing business already on site, respectively. Furthermore, staff has previously reviewed similar cities throughout the State and has found little to indicate that mobile food vendors pay SDCs in other cities. If a food truck were to expand past the prescribed standards within Chapter 10, such that it would require a site plan review, the normal process for SDC collection, land use review, and site standards would apply.

EXHIBITS

- A Previously Proposed Text DCA-17-007 (ROW text Included)
- B Memo to City Council for 8/10/2017 Study Session
- C Parks and Recreation – Park Vending Standards

Exhibit A

Previously Proposed Text for DCA-17-007 (ROW text Included)

TEMPORARY USES AND STRUCTURES

10.840 Temporary Uses and Structures.

A. Purpose.

The purpose of this section is to accommodate reasonable requests for interim, temporary, or seasonal uses and structures within the City.

B. Applicability.

In addition to the provisions of this section, the following other licenses and permits may apply:

- (1) Permits for use of City-owned property and public right-of-way, pursuant to Chapter 2 and Chapter 6;
- (2) Business license provisions of Chapter 8;
- (3) Building permit provisions of Chapter 9; and
- (4) Sign permit provisions of Article VI of this Chapter 10.

C. General Provisions.

- (1) Temporary uses and structures are characterized by their short-term or seasonal nature, and by the fact that permanent improvements associated with the temporary use are not made to the site.
- (2) Temporary uses and structures are permitted only as expressly provided in this Code.
- (3) The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the development standards contained in Article V.
- (4) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Article VI.
- (5) Nothing contained in this section is intended to authorize the placement or use of movable structures or vehicles without all necessary permits first being obtained.
- (6) Removing the wheels or setting the movable structure or vehicle on posts or footings shall not exempt the movable structure or vehicle from the provisions of this section and may cause the structure to be subject to the development standards of Article V.

* * *

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

* * *

(3) Temporary Mobile Vendors.

a. Temporary Food Vendors (Outdoor).

1. Application Requirements.

- i. A business license pursuant to Chapter 8 shall be required.
- ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:
 - (a) Length of the temporary mobile food vendor unit (Measurement of the length of a mobile food vendor is explained in Figure 10.840 – 1).
 - (b) Location of the temporary food vendor unit on the site.
 - (c) Paved vehicular access, including driveway location(s).
 - (d) Off-street vehicular parking spaces.
 - (e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.
 - (f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable; and
 - (g) Location of utility connections, if any.

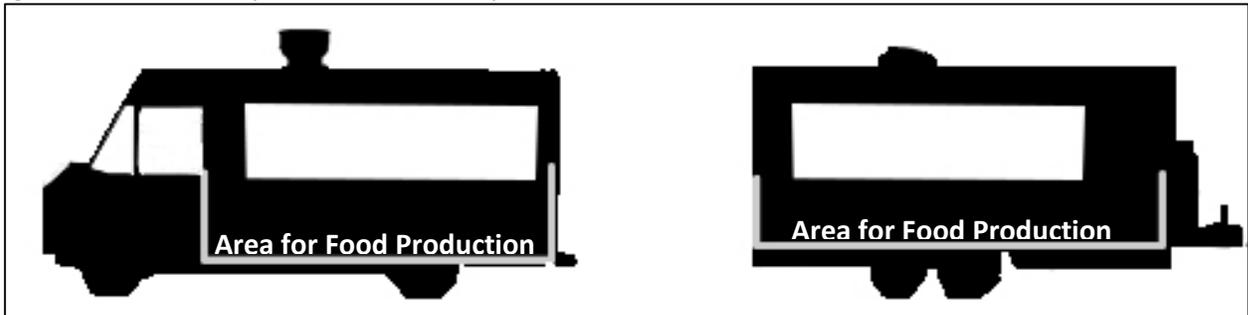


Figure 10.840 – 1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

2. Standards.

i. Locational and Size Standards.

- (a) Temporary food vendors are permitted in the following zoning districts: C- S/P, C-N, C-C, C-H, C-R, I-L, and I-G.

(b) From the hours of 10:00 PM until 2:30 AM, mobile food vendors may locate in on-street parking stalls for the purpose of food sales only. Section 10.840 (D)(3)(2) shall still apply. When parked in public right-of-way, pursuant to this subsection, the following standards shall also apply in addition to other applicable standards of 10.840 (D)(3): (1) The mobile food vendor must be completely self-contained (not needing utility connections to operate); and,

- (2) The mobile food vendor shall be a truck, capable of movement without another vehicle's assistance, trailers shall not be permitted in the public right-of-way; and,**
- (3) Mobile food vendors shall not obstruct vehicle and/or pedestrian traffic; and,**
- (4) A trash receptacle shall be provided for and may be securely placed on the sidewalk next to the vendor. Public trash receptacles may be used to meet this criterion if within a 20 foot radius of the mobile food vendor; and,**
- (5) A total of one mobile food vendor may be permitted per City block; and,**
- (6) Permits pursuant to Section 2.185 shall not be required to operate a mobile food vendor in public right-of-way between the hours of 10:00 PM until 2:30 AM. All other applicable permits and business licenses shall be required.**

(c) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:

(1) The exterior length shall not exceed 16 feet (See Figure 10.840 – 1 for measurement guidance).

(2) Outdoor equipment, such as tables and chairs, shall not be permitted.

(d) In all other zones:

(1) The exterior length shall not exceed 20 feet (See Figure 10.840 – 1 for measurement guidance).

(2) An additional 170 square feet is allowed for outdoor equipment. Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guest.

(e) On City-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.840(D)(3).

(f) At an Event of Public Interest, temporary food vendors per 10.840(D)(1) are exempt from the standards of 10.840(D)(3).

ii. General Standards.

(a) If the temporary food vendor unit is located on or adjacent to a privately- owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.

(b) All food must be in a ready-to-eat condition when sold.

(c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.

(d) The temporary food vendor unit shall be located outside any required setbacks.

(e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.

(f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.

(g) Temporary food vendors shall obtain an operational permit from the Fire Department.

(h) Any utility connections require a building permit from the Building Safety Department.

Grants Pass

- Allowed on four specifically identified streets (streets are those located near industrial and hospital uses)

Eugene

- On-street vending permitted on designated street near the University with a permit issued by the Eugene Chamber of Commerce

MEDFORD LOCATION AND HOURS OF OPERATION OPTIONS

Planning staff originally contemplated on-street vending in the downtown near clubs and bars. Food trucks would be permitted on the street in existing, available on-street parking spaces between the hours of 10:00 p.m. and 2:30 a.m. No food trailers would be permitted on-street.

Location options:

- Streets adjacent to public parks (like Alba Park)
- Streets adjacent to employment, educational, or entertainment centers (e.g. Main Street, Eighth Street, Sixth Street or Bartlett Street)
- Restrict on-street vending near schools during school hours
- Allow in Central Business & Downtown Historic District only

Hours of operation options:

- Permit on-street vending during specified hours such as the lunch hours (11:00 a.m. to 2:00 p.m.), dinner/evening hours (4:00 p.m. to 8:00 p.m.), and/or late night hours (10:00 p.m. to 2:30 a.m.)
- No time limit during any part of the day
- No on-street vending between 2:30 a.m. and 7:00 a.m.; all other hours permitted

FEES ASSOCIATED WITH FOOD TRUCKS

The fees associated with operating a food truck in Medford are those collected through the business license process. The current cost of a business license is an annual fee of \$100. The Building Department currently collects these fees. The fees collected by other cities for this use varies widely. Planning staff has obtained the following information from other Oregon communities.

Corvallis

- One time \$200 (permit/site plan review)
- \$100 Infrastructure Impact fee (annual)

Central Point

\$185 broken down as follows

- \$55 (permit fee)
- \$25 (business license fee)
- \$45 (background check/new license fee)
- \$60 (annual fee to re-run background/license fee)

Grants Pass

\$320 (license and application)

\$10 (background check)

\$150 (annual renewal)

Salem

\$152.50 broken down as follows

- \$40 (application fee)
- \$60 (license fee annually)
- \$35 (inspection fee)
- \$12.50 (processing fee)
- \$5.00 (surcharge fee)

MEDFORD FEE OPTIONS

- Charge a one-time submittal fee of \$300 plus the business license fee
- Charge an additional impact fee annually of \$100-\$200 plus business license fee
- Maintain the current business license fee

Exhibit C

Parks and Recreation – Park Vending Standards

Park Vending

PERMIT PERIOD:

Unless specified otherwise, the permit period is from date of agreement through December 31, of the year issued. Limited to season and hours of operation as specified on the permit.

APPROVED LOCATIONS:

Vending is currently allowed at; Alba, Hawthorne (**vending at Hawthorne will not be permitted during the Rogue Valley Growers & Crafters Market on Thursdays & Saturdays from 6:00am to 3:00pm**), Jackson, Bear Creek, Bear Creek Little League, Vogel, and Fichtner-Mainwaring. See Appendix A for a list of park locations vending is allowed.

REQUIREMENTS:

INSURANCE

During the life of the Permit, Vendor shall maintain the following minimum insurance:

(1) Commercial general liability insurance, including personal injury liability, blanket contractual liability, and broad-form property damage liability coverage. The following minimum limits are required: General Aggregate-\$1,000,000; Products/Completed Operations Aggregate-\$1,000,000; Personal & Advertising Injury Aggregate-\$1,000,000; Each Occurrence-\$500,000. “The City of Medford and its officers, employees and agents while acting within the scope of their duties as such” shall be a named Insured.

(2) Motorized Carts:

Commercial automobile bodily injury and property damage liability insurance covering owned, non-owned, rented and hired autos. The combined single limit for bodily injury and property damage shall be not less than \$500,000. “The City of Medford and its officers, employees and agents while acting within the scope of their duties as such” shall be a named Insured.

Coverage shall be written on an occurrence basis, not on a claims made basis. Vendor shall submit to CITY certificates of insurance for all policies listed above. The certificates shall provide that the insurance company give written notice to CITY at least ten (10) days prior to cancellation of or any material change in the policy.

Indemnity and Compliance with Laws and Regulations

Vendor agrees that (s)he will hold CITY, its officers, employees and agents harmless from any claim, liability, damages or obligation arising from Vendor activities performed during the course of the work and will indemnify CITY for the amount of any obligation it may incur on account thereof or arising therefrom. Provided, however, that Vendor shall not be required to indemnify CITY against liability for damage arising out of death or bodily injury to persons or damage to property caused in whole or in part by the negligence of CITY, except to the extent that the death or bodily injury to persons or damage to property arises out of the fault of Vendor or Vendor's agents, representatives or subcontractors.

Vendor shall at all times observe and comply with all federal and state laws and local ordinances and regulations, in any manner affecting the conduct of the work.

Independent Contract Status

It is agreed that Vendor shall perform the work as an independent contractor and is not an employee of CITY. Vendor maintains his or her own place of business, uses his or her own equipment, and shall perform the work specified independent of CITY's supervision and control, being responsible only for satisfactory performance and completion of the work.

LICENSES

The Vendor shall obtain all necessary licenses and permits and pay all fees required to operate such concession and shall comply with all federal, state, and local laws and regulations applicable to such operation.

Licenses include but are not necessarily limited to:

- City of Medford Business License
- County Health Permit

CONDITIONS OF OPERATION

1. Vendor accepts full and complete responsibility for any and all loss of or damage to any item of Vendors property from any cause whatsoever and expressly releases the City of Medford, its officers, agents, and employees, from any liability therefore.
2. The Vendor contract or privilege therein provided may not be assigned or transferred. Failure to comply with this provision will result in termination of the contract.

3. The Vendor shall not subcontract its work under this Agreement, in whole or in part.
4. Vendor shall be responsible for cleanup of all park area within 100 feet from each concession outlet. Vendor shall be responsible for removing all such litter and shall be responsible for removing all refuse and waste generated by Vendor's operation. All such litter, refuse, and waste shall be removed from City property for proper disposal at Vendor's expense. Vendor shall provide refuse containers suitable for placement of litter generated by customers or other persons. Refuse shall be removed from park by the Vendor at Vendors expense. The City shall charge for the costs of special cleanup necessary should the Vendor fail to reasonably perform. The charge will be the actual costs incurred by the Department including employee wages including benefits, equipment costs and refuse disposal.
5. The Vendor is confined to the areas specified or subsequently determined to be satisfactory by the Parks and Recreation Department. Such areas may vary from time to time and may be extended or restricted as the need appears.
6. The City shall be under no obligation to furnish shelter, utilities, equipment, furniture, or fixtures.
7. Utilities used by or for the benefit of the Vendor shall be paid for by Vendor at a rate to be determined by the Director of Parks and Recreation.
8. The Vendor shall not place any signage in the park or adjacent right-of-way except which is directly affixed to the vending unit.
9. Pushcarts, trailers, and mobile units must be removed from Park property on days when not open for business and at time other than the season and hours of operation as specified.
10. Prices of items and/or services sold or offered shall be visibly posted.
11. Vendor shall not sell or distribute alcoholic beverages under the privileges provided herein.
12. Vendor shall eliminate any unsafe condition or public hazard resulting from or associated with Vendor activities without delay as directed by the Parks and Recreation Department.
13. Vendor shall be responsible for cost of repair or replacement for any damage to park property from Vendors activities.

14. Vendor shall not use any amplified device to attract customer's attention.

15. No competing vendors will be permitted in any one park (vendors selling similar products).

RIGHTS RESERVED

1. The City reserves the right to reject any and/or all Vendor permit requests, in whole or in part.

2. In the event that Vendor fails to comply with any of the requirements or conditions of the agreement, which is based upon and includes these specifications, the City reserves the right to suspend or terminate immediately the vending permit by mailing written notice to the Vendor at the address on file with the City.

3. The Parks and Recreation Department reserves the right to terminate a concession contract or portion thereof should the service prove unsatisfactory in the opinion of the Department.

4. The Parks and Recreation Department reserves the right to determine the exact location or route within each park or right-of-way area adjacent to each park where the Vendor may conduct operations under the terms of the vendor agreement.

5. The Parks and Recreation Department, on 10 days written notice to the Vendor, may terminate the concession contract for any reason deemed appropriate in its sole discretion.

6. If the Vendor voluntarily terminates the agreement, or if the agreement is terminated by the City for any cause, vendor shall forfeit all amounts paid to the City.

7. The Parks and Recreation Department reserves the right to exclude the Vendor from the agreed location for up to five (5) days per month for any reason. The vendor may be excluded at additional times specified.

8. The Parks and Recreation Department reserves the right to review for approval all items and services offered and all prices of items and services provided to the public.

9. The Parks and Recreation Department reserves the right to add or withdraw park locations from the list of approved locations without notice.

Permit Process and Instructions to Vendors:

1. Fill out permit application.

2. Submit completed permit application along with a \$25.00 application fee to the Medford Parks and Recreation Department with copies of the required insurance and license attached. The fee will be waived for nonprofit groups and organizations providing the Parks and Recreation Department with a nonprofit number.
3. The City reserves the right to reject any or all application requests in whole or in part.
4. Approved permits will be issued within ten working days from the time the application is approved by the Departments Parks and Recreation Director.
5. A rate of \$30.00 per day will be charged to commercial Vendors. Fees must be paid for the length of the contract at the time permit is issued.
6. A rate of \$15.00 per day will be charged to groups who provide the Parks and Recreation Department with a non-profit number.
7. A rate of \$100 per month will be charged to vendors providing ongoing weekday service at Alba Park based on a 10x10-foot operating space.
8. Payments may be paid by cash, check, Visa/MasterCard at the Medford Parks & Recreation Office located at the Santo Community Center, 701 N. Columbus Ave. Med



MEMORANDUM

Subject Temporary and Transitional Housing appraisal
File no. DCA-17-062
To City Council and Planning Commission *for September 18, 2017 joint study session*
From Kyle Kearns, Planner II – Long Range Division
Date September 11, 2017

AMENDMENT

DCA-17-062, Temporary & Transitional Housing, is a consideration of a land development code amendment to portions of Chapter 10 to allow housing villages and cooling/warming shelters; both of which have been permitted previously in Medford as Hope Village and the Kelly Warming Shelter, respectively. Housing villages provide a framework for the use of smaller dwellings than might otherwise be permitted to provide interim, transitional, or smaller housing options while cooling/warming shelters provide homeless individuals temporary relief from the elements.

As proposed, DCA-17-062 creates standards addressing items such as: public input, the creation of an operations plans, reporting requirements, safety and security, and site design standards. Both additions to Chapter 10, in their current form, are intended to provide housing options for the homeless and the agencies supporting the homeless.

The Planning Commission hearing is scheduled for October 12, 2017 and the Council hearing is scheduled for November 2, 2017.

BACKGROUND

Oregon is one of nine states that saw an increase in its homeless population between the years of 2015-2016. Furthermore, Oregon as a whole has an estimated 13,953 homeless people, 60.5 percent of which are unsheltered (second-highest after California). Recent counts of the homeless population, performed by the Rogue Valley’s Continuum of Care organization (Jackson County Homeless Task Force), show an increase from 2016 to 2017 of 106 people (527 to 633); 264 of the 633 homeless individuals were reported as unsheltered, the others residing in a shelter. It is speculated however that this number is far larger as the Jackson County Board of Education identifies 2,300 children who are homeless.¹

With an increase in the size of the Rogue Valley’s homeless population various non-profit and government agencies have worked to aid those experiencing homelessness to gain shelter, and ultimately permanent housing. Through these efforts it has come to the attention of the City that the municipal codes lack the appropriate uses and associated standards to clearly and quickly permit uses related to housing the homeless.

Recent efforts to aid and support the homeless in Medford include Hope Village and the Kelly Warming Shelter. These two efforts are not new uses for the City, but they are not directly addressed in the Medford Land Development Code (MLDC); as such, both uses lacked a defined, prescriptive process for ensuring compatible land use, zoning, design standards, and public input. City Council directed Staff, through a motion, on August 18, 2016 to develop a code amendment to amend portions of Chapter 10 (the Land Development Code) to allow for transitional housing uses through adopted code using the conditional use permit or similar process (Exhibit B). Staff was later directed to include cooling/warming shelters in DCA-17-062 due to complications with permitting and regulating the Kelly Warming Shelter, which currently is not directly permitted within the residential zoning districts per Chapter 10.

On August 31, 2017 staff presented before the Medford City Council at a regularly scheduled study session. Staff sought direction from Council as this code amendment was directed by motion from City Council, which is summarized below. Additionally, staff has presented before the Medford Housing and Community Development Commission (HCDC) on September 6, 2017 and the Planning Commission on September 11, 2017. The HCDC has asked staff to present at the October 4, 2017 meeting in order to provide a formal position and feedback. The comments received at the September 11, 2017 Planning Commission study session have been summarized below.

Direction Sought from Council on August 31, 2017

Staff had prepared a draft proposal and presented to City Council in a study session in which direction was sought on the following items:

- Does the proposed text (Exhibit A) align with Council’s original direction from August 18, 2016? (See Exhibit B). Specifically:
 - Process for public input (i.e. neighborhood meeting requirement)
 - The operational, safety & security, and reporting requirements
- Should staff retain, amend, or remove the standards pertaining to emergency housing villages?
- Should staff retain, amend, or remove the standards pertaining to interim housing villages

- Should the timing requirements of warming shelters be based on calendar days or weather events? (e.g. 90 day limit v. temperature events triggering the use of warming shelters)
- Are there underlying issues not addressed within the proposed text?

Concerns discussed at August 31, 2017 City Council Study Session

Council discussed their concerns regarding DCA-17-062 which has been summarized below. Furthermore, staff has prepared a more detailed summary of Council's concerns and has prepared brief responses of ways in which staff could proceed (Exhibit C). Direction from Planning Commission and other review bodies on these topics is desired in moving forward, particularly before the beginning of the public hearings. The concerns of Council are as follows:

- Code language expands past ORS 446.265 (Exhibit D)
- There should be an allowance for cooling/warming shelters based on weather events or weather forecast
- Council would like similar controls with housing villages and/or cooling/warming shelters that they have with Hope Village
- Neighborhood Meeting requirement is insufficient for public outreach and unmonitored by City staff creating a disconnect for reporting to the hearing bodies
- Allowance of tents and/or yurts in cooling/warming shelters is not desired
- There are no standards preventing concentrations of housing villages and/or cooling/warming shelters
- Will the addition of housing villages be incorporated into Medford's needed housing types based on the Comprehensive Plan and State revised statutes?
- Outright permitted use of housing villages and cooling/warming shelters is not preferred. Allowing for these uses conditionally is preferred.

Concerns discussed at September 11, 2017 Planning Commission Study Session

Staff presented the proposed text of DCA-17-062 at a regularly scheduled study session on September 11, 2017. The comments provided from the Commission are as follows:

- Planning Commission would like more time to review DCA-17-062
- The text regarding the 180 day time limit for Interim Housing Villages needs to be cleaned up to be clearer
- There needs to be a consideration for limiting the total number of days for cooling/warming shelters if a weather based time limit is incorporated

- The length of stay for tenants in a housing village should also be limited
- Continuous operations for cooling/warming shelters and interim housing villages logistically makes more sense (i.e. don't force relocation if able)
- Units without utility connections create sub-par living conditions
- A declared emergency may not last as long as the need for an Emergency Housing Village. Consideration for time limits should be made
- Interim Housing Villages were not considered a priority
- Allowance for tents and yurts at a Transitional Housing Village was not desired
- Allowance for tents and yurts at a cooling/warming shelters may be warranted
- Stronger consideration for monitoring of policies is needed
- The possibility of expanding housing villages to include the "tiny home" movement seems out of place

HOUSING VILLAGES (SECTION 10.818A)

As proposed, housing villages would be 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, tract, or parcel of land that may 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.

The housing village land use is intended to be an umbrella term that encompasses specific types of housing villages further defined in the proposed text under 10.818A (B). It is the intent to use the framework of the housing village land use to allow for in the future, smaller, alternative housing types that go beyond assisting the homeless (for example a "tiny home." Currently the proposal defines three types of housing villages, all of which are aimed at providing relief to the unhoused using the housing first model of homeless assistance (Exhibit E). The proposed housing villages with definitions are:

- Emergency Housing Village (EHV): A temporary housing village developed to provide immediate and emergency shelter for families and individuals in need of shelter during a declared emergency event by a local, State, or Federal government entity.
- Interim Housing Village (IHV): A temporary housing village developed to provide interim housing for homeless families and individuals for an established 180 day operational period.

- Transitional Housing Village (THV): A permanent housing village developed to provide housing that functions to transition or stabilize individuals and families experiencing homelessness into permanent housing or permanent supportive housing.

DCA-17-062, as proposed, aims to provide housing in two circumstances, the first being during times of emergency (homeless or not) through the EHV use; the other being to provide interim or transitional housing for the homeless through the IHV and/or THV use. The standards for housing villages are summarized below.

Housing Village Standards

The special use standards for land uses within Chapter 10 are intended to further clarify and restrict particular uses based on preferences within the community. As such, the special use standards for housing villages address two preferences: the organizational structure of housing villages (general standards) and design. The subsections addressing the community preferences include:

- 10.818A (D) General Standards for Housing Villages: Outlines neighborhood meeting requirement for public input
- 10.818A (E) General Standards for THVs and IHVs: Sets standards for operational requirements (i.e. operations plan), annual reporting, property owner agreements, and the safety and security standards (fire safety, population caps, tenant rules)
- 10.818A (F) Standards for EHV: Clarifies the difference between an EHV and other housing villages.
- 10.818A (G) Site Development Standards for Housing Villages: Defines the design requirements applicable to Chapter 10 for housing villages

COOLING/WARMING SHELTERS (SECTION 10.819A)

Much like housing villages, cooling/ warming shelters are intended to provide housing alternatives for the City's homeless. Unlike housing villages, cooling/warming shelters do not provide a framework for other housing types and are explicitly intended to provide immediate and temporary shelter for up to 90 consecutive calendar days. The cooling/warming shelter definition as proposed:

Cooling/Warming Shelter. A temporary emergency shelter within an existing building meant to provide relief from extreme weather for homeless individuals or families.

The definition of an emergency shelter is also proposed to add clarity and consistency within Chapter 10 using a HUD definition as the framework. An emergency shelter is defined as:

Emergency Shelter. Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

What enables a clear distinction between an emergency shelter and a cooling/warming shelter is that per the proposed code, cooling/warming shelters are only permitted for a total of 90 consecutive calendar days; whereas emergency shelters are a permitted use by right in most Commercial districts, with no time restrictions. This enables cooling/warming shelters to be temporary in nature and to provide immediate relief to the homeless. Below the standards for warming shelters are summarized.

Cooling/Warming Shelter Standards

Like the standards for housing villages, the standards for cooling/warming shelters are intended to ensure proper public input and to cover both general standards and design standards. The subsections for cooling/warming shelters general and design standards are as follows:

- 10.819A (C) General Standards for Warming Shelters: Outlines the neighborhood meeting requirement, operational requirements (i.e. operations plan), annual reporting, property owner agreement, and standards pertaining to safety and security (i.e. population caps, fire safety, tenant rules)
- 10.819A (D) Site Development Standards for Warming Shelters: Defines the design requirements for warming shelters

PROPOSED NEXT STEPS – SEEKING DIRECTION

Staff has determined, based on feedback received at the various meetings and study sessions that the hearing dates for DCA-17-062 need to be pushed back. Currently the Planning Commission hearing is scheduled for October 12, 2017 and the City Council hearing for November 2, 2017. Staff is seeking direction on a schedule moving forward that incorporates the comments received. The following options include:

Option 1 – Increase Time for Comment

- Two more study sessions (City Council & Planning Commission)
- Receive feedback from Housing and Community Development Commission at the October 4, 2017 meeting
- Adjust DCA-17-062 based on comments received
- Planning Commission Hearing (November/December)
- City Council Hearing (December/January)

Option 2 – Divide up Code Amendment

- Allow for comment from Housing and Community Development Commission on October 4, 2017
- Determine parts of DCA-17-062 to strike from the text through a Planning Commission and City Council joint work session (October/November)
- Adjust DCA-17-062 based on comments received
- Hold study sessions to review text (November/December)
- Hearings (January/February)

Option 3 – Terminate Code Amendment

- Cease work on DCA-17-062 until needed

EXHIBITS

- A Proposed Text DCA-17-062
- B City Council Motion regarding DCA-17-062 – August 18, 2016
- C Summary of City Council Concerns from August 31, 2017 Study Session Regarding DCA-17-062
- D ORS 446.265
- E Housing First Model Summary

Exhibit A

Proposed Text DCA-17-062

SPECIAL USE REGULATIONS (10.811 - 10.839)

- 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" District
- 10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and
Clubs in an "R" District
- 10.818A Housing Villages
- 10.819A Cooling/Warming Shelters
- 10.820 Two Single-Family Residences in Lieu of Duplex
- 10.821 Accessory Dwelling Unit (ADU)
- 10.822 Permitted Uses in All Industrial Zones
- 10.823 Small Food Vendors
- 10.824 Wireless Communication Facilities
- 10.826 Single-Family Dwelling in Multiple-Family Residential Zones
- 10.827 Mines, Quarries, Gravel Pits
- 10.828 Bed and Breakfast Service
- 10.830 Public Utility Service Facilities
- 10.831 Outdoor Storage, Display and Sales of Merchandise; Permit Required
- 10.832 Garage Sales and Yard Sales
- 10.833 Restaurants - Outdoor Eating Areas
- 10.834A Craft Alcohol Production
- 10.835 Residence for Caretaker or Watchman
- 10.836 Residential Facility
- 10.837 Dwelling Units in Commercial Districts
- 10.838 Accessory Uses in Group (Congregate) Living Facilities
- 10.839 Marijuana-Related Businesses

ARTICLE I - GENERAL PROVISIONS

* * *

10.010 Definitions.

For the purpose of this chapter, the definitions and rules of construction set forth shall prevail, except when the context clearly requires otherwise:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular shall include the plural, and words in the plural shall include the singular.
- (3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (4) The word "shall" is mandatory.
- (5) The word "may" is permissive.
- (6) The word "person" includes individuals, firms, corporations, associations, trusts, local agency, city, county, state or federal government or any district or division thereof.
- (7) The word "City" shall mean the City of Medford.
- (8) The word "Council" shall mean the City Council of the City of Medford.
- (9) The words "Planning Commission" shall mean the Planning Commission of the City of Medford.
- (10) Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used in this chapter. Merriam-Webster's Collegiate Dictionary, 11th edition, shall be considered as providing ordinarily accepted meanings.

[Amd. Sec. 1, Ord. No. 2012-32, March 1, 2012.]

* * *

10.012 Definitions, Specific.

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

* * *

ADA. Americans with Disabilities Act.

* * *

Cooling/Warming Shelter. A temporary emergency shelter within an existing building 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.

* * *

Emergency Shelter. Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

* * *

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

- (1) Living in a place not meant for human habitation, in an emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided;
- (2) Losing their primary nighttime residence, which may include hotels/motels or a doubled up situation, within 14 days and lack the resources or support networks to remain in housing;
- (3) Families with children or unaccompanied youth who are unstably housed and likely to continue that way;
- (4) Attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain permanent housing.
- (5) For the purpose of cooling/warming shelters this may include families or individuals at risk to exposure of extreme weather conditions.

Homeless Shelter. See Emergency Shelter.

* * *

Housing Village. 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. The types of housing villages are defined in Section 10.818A (B).

HUD. US Department of Housing and Urban Development.

* * *

Manufactured structure. A structure constructed for movement on the public highways that may have some of the facilities needed for sleeping, cooking and plumbing that is intended for human use and shall be constructed in accordance with applicable Federal, State and/or Local regulations in effect at the time of construction. Manufactured structures shall arrive at a site complete and ready for use with or without a permanent foundation. Manufactured structure may also include recreational structures, recreational

vehicles, and manufactured dwellings.

* * *

Modular structure. See prefabricated structure.

* * *

Neighborhood Meeting. A requirement of certain land use reviews in which public outreach is required in the form of an informative meeting, by the applicant, to notify the surrounding property owners of a proposed development. The criteria for outreach shall be established in the specific Sections of the Code detailing the requirements of the said land use reviews.

* * *

Permanent Housing. Housing in which individuals and/or families independently live without a designated length of stay in which the property is either leased or owned.

Permanent Supportive Housing. Permanent housing in which supportive services are provided to assist homeless individuals and/or families with a disability to live independently.

* * *

Portable Toilet. A self-contained structure, on or off wheels, in which the main purpose is the use of bathroom facilities without the ability to drain waste (more commonly referred to as a “porta-potty”).

Poverty. A living condition in which families or individuals have an income at or below 30% of the area median income (AMI) as defined and maintained by HUD.

Prefabricated Structure. A building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. This does not include manufactured structures or recreational vehicles. All applicable Federal, State and Local laws shall apply to prefabricated structures.

* * *

Recreational structure. A campground structure with or without plumbing, heating, or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency, or transitional housing purposes and may include yurts, cabins, fabric structures, or similar structures.

* * *

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.

* * *

State of Emergency. A situation of national, regional, or local danger or disaster in which a Federal, State, County, or City government entity declares the need to suspend normal legal/constitutional procedures in order to achieve an outcome that is in the public interest. This may include suspension of procedures due to a natural disaster, abnormal weather conditions, human-made conditions, and other unforeseen conditions that have effects on the macro-scale.

* * *

Transitional housing. Housing intended for homeless individuals and/or families for an interim period of time no longer than a continuous 24 months run by an organization who is qualified to aid those using such housing.

* * *

Yurt. A round, domed tent of canvas or other weather resistant material having a rigid framework, sturdy floor, one or more windows or skylights and that may have plumbing, electrical service or heat.

* * *

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
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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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**7.
NONRESIDENTIAL
SPECIAL USES**

* * *

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

* * *

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.

* * *

83 SOCIAL SERVICES. This major group includes establishments providing social

services and rehabilitation services to those persons with social or personal problems requiring special services and to the handicapped and disadvantaged.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
832	Individual and Family Social Services	P	P	P	P	P	X	X	X
8322	Emergency Shelters (Homeless Shelters)	P	P	P	P	P	P	P	X
833	Job Training and Vocational Rehabilitation Services	P	P	P	P	P	P	P	X
835	Child Day Care Services	Ps	Ps	Ps	Ps	Ps	Ps	X	X
836	Residential Care (All kinds, including those with over 15 residents)	P	X	P	P	P	X	X	X
839	Social Services, nec	P	P	P	P	P	X	X	X

The special use reference for child day care services corresponds with section 10.811.

* * *

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
Interim Housing Village (IHV)*	.25 spaces per dwelling/sleeping unit plus 1.0 space per employee on the largest shift	.25 spaces per dwelling/sleeping unit plus 1.0 space per employee on the largest shift	1.0 spaces per tenant plus 1.0 space per employee on the largest shift
Transitional Housing Village (THV)	.25 spaces per dwelling/sleeping unit plus 1.0 space per employee on the largest shift	.25 spaces per dwelling/sleeping unit plus 1.0 space per employee on the largest shift	1.0 spaces per dwelling/sleeping unit plus 1.0 space per employee on the largest shift
Cooling/Warming Shelter*	1 space per 10.0 resident beds, plus 1.0 space per employee on the largest shift	1 space per 7.0 resident beds, plus 1.0 space per employee on the largest shift	1 space per 7.0 resident beds, plus 1.0 space per employee on the largest shift

* A single asterisk indicates that minimum parking standards need not apply for the indicated use if accessory to a primary use and said primary use provides for adequate parking supply.

**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 - 10.839)

* * *

10.818A Housing Villages

A. Purpose and Intent.

This section establishes standards that regulate the development, organization, and overall impact of housing villages. The intent of housing villages is to provide needed housing alternatives than are traditionally provided for in Medford's single-family and multi-family zones; housing villages can aid in creating affordable housing options for those in need.

Housing villages differ from the customary forms of single lot development; they have multiple dwelling/sleeping units per tax lot, can share common household amenities (kitchen, bathroom, living room), they may have structures that are below 500 square feet in floor area, and units are often detached from one another. The following standards are intended to mitigate impacts, perceived or actual, that housing villages could have on surrounding land uses and zoning districts.

B. Types of Housing Villages

The following types of housing villages are permitted subject to the compliance of Section 10.818A and are defined as:

(1) **Emergency Housing Village (EHV).** A temporary housing village developed to provide immediate and emergency shelter for families and individuals in need of shelter during a declared emergency event by a local, State, or Federal government entity.

(2) **Interim Housing Village (IHV).** A temporary housing village developed to provide interim housing for homeless families and individuals for an established 180 day operational period.

(3) **Transitional Housing Village (THV).** A permanent housing village developed to provide housing that functions to transition or stabilize individuals and families experiencing homelessness into permanent housing or permanent supportive housing.

C. Definitions Pertaining to Housing Villages

The following definitions shall only be applied, as defined in this subsection, to housing villages as described in Section 10.818A (B). If used otherwise in Chapter 10 refer to Section 10.012 Definitions, Specific.

180 Day Operational Period: The period of time in which an Interim Housing Village shall be permitted to operate starting on the first day of operations and ending 180 consecutive calendar days after the first day of operations.

Access Point: The main point of entry and exit for an IHV or THV where tenants, visitors, and other persons must sign in and out of the village to maintain security.

Common Amenities: This shall include a kitchen, bathroom, shower, storage for personal items, and gathering/common space for tenants.

Host Agency: The organization in charge of daily operations of an IHV or THV. The host agency shall be a non-profit, public, or religious organization that is committed to staffing and supporting the needs of an interim or transitional housing village and the host agency shall be the applicant for an IHV and/or THV.

Operations Plan: The guiding document for a host agency to use in determining the rules, methods and standards tenants must abide by in an Interim or Transitional Housing Village.

Safety and Security Plan. A subsection of an Interim or Transitional housing village's operations plan that establishes the various safety and security procedures for daily operations and potential emergencies.

Sleeping Areas: Designated locations within an Emergency, Interim, or Transitional Housing Village where tents, sleeping units, and/or other similar structures are to be located for the purpose of sleeping/housing tenants.

Sleeping Unit: When a sleeping unit is used in a housing village it shall have a minimum footprint of 120 square feet and must meet all applicable and adopted City of Medford codes.

D. General Standards for Housing Villages

All housing villages, as established in Section 10.818A (B) shall adhere to the following standards as defined herein:

(1) **Neighborhood Meeting Requirement.** To ensure neighborhood knowledge of the proposed housing village and to provide an opportunity for direct communication with the host agency, the applicant shall present the development proposal at a neighborhood meeting prior to submitting the land use application to the City Planning Department. The neighborhood meeting requirements are as follows:

(a) The applicant shall arrange and conduct the neighborhood meeting. Attendees shall be asked to sign a signature sheet and provide their mailing address. Attendance at the neighborhood meeting does not give an attendee legal standing for appeal.

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

1. A map depicting the location of the subject property proposed as a housing village; and,
2. A visual description of the project including a tentative site plan that should highlight the proposed locations of:
 - (i) Location of sleeping areas (including dwelling/sleeping units)
 - (ii) Common areas (kitchen(s), bathroom(s), shower(s) and gathering space(s))
 - (iii) Access point(s) (entrance and exit)
 - (iv) Trash receptacles
 - (v) Fencing

(vi) Parking locations; and,

3. A preliminary outline/overview of the operations plan and tenant rules (when applicable); and,
4. A description of the nature of the proposed development and its physical characteristics, including but not limited to, sizes and heights of structures, lot sizes, total number of residents proposed to be served, amenities/services available; and,
5. Notification that attendance at the neighborhood meeting does not give legal standing to appeal to the City Council, the Land Use Board of Appeals, or Circuit Court.

(b) It shall be the responsibility of the applicant 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 housing village 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 housing village. 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 10.818A (D)(1)(c). The notice for the Neighborhood Meeting shall include:

1. Date, time, and location of the neighborhood meeting
2. A brief written description of the proposal,
3. The location of the subject property, including the address (if applicable), nearest cross streets, and any other easily understood geographical reference
4. 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:

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

(d) The public hearing, as a part of the approval process established per Article II, shall serve as the public forum for recorded public comment, not the Neighborhood Meeting.

E. General Standards for Transitional Housing Villages (THV) and Interim Housing Villages (IHV)

The following standards of subsection 10.818A (E) shall apply to both Transitional Housing Villages (THV) and Interim Housing Villages (IHV). The words host agency and applicant may be used interchangeably in this subsection. Additionally, the host agency shall be the applicant for an IHV and THV use. The requirements are as follows:

(1) **Operational Requirements.** The applicant, as a part of the application submittal, shall demonstrate how the operational requirements as defined in this subsection will be met. The applicant shall submit an operations plan which shall include the requirements below. The Approving Authority shall review the operations plan for completeness based on this subsection and for compliance with the Code. Staff shall distribute the village's operations plan to appropriate City Departments for comment and compliance with other applicable codes. The operational requirements are as follows:

- (a) It shall be the duty of the host agency/applicant to ensure compliance with applicable State, Federal and Local laws and regulations relating to the operation of the Transitional/Interim Housing Village.
- (b) An operations plan is required as a condition of approval. The operations plan will establish the host agency's role and methods for aiding the village's tenants to permanent housing. Below, Section 10.818A (E)(1)(b)(1-11), is a list of the minimum requirements of an operations plan. The operations plan may differ from village to village. It shall be left to the discretion of the host agency to determine the best methods in aiding tenants obtain stability and permanent housing. However, an operations plan shall include at a minimum:
 - 1. The rules tenant's must adhere to for residency
 - 2. Causes for eviction
 - 3. Operations and maintenance plan for the village
 - 4. A Safety and Security Plan which meets all applicable and adopted codes, see Section 10.818A (E)(4) for safety and security details.
 - 5. A list of social services to be provided
 - 6. Staffing operations, including the process for determining the "on duty" representative as required per 10.818A (E)(1)(d)
 - 7. Screening methods for tenant occupancy
- 8. Village management structure
- 9. Program(s) for transitioning tenants to permanent housing
- 10. (THV Only) Financial analysis per 10.818A (E)(1)(f)
- 11. (IHV Only) 180 Day Operational Period
 - (c) When creating an operations plan, self-governance among the tenants shall be incorporated into the rules and operations of the THV or IHV.
 - (d) There shall be an "on-duty" representative of the village at all times during operation. The representative(s) contact information shall be clearly posted at the village's access point each day. The representative may be a village tenant or a hired employee and shall be properly trained and act as a fire watch according to the adopted Fire Code for the City of Medford.
 - (e) Management of an IHV or THV shall be clearly stated in the operations plan. Roles, task, and other facets of the village's operations may be entirely

handled by the host agency or delegated to tenants, but shall be clearly defined.

- (f) (THV Only) In addition to the operations plan, a detailed financial analysis and budget shall be submitted as a condition of approval. The financial analysis shall highlight how the items of the operations plan shall be carried out. The financial analysis may be a part of the operations plan.
- (g) (IHV Only) Once an Interim Housing Village commences use it may only operate for a maximum of 180 calendar days, or the 180 day operational period. The 180 day operational period starts once an IHV begins operations and ends 180 consecutive calendar days after the start date of the IHV's operations. An IHV must cease operations upon the end of the 180 day operational period and may not commence operations in the same location until 180 calendar days has passed since the cessation of the previous 180 day operational period. An IHV may only locate in the same location twice within two calendar years (730 calendar days). Upon completion of the second 180 day operational period an IHV must wait 365 calendar days to locate at the same location again. The location shall be defined as the tax lot(s) owned or leased by the host agency to operate the IHV, including adjacent lots under the same ownership.
- (h) (IHV Only) There shall be, at any point in time, only a total of four IHVs within the City limits of Medford.

(2) **Annual Reporting.** The host agency shall be required to report, at a minimum, once a year to the City Council on the operations of the THV or IHV. An IHV host agency may report to City Council after the termination of the village rather than annually.

(a) The host agency 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.

(b) Reports shall either be in the form of a written memorandum addressed and submitted to the Council or as an agenda item at a regularly scheduled Council Meeting. The reporting shall include the following:

- (1) Number of residents served
- (2) Length of stay for residents (date in & date out)
- (3) Reason for resident exit
- (4) Destination of exit (even if there's no address)
- (5) Number of public service calls and reason for call
- (6) Services provided; this may include social services, trainings and other amenities
- (7) Number of residents denied tenancy and reason for denying a tenant residency
- (8) Number of nights spent at full capacity (if applicable)

(3) **Property Owner Agreement.** Prior to the issuance of the final Certificate of

Occupancy the host agency/applicant shall submit to the Planning Department a signed affidavit of understanding provided for within the application packet. The affidavit shall be signed by the host agency and the property owner and it shall state:

- (a) Tenants of housing village must qualify as homeless, as defined by Section 10.012 of the Medford Municipal Code.

Agreements between the property owner and host agency shall be valid so long as the housing village is in operation. Once said use ends, the property owner agreement shall be repealed. Nothing in this section shall be construed as to prevent the property owner from terminating the agreement prior to termination of said use.

(4) **Safety and Security.** The following shall also pertain to an IHV's and/or THV's safety and security in development shall serve as the framework for the village's Safety and Security plan as required per section 10.818A (E)(1)(b)(4.):

- (a) Open flames shall not be permitted unless otherwise approved by the Medford Fire Department.
- (b) A host agency is required to create a list of rules for tenants to follow as per Section 10.818A (E)(1)(b)(1). The rules shall be a part of the village's operations plan. These rules shall be submitted to the Medford Police Department and the Planning Department for reference. The rules may regulate:
 - 1. Behavior/conduct between residents
 - 2. Alcohol, drug, and marijuana use/possession and associated paraphernalia
 - 3. Operations and maintenance
 - 4. Guest policies/hours
 - 5. Other applicable items not listed
- (c) Water for drinking, cleaning, and hygiene shall be adequately provided for.
- (d) Adequate access shall be given for the use of emergency vehicles and shall be a condition of approval upon land use review.
- (e) All indoor common amenities, dwelling units, and sleeping units shall be equipped with a fire extinguisher, smoke detector, and a carbon monoxide detector. Tents need not adhere to this standard.
- (f) All electrical connections shall meet the standards of the Medford Municipal Code.
- (g) (IHV Only)When generators are used to provide power, and are not silent, they shall not be used between the hours of 10:00 PM – 6:00 AM.
- (h) Structures within a THV and/or IHV shall be spaced at a minimum distance of six feet from the closest point of any structure within an IHV and/or THV.

- (i) The village's access point shall be staffed at all times, either by the host agency or by an appointed person(s) as determined by the host agency's operations plan, in order to monitor access to the village (See Section 10.818A (E)(1)(d))
- (j) An IHV and/or THV shall not be located within a wetland, Special Flood Hazard Area (SFHA), floodway, flood plain, or within a riparian corridor.
- (k) The population size for an IHV or THV shall not exceed a number that is greater than one and one-third (1 1/3) of the total number of sleeping/dwelling units.

F. Standards for Emergency Housing Villages (EHV)

The following standards of subsection 10.818A (F) shall apply only to the use of an Emergency Housing Village (EHV). In the event of a declared State of Emergency it may become necessary to quickly house individuals and families affected by the emergency event. The City recognizes this need and has determined that the following standards shall apply to the development and use of an Emergency Housing Village (EHV):

- (1) An EHV shall only be permitted during a declared State of Emergency, as defined in Section 10.012, Definitions, Specific. An emergency event may include, but shall not be limited to: natural disasters (wildfires, earthquakes, flooding, etc.), times of excessive heat or cold, time of civil unrest, an outbreak of an infectious disease, or similarly scaled event.
- (2) Compliance with applicable State, Federal and Local laws and regulations relating to the operation of an Emergency Housing Village shall be required.
- (3) The standards of the Medford Land Development Code (MLDC) shall not apply to the use of an Emergency Housing Village (EHV) during a State of Emergency.
- (4) No permanent structures may be constructed or placed as a result of an EHV use.
- (5) Once the declared State of Emergency ends, an EHV shall have a maximum of ninety calendar days to remove or adequately store any tents, yurts, cabins, structures, or sleeping units used in association with the EHV.

G. Site Development Standards for Housing Villages

In addition to Sections 10.818A (D & E) the following subsection shall establish the design standards for the different types of housing villages as defined in subsection 10.818A (B). Unless otherwise stated in this subsection, the site standards of MLDC shall

still be required.

(1) Housing Village Design Standards

The following standards shall apply for all housing villages.

- (a) The underlying zoning district(s) in which a housing village resides shall dictate the applicable site design standards (unless otherwise stated per this subsection). When in Industrial and Commercial zoning districts, the Multiple-Family Residential – 30 (MFR-30) site standards shall apply.
- (b) No housing village shall be located on a lot that is less than .25 acres in size.
- (c) Sleeping units shall not exceed a 500 square foot footprint.
- (d) All housing villages shall provide for adequate access for all users as required per all applicable ADA standards.
- (e) All shared facilities within housing villages shall comply with ADA requirements. This shall include the common amenities and any other commonly used space.
- (f) The dwelling/sleeping units constructed in housing villages shall be grouped in a manner that protects the natural features of a site and creates common areas, indoor and/or outdoor, shared by all residents of the housing village (See Figure 10.818A-1).
- (g) Off street parking shall be developed in a way that does not detract from the use of common areas within a housing village. This may include the use of a shared parking lot, the development of alleys for rear loading access or other viable development option as approved through the land use review approval process (See Figure 10.818A-1).
- (h) The common amenities, dwelling/sleeping units, parking, and other facilities within a housing village shall be connected by a level, hard-packed, and weather resistant surface that is at a minimum three feet wide (See Figure 10.818A-1).

- (i) The first five dwelling/sleeping units may be omitted from the required parking standard required per Section 10.743 Off-Street Parking Standards.

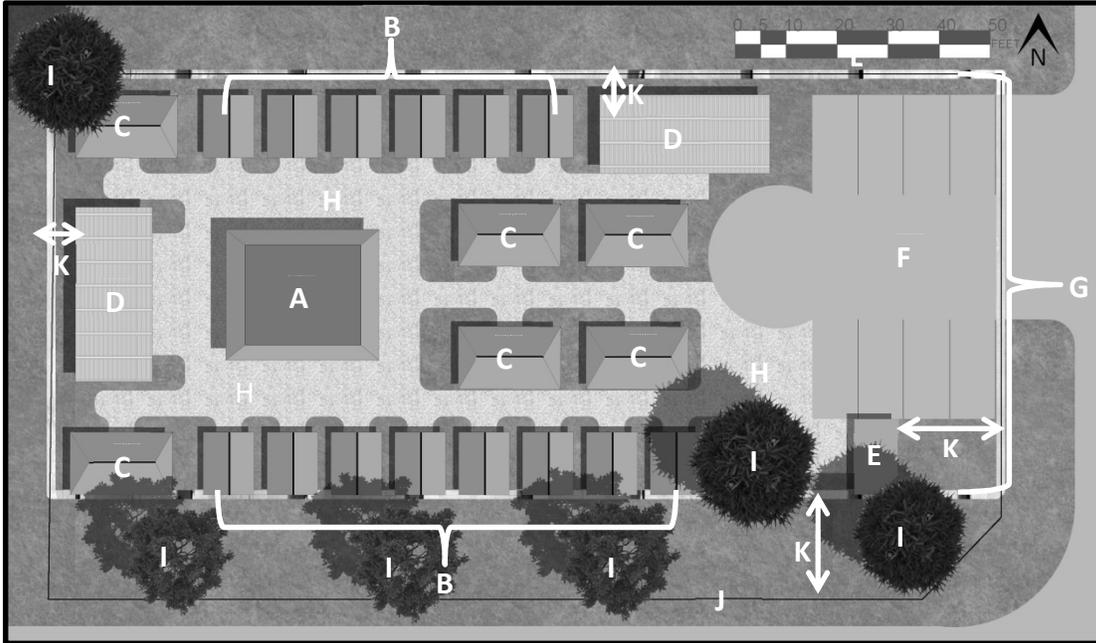


Figure 10.818A-1 – Graphical representation of a THV site plan.

Legend for Figure 10.818A-1

A) Common Area	E) Access Point	I) Protected Natural Features
B) Sleeping Units	F) Parking Area	J) Property Line
C) Dwelling Units	G) Fencing	K) Setbacks
D) Restroom/Showers	H) Hard Packed Surface	L) Scale Bar and North Arrow

(2) **Transitional Housing Village Design Standards.** The following standards shall apply to the development of transitional housing villages and are in addition to 10.818A (G)(1). These standards are intended to mitigate possible impacts, perceived or actual, that THVs may present. A site plan, to scale, shall be submitted that graphically displays how the standards of this subsection have been met as a requirement of application submittal. All other standards of Chapter 10, when applicable, shall apply unless otherwise exempt per Section 10.818A (H). The standards for transitional housing villages are as follows:

- (a) Manufactured or prefabricated structures, with or without wheels, shall be certified by the below organization(s). Certification of manufactured or

prefabricated structures requires an insignia, stamp, or similar display that has been approved by:

1. State of Oregon Department of Consumer and Business Services (DCBS)
 2. U.S. Department of Housing and Urban Development (HUD)
 3. The City of Medford
- (b) Structures with or without wheels that meet the standards of 10.818A (G)(2)(a), shall not be considered portable toilets, or “porta-potties.”
- (c) Transitional housing villages shall be located within a half (1/2) mile radius of a transit stop. The Approving Authority may allow the host agency to deviate from this standard if the host agency has demonstrated how the transportation needs of tenants will be adequately provided for.
- (d) The Multiple-Family Residential District – 30 units per gross acre (MFR-30) density standard may be used when determining a THV’s permitted density as defined in Section 10.714, Multiple-Family Dwellings. The approving authority shall not permit any density standard smaller than what is permitted by right through the MLDC for the parcel(s) underlying zoning district.
- (e) A THV shall not be located on any lot(s), tract(s), or parcel(s) greater than one (1) acre in size . THVs with sites greater than an acre may only be permitted through the use of the Conditional Use Permit process as established in Article II.
- (f) Transitional housing villages shall provide for common amenities commonly found in a dwelling unit as defined in Section 10.818A(C) Common Amenities.
- (g) Trash receptacles shall be required and appropriately screened per section 10.781 Concealment of Trash Receptacles.
- (h) Bathroom and shower facilities when not provided for in a traditional structure shall be appropriately screened from surrounding uses.
- (i) There shall be a single access point where persons shall sign in and out of a THV (See Figure 10.818A-1).
- (j) Structures may be made out of weather resistant materials such as (but not limited to) canvas, nylon, and/or polyester. This shall include tents, yurts, canopies and similar structures. Aforementioned structures shall have a rigid framework, a floor and at least one window; they may have plumbing, electrical service or heat.
- (k) A transitional housing village shall have a fence designed to the standards of Sections 10.731 - 10.733 (See Figure 10.818A-1). At a minimum the fencing shall encompass the tenant’s sleeping/dwelling units, common amenities, and storage areas. Parking may be fenced, but is not required per this subsection.

(3) **Interim Housing Village Design Standards.** The following standards apply to the development of emergency housing villages and are in addition to 10.818A(G)(1). These standards are intended to mitigate possible side effects, perceived or actual that IHVs may present. A site plan, to scale, shall be submitted that graphically displays how the standards of this subsection have been met as a requirement of application submittal. The standards of this Section shall not be used for any other type of development. All other standards of Chapter 10, when applicable, shall apply unless otherwise exempt per Section 10.818A (H). The standards for emergency housing villages are as follows:

- (a) All structures within an IHV, when not previously established or legally permitted with a building permit, shall be removed upon termination of the use.
- (b) Permanent structures may be permitted within an IHV if they can have an established use that is accessory to the primary use of the property and not dependent on the existence of an IHV.
- (c) The Multiple-Family Residential District – 30 units per gross acre (MFR-30) density standard may be used when determining a IHV’s permitted density as defined in Section 10.714, Multiple-Family Dwellings. The approving authority shall not permit any density standard smaller than what is permitted by right through the MLDC for the parcel(s) underlying zoning district.
- (d) Interim housing villages shall be located within a half (1/2) mile radius of a transit stop. If the host agency can adequately display how transportation needs will be met, an exception may be made by the approval authority to requirement 10.818A(H)(3)(e).
- (e) The maximum coverage, as determined by Section 10.706 Maximum Coverage Calculation and the parcels zoning district, may be exceeded by 10% for the allowance of an IHV only.
- (f) Only sleeping units, tents, yurts, and structures less than 120 square feet in commercial zones and 200 square feet in residential zones may be used for housing tenants of an IHV and shall and shall be raised a minimum of six inches off the ground.
- (g) A minimum of one facility providing for adequate food storage and preparation shall be provided for.
- (h) Adequate access to restrooms shall be provided by either the use of existing facilities or in providing a structure, on or off wheels, that allows for restroom use. Showers are suggested, but not required as a condition of approval.
- (i) When used, portable toilets (porta-potties) must be screened by fencing at a minimum height of six feet and shall be opaque. Portable toilets must be setback from any property line a minimum of 10 feet.

- (j) Trash receptacles shall be required and appropriately screened per section 10.781 Concealment of Trash Receptacles.
- (k) Sewer, water and other utility connections are not required for an IHV per Section 10.818A (H).
- (l) Fencing may be used to encompass an IHV and is suggested, but is not required.
- (m) There shall be a single access point where persons shall sign in and out of an IHV (See Figure 10.818A-1).
- (n) An IHV shall not be permitted on any lot(s), tract(s), or parcel(s) greater than one (1) acre.

H. Exceptions for Housing Villages

The underlying intent of housing villages is to provide housing solutions for the City's most disadvantaged populations, or those seeking more affordable housing options. The strict adherence of the City's municipal code, from time to time, could cause financial hardship on housing villages with tenants unable to subsidize, through rent, certain cost. Through the allowances of this subsection, housing villages shall be able to deviate from the strict standards of the Medford municipal code through the approval process as laid out herein:

- (1) Housing villages may use portable toilets and shall be exempt from Section 4.326 of the Medford Municipal Code when one of the following apply:
 - (a) A transitional housing village has been exempted from connecting to the City's sewer and water system.
 - (b) The transitional housing village, with approval per subsection 10.818A (H)(2), plans to connect to the City's sewer and water system at a future established date and is using the portable toilet as an interim use.
 - (c) Emergency and interim housing villages may be permitted the use of a portable toilet(s), but shall remove said portable toilet(s) when the use ceases operation.
- (2) Housing villages may be exempt from connecting to certain utilities associated with development; this shall include sewer, water, gas and electricity. To be exempt from connecting to the aforementioned utilities the applicant for a housing village must demonstrate how basic services pertaining to sewer, water, gas and electricity will be provided for. When applying for utility exceptions, the housing village shall be required to obtain a Conditional Use Permit and shall receive approval from the Medford City Council for any exemption from a utility connection.
- (3) Housing villages shall be permitted to apply for exemptions of fees collected by the City. The housing village will be required to present a financial analysis and a written explanation of the need for the fee exception before the Medford City Council. The City Council may approve, deny, or amend the request for fee exemptions at their

discretion.

- (4) (EHV Only) An EHV shall be exempt from the standards of Chapter 10 during a declared State of Emergency as defined in Section 10.012, Definitions, Specific.
- (5) All other exceptions shall adhere to the standards for an Exception as established per Sections 10.251 – 10.254.

10.819A Cooling/Warming Shelters

A. Purpose and Intent.

This section establishes standards for the use, development, and overall impact of cooling/warming shelters. Cooling/warming shelters provide temporary relief for homeless individuals and families, as well as those without adequate protection from, times of extreme weather. It is the intent of these standards to ensure that any conflicts, perceived or actual, with cooling/warming shelters and the surrounding land uses are mitigated through the special regulations set forth. These regulations will create standards that pertain to the land use, public safety, operations, and the development of cooling/warming shelters.

Cooling/warming shelters differ from emergency shelters in that they shall not be permanent in use (Emergency shelters are referenced under SIC # 8322). These special standards contained within Section 10.819A pertain to cooling/warming shelters, not emergency shelters. These regulations recognize the public interest in housing individuals or families who would not otherwise be provided with housing or adequate weather relief. Unlike other forms of temporary or permanent housing, cooling/warming shelters are intended as a temporary solution and are not intended to be a permanent housing option, thus the need to distinguish cooling/warming shelters as its own use.

B. Definitions Pertaining to Cooling/Warming Shelters

The following definitions shall only be applied, as defined in this subsection, to cooling/warming shelters. If used otherwise in Chapter 10 refer to Section 10.012 Definitions, Specific.

90 Day Operational Period: The period of time during which a cooling/warming shelter shall be permitted to operate starting on the first day of operations and ending 90 consecutive calendar days after the first day of operations.

Access Point: The main point of entry and exit for a cooling/warming shelter where tenants, visitors, and other persons must sign in and out to maintain security within a warming shelter.

Host Agency: The organization in charge of daily operations of a cooling/warming shelter. The host agency shall be a non-profit, public, or religious organization and shall be the applicant for the land use review of a cooling/warming shelter.

Sleeping Area: Designated spaces within a cooling/warming shelter intended for sleeping that shall not include common areas, the access point, bathrooms, hallways,

public right-of-way, kitchens, or any other space not intended for the sleeping of tenants.

C. General Standards Cooling/Warming Shelters

All cooling/warming shelters shall adhere to the following standards as defined herein:

(1) **Neighborhood Meeting Requirement.** To ensure neighborhood knowledge of the proposed cooling/warming shelter and to provide an opportunity for direct communication, the applicant shall present the proposal at a neighborhood meeting prior to submitting the land use application to the City Planning Department. The neighborhood meeting requirements can be found in Section 10.818A (D)(1).

(2) **Operational Requirements.** The applicant, as a part of the application submittal, shall demonstrate how the operational requirements as defined in this subsection will be met. The applicant shall submit an operations plan which shall include the requirements below. The Approving Authority shall review the operations plan for completeness based on this subsection and for compliance with the Code. Staff shall distribute the cooling/warming shelter's operations plan to appropriate City Departments for comment and compliance with other applicable codes. The operational requirements are as follows:

- (a) It shall be the duty of the host agency/applicant to ensure compliance with applicable State, Federal and Local regulations relating to the operation of cooling/warming shelters.
- (b) An operations plan is required as a condition of approval in which the operations plan will establish the host agency's role and methods for providing temporary housing. Below, Section 10.819A (C)(2)(b)(1-11), is a list of the minimum requirements of an operations plan. The operations plan may differ from shelter to shelter. It shall be left to the discretion of the host agency to determine the best methods in providing tenants temporary housing. An operations plan shall include at a minimum:
 1. The rules tenant's must adhere to for residency
 2. Causes for eviction/refusal of shelter
 3. Operations and maintenance of the warming shelter
 4. Safety and Security Plan which meets all applicable and adopted codes, see Section 10.819A (C)(5) for safety and security details.
 5. A list of social services to be provided (if applicable)
 6. Staffing operations, including staffing of the warming shelter access point
 7. Screening methods for tenant occupancy
 8. The set times for accepting and discharging tenants.
 9. Hours of operation
 10. 90 day operational period

11. Description of the populations served (i.e. families, women, men, transgender)

(c) There shall be an “on-duty” representative of the cooling/warming shelter at all times during operation. The representative(s) contact information shall be clearly posted at the shelter’s access point each day. The representative may be a shelter tenant or a hired employee and shall be properly trained and act as a fire watch according to the adopted Fire Code for the City of Medford.

(d) The duration of a warming shelter use shall not exceed 90 consecutive calendar days.

(e) Once the warming shelter commences use it may only operate for the maximum 90 day operational period as defined in Section 10.819A (B). The 90 day operational period starts once a warming shelter begins operations and ends 90 consecutive calendar days after the start date of the warming shelter’s operations. For emergency shelters that operate beyond the 90 consecutive calendar days please refer to Section 10.337, Standard Industrial Classification (SIC) group 83, 832 Individual and Family Social Services.

(f) Warming shelters shall have established hours, but may be open 24 hours a day during the 90 day operational period.

(g) A building may be used as a warming shelter for a maximum of 90 calendar days within any 12 month period of time beginning on the first day of occupancy. The approval authority may permit an additional 90 calendar days, a maximum of one time, if local conditions warrant the continued use of the said warming shelter.

(3) **Reporting Requirements.** The host agency shall be required to report to the City Council once a warming shelter has ceased operations.

(a) The host agency 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.

(b) Reports shall either be in the form of a written memorandum addressed and submitted to the Council or as an agenda item at a regularly scheduled Council Meeting. The reporting shall include the following:

1. Number of residents served
2. Number of public service calls and reason for call
3. Services provided
4. Number of residents denied tenancy
5. Reason for denying a tenant residency
6. Number of nights spent at full capacity (if applicable)

(4) **Property Owner Agreement.** Prior to the issuance of the final Certificate of Occupancy the host agency/applicant shall submit to the Planning Department a signed

affidavit of understanding provided for within the application packet. The affidavit shall be signed by the host agency and the property owner and it shall state:

- (a) That tenants of warming shelter shall be homeless as defined by Section 10.012;

Agreements between the property owner and host agency shall be valid so long as the warming shelter is in operation. Once said use ends, the property owner agreement may be repealed if the property owner so chooses.

(5) Safety and Security. In addition to the requirements of Section 10.819A (D), the following shall also pertain to a warming shelter's safety and security through development and shall serve as the framework for the warming shelter's Safety and Security plan as required per section 10.819A (C)(2)(b)(4.):

- (a) Warming shelters must comply with all applicable building, fire, health, life, and safety codes as they pertain to a warming shelter. Medford Fire-Rescue shall be notified a minimum of 48 hours prior to each non-consecutive use of the warming shelter. An operational permit may be required. Notification shall include the number of occupants being temporarily sheltered and the expected dates and times the temporary shelter will be used. The Fire Code Official may require a fire inspection prior to occupancy of the shelter.
- (b) All warming shelters shall create and maintain an approved emergency evacuation plan addressing the evacuation of all occupants in an emergency event. An emergency evacuation plan shall be approved by the Medford-Fire Rescue and shall include, at a minimum:
 - 1. An Emergency Response Plan, approved by the Fire Official
 - 2. Occupant list. A list created and maintained to include the list of tenants, updated nightly to be made available to emergency personnel in the event of a fire or other emergency event.
 - 3. Building floor plans, posted on each floor and in each sleeping area. Building floor plans shall include, at a minimum:
 - a. Sleeping areas identified
 - b. Room sizes in square feet
 - c. Evacuation Routes (the primary and secondary exits identified with the evacuation path clearly marked)
 - d. Accessible exits (ADA)
 - e. Life-safety systems shall be marked (e.g. fire sprinklers, alarms, portable fire extinguishers, control panels, etc.)
 - f. Manual Fire Alarm Pull Boxes
 - g. Automated External Defibrillator (AED)
- (c) Fire extinguisher shall be a minimum rated 2A10B: C fire extinguisher and

- shall be, at a minimum, placed at each exit. Additionally, fire extinguishers shall be placed as needed so that no portion within the building is farther than a 75 foot travel distance along evacuation routes as established per the emergency evacuation plan required per 10.819A (C)(5)(b).
- (d) Open flames shall not be permitted.
 - (e) A host agency is required to create a list of rules for tenants to follow as per Section 10.819A (C)(2)(b)(1). The rules shall be a part of the warming shelter's operations plan. These rules shall be submitted to the Medford Police Department and the Planning Department for reference. The rules may regulate items relating to:
 - 1. Behavior/conduct between residents
 - 2. Alcohol, drug, and marijuana use/possession and associated paraphernalia
 - 3. Operations and maintenance
 - 4. Guest policies/hours
 - 5. Other applicable items not listed
 - (f) Water for drinking, cleaning and hygiene shall be adequately provided for.
 - (g) Adequate access shall be given for the use of emergency vehicles and personnel.
 - (h) All electrical connections shall meet the standards of the Medford Municipal Code.
 - (i) The warming shelter's access point shall be staffed at all times by the host agency and the individual(s) staffing the access point shall be properly trained as a fire watch according to the adopted Fire Code for the City of Medford.
 - (j) The population size for a warming shelter shall not exceed one shelter bed per 200 square feet of gross floor area or 40 individuals, whichever number is smaller. The approving authority shall allow for a larger population size if otherwise permitted by the maximum occupancy of the affected habitable space as determined by applicable Building and Fire Codes.
 - (k) Warming shelters may have separate and distinguished sleeping areas for the comfort of tenants that separate tenants into male only, female only, and family only sleeping areas. The host agency shall not discriminate individuals in accordance with the standards within ORS 659A.
 - (l) Buildings used as a warming shelter shall be protected throughout with a fire sprinkler system, with the following exception:
 - 1. Approval through Medford Fire-Rescue is required in order to locate a warming shelter in a building not protected throughout with a fire sprinkler system; when approved without a fire sprinkler system the warming shelter may only be on the first floor with exits directly to the

outside at ground level.

- (m) All sleeping areas within a warming shelter shall be provided with approved smoke alarms or a complete approved smoke detection system.
- (n) All sleeping areas within a warming shelter shall be provided with an approved carbon monoxide alarms or a complete approved detection system in buildings that have a carbon monoxide source, such as a heater, fireplace, furnace, appliances that burn coal, wood, petroleum, and other carbon monoxide emitting fuels.
- (o) Areas not used as sleeping areas shall comply with the applicable building and fire codes pertaining to the use of smoke detectors, carbon monoxide detectors, and fire extinguishers.
- (p) Floor levels used with the warming shelter use shall have a minimum of two means of egress (exit) from each floor level and each egress shall have an exit sign and emergency lighting. Each point of egress shall have a clear path of access that is maintained free of obstructions at all times.
- (q) Sleeping areas, when located on the ground floor, shall have at least one exit and at least one window qualifying as an escape per applicable building codes.
- (r) Floors used for sleeping areas, other than the ground floor, with a population greater than 10 individuals shall have a minimum of two points of exit. The exits shall be separated by a distance equal to at least one-third (1/3) of the longest diagonal distance of the area.
- (s) Documentation shall be maintained and regularly updated regarding the requirements of 10.819A (C)(5) and shall be available in hard copy at the warming shelter's access point and shall also be made available to the Fire Code Official upon request.

D. Site Development Standards for Cooling/Warming Shelters

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

- (a) Warming shelters shall be within an existing structure whenever possible.
- (b) When new structures are created for a warming shelter it shall then be accessory to a primary use on the property. For shelters that are the primary land use, or is classified as an emergency shelters, refer to Section 10.337, Standard Industrial Classification (SIC) group 83, 832 Individual and Family Social Services.
- (c) Warming shelters, when accessory to a primary use, may be in tents, yurts, or similar structures when approved by the Building Official.
- (d) A site plan depicting how the standards of 10.819A have been met shall be submitted as a part of the application submittal and it needs to be to scale. A

site plan shall, at a minimum, include the following:

1. Building footprint or location in which the warming shelter will be located
 2. The location of the sleeping area(s)
 3. Location of other areas used in conjunction with the warming shelter (e.g. common areas, kitchen(s), bathroom(s), and similar spaces)
 4. Location of access point
 5. Locations of trash receptacle(s)
 6. Location of outside lighting
 7. Location and size of tenant storage space(s)
 8. Location of any fencing used
 9. Location of designated space for animals (if applicable)
- (e) All applicable ADA regulations shall be adhered to for a warming shelter.
- (f) Adequate space shall be provided for tenant's personal items securing them from unauthorized entry; it shall not block the public right-of-way, displace required parking per Sections 10.741-10.751, and shall either be fenced in compliance with section 10.731 – 10.733 or indoors.
- (g) The exterior perimeter, walkways, parking lots, and other spaces used in conjunction with the warming shelter shall be adequately lit during nighttime hours at a minimum measurement of 0.6 footcandles along the ground surface.
- (h) Entrances and exits of a warming shelter shall be lit during nighttime hours at a minimum measurement of 1.0 footcandles along the ground surface.
- (i) Animals, if permitted within the warming shelter's operations plan, shall be contained and shall be housed separate of the tenants.

Exhibit B

City Council Motion regarding DCA-17-062 – August 18, 2016

TRANSITIONAL HOUSING PROPOSAL

AUGUST 18, 2016

The questions currently pending in front of the City Council regarding transitional housing for a portion of the homeless population are generally divided into two broad categories: 1) location of a suitable site (if site is to be provided by City), and; 2) application of land use laws and regulations. To establish a path forward, we propose the following two motions which address each of the categories.

Motion 1 (investigation of City property)

Move to direct staff to report on the feasibility of leasing a portion of the service center property for transitional housing purposes.

The service center is wholly owned by the City of Medford and is located in close proximity to transit (Route 30). The site is significantly buffered from residential and business districts and will have limited impact to adjacent properties. The site itself is fully staffed during working hours and frequented at all hours by MPD for evidence locker access (which is located on the property as well). Anecdotal evidence exists for the suitability of such a site – the Portland urban campsite is located on a similar facility. Issues to be investigated by staff include:

- Locating a suitable area on-site that will not affect general operations or endanger safety of workers or village residents
- Mitigation of impact to neighboring properties
- Access to transit
- Effect on Santo Center operations and service to the general public
- Input from affected agencies including Planning, Parks, Public Works, Police, Fire, and Medford Water Commission
- Other issues of relevance as determined by City Manager or Department Heads

Additionally, before the City makes special concessions for subsidized lease rates the Council must consider public policy questions including level of investment by the community in the project and the impact to our relationships with other non-profits.

Motion 2 (land use regulation)

Move to initiate an amendment to Chapter 10 establishing procedures for designating transitional housing in accordance with ORS 446.265.

To enable future transitional housing where the City is not the landlord (and therefore able to impose conditions as terms of lease) and to provide an appropriate venue for public input, the Council provides the following as general guidance for issues to be addressed:

- Appropriate method for public comment/input and compliance utilizing existing CUP or similar process

- Project will demonstrate a comprehensive plan to transition residents to traditional housing. Plan shall include appropriate screening of applicants to ensure suitability for program and provide social service as needed for development of required life skills for housing advancement. Plan shall also include reporting to Council not less than annually on number of residents served, length of stay, reason for exit, destination of exit, number of public service calls, etc...
- Project shall submit a detailed financial analysis and budget to demonstrate ability to carry-out the comprehensive plan as detailed above
- Project shall submit resident rules for conduct and behavior
- General guidance for architecture and aesthetics, i.e. consistent building style, paint, arrangement of structures, buffering, and other issues of neighborhood compatibility

Respectfully submitted for consideration:

Michael Zarosinski and Daniel Bunn

Exhibit C

Summary of City Council Concerns from August 31, 2017 Study Session Regarding DCA-17-062

Don't expand past ORS 446.265

Current code language: ORS 446.265 is minimally addressed within current code. The language for tents and yurts mirrors ORS 446.265 and the exceptions to certain code provisions of the Medford Municipal Code (MMC) are consistent with the ORS. Standards based on the ORS include:

- Added definitions to Section 10.012 for Sleeping unit, transitional housing, yurt.
- Provided standards for sleeping units 10.818A C.
- Section 10.818A (E)(3) Property Owner Agreement
 - Only allows homeless individuals within THV & IHV
- Section 10.818A (H) Exceptions for Housing Villages
 - Allows for similar exceptions to the accommodations typically provided for in housing, but does not outright exempt them.

Response: ORS 446.265 is limiting and intended to provide a framework for homeless housing where cities have failed. It is not intended to be a framework for establishing land use regulations as it is a unique revised statute. Additionally ORS 446.265 has built in exceptions to ORS Chapter 90 (Residential Landlord and Tenant laws) which the Medford Land Development Code (MLDC) cannot provide exceptions to. Furthermore, ORS 446.265 only allows for yurts and campgrounds on up to two parcels in a UGB and Medford has met this limitation.

There should be an allowance for cooling/warming shelters based on weather events

Current code language: The current code language does not address this directly.

Response: In addition to the 90 day time limit for cooling/warming shelters there could also be provisions allowing for shelters to be open during established weather events instead of 90 consecutive calendar days.

Would like similar control like Hope Village

Current code language: These types of controls are addressed in:

- Section 10.818A E (1) Operational Requirements
- Section 10.818A E (2) Annual Reporting
- Section 10.818AE (3) Property Owner Agreement
- Section 10.818A E (4) Safety and Security
- Section 10.819A C (2) Operational Requirements
- Section 10.819A C (3) Reporting Requirements
- Section 10.819A C (4) Property Owner Agreement
- Section 10.819A C (5) Safety and Security

Response: The reason Council had a high level of control over Hope Village was in large part due to the City owning the property in which Hope Village located. Without ownership of the property, the City lacks the amount of control had with Hope Village and only has adopted codes to govern the villages. As proposed DCA-17-062 would require similar provisions required of Hope Village such as: a plan to transition tenants to permeant housing, safety and security standards (already required by fire and building codes), agreement from property owners for said use, and there would be reporting requirements for the villages so Council can gauge the strategies and operations of the village. Staff could further expand control by requiring:

- All housing villages go through the Conditional Use Process
- The property be owned by the City of Medford with a lease agreement
- Incorporate performance standards that require outcomes to be met for continued use of the housing village

Neighborhood Meeting requirement is insufficient for public outreach and unmonitored by City staff creating a disconnect for reporting to the hearing bodies

Current code language: Mirrors the City's PUD standard already in place only changing it slightly to make it less cumbersome. The Neighborhood meeting requirement is a condition of application submittal, not a condition of approval.

Response: Staff could incorporate language that makes for a stronger neighborhood meeting by:

- Requiring City staff to run the meeting
- Requiring adjoining neighbors to provide written approval of the housing village

Additionally, if converted to a conditional use process there would be a required public hearing for approval which could alleviate concerns regarding public input.

Concerns regarding the allowance of tents and yurts with cooling/warming shelters

Current code language: Allows for tents and yurts with cooling/warming shelters

Response: Staff will remove this standard from the code

Concerns regarding a concentration of housing villages and cooling/warming shelters

Current code language: The only considerations for limits currently regard a development size limit of one acre, population caps, and a maximum of 4 interim housing villages in the City at any one point.

Response: Staff could add requirements such as:

- A limit to the number of THVs
- Require a distance of X feet from other housing villages
- Require a distance of X feet from cooling/warming shelters

Will the addition of housing villages become a needed housing type?

Current code language: Needed housing is not directly addressed within DCA-17-062, however needed housing by ORS 197.303 is defined as:

(1) As used in ORS 197.307, “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section shall not apply to:

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1; 2011 c.354 §2]

Response: As proposed, DCA-17-062 is intended to provide standards for housing types that serve homeless populations. If adopted, generally as proposed, Staff has determined based on ORS 197.303 that housing villages and cooling/warming shelters would not be a needed housing type. Senior Assistant City Attorney, Eric Mitton, confirmed staff’s determination and determined that if housing villages and/or cooling/warming shelters were removed from the Municipal Code at a later date that they would not be included under the State’s definition of needed housing. Since housing villages and cooling/warming shelters is one of many tools, not the only tool, addressing needed housing for low-income individuals it would supplement the state statute and the Comprehensive Plan; it would not hold the City to the housing type in the future since there are other alternatives to providing needed housing.

The Medford Comprehensive Plan Housing Element does describe the need to plan for and consider housing for the homeless and the organizations aiding the homeless. DCA-17-062 is supported by the Comprehensive Plan but housing villages and cooling/warming shelters are not addressed directly as a needed housing type.

Having housing villages and cooling/warming shelters outright permitted raises some concerns

Current code language: Allows for outright permitted use in MFR zones and all but the C-S/P, C-N, and I-H zones for housing villages. Cooling/warming shelters are permitted in all commercial zones and multi-family zones.

Response: Make housing villages a conditional use. Staff does not feel as though this should change for cooling/warming shelters as they are an accessory use.

Exhibit D

ORS 446.265

446.265 Transitional housing accommodations; regulation and limitations; definition.

(1) A municipality may approve the establishment of a campground inside an urban growth boundary to be used for providing transitional housing accommodations. The accommodations may consist of separate facilities, in the form of yurts, for use as living units by one or more individuals or by families. The person establishing the accommodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways.

(2) Transitional housing accommodations described under subsection (1) of this section shall be limited to persons who lack permanent shelter and cannot be placed in other low income housing. A municipality may limit the maximum amount of time that an individual or a family may use the accommodations.

(3) Campgrounds providing transitional housing accommodations described under this section may be operated by private persons or nonprofit organizations. The shared facilities of the campgrounds are subject to regulation under the recreation park specialty code described under ORS 446.310 to 446.350. The transitional housing accommodations are not subject to ORS chapter 90.

(4) To the extent deemed relevant by the Department of Consumer and Business Services, the construction and installation of yurts on campgrounds used for providing transitional housing accommodations established under this section is subject to the manufactured structures specialty code described in ORS 446.155. Transitional housing accommodations not appurtenant to a yurt are subject to regulation as provided under subsection (3) of this section.

(5) Campgrounds established for providing transitional housing accommodations shall not be allowed on more than two parcels in a municipality. In approving the use of parcels for a campground, the municipality shall give preference to locations that have access to grocery stores and public transit services.

(6) As used in this section, “yurt” means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat. [1999 c.758 §6]

Exhibit E

Housing First Model Summary

HOUSING FIRST WITH HOUSING VILLAGES – SUMMARY

There are several examples throughout the Pacific Northwest of successful “housing village,” models that provide housing solutions for the homeless such as Opportunity Village (Eugene, OR), Quixote Village (Olympia, WA), and Dignity Village (Portland, OR). Housing villages (commonly referred to as tiny home villages) use a model of homeless assistance identified by the Department of Housing and Urban Development (HUD) as the housing first model. What differs between assistance provided through the housing first model compared to more traditional models of homeless assistance is that housing is considered the crux of the issue for homelessness not mental health, substance abuse, physical disabilities, or income levels.

The intent of adding housing villages to Chapter 10 is to allow for the development of single-lot, smaller home, community based housing that would be run by an organization aimed at transitioning homeless families and individuals into permanent housing. Below are summaries of the proposed text for housing villages and how the two intersect.

Housing First Model

In recent years many homeless housing providers have shifted to a new model of aiding clients through the use of the housing first model. Characteristics of the housing first model include²:

- Few requirements for entry and program access (i.e. income levels, substance use, criminal record etc.)
- Housing and service goals are tenant-driven
- Services provided emphasize engagement and problem solving over therapeutic goals
- Rent payment has flexibility, but is required
- Efforts are made to transition individuals into permanent housing

Research has also shown that a housing first model of providing housing to the homeless has higher rates of housing retention and lower rates of return to homelessness.³ However, using the conventional form of housing development can prove expensive for providing “housing first” solutions for the homeless.

The average size of a new, American, single-family household was roughly 2,500 square feet in 2012 which is almost three times the size of a new single-family home built in 1950 (983 square feet).⁴ Using the Zillow’s listing price per square foot (\$180)⁵ for the Medford region this would put the cost of building a new home in Medford at \$450,000 compared to \$176,940, respectively. Both prices exceed an affordable price point for housing for many, homelessness aside. This requires alternatives to the traditional single-family housing model that has dominated development since World War II. Alternatives to the norm often include single tax lot development, multi-family development, single-room occupancy (SRO) units, co-housing, tents, yurts, homeless/warming shelters, and most notably tiny homes.

References

¹ Julie Akins for the Mail Tribune. “Trying to Get a Handle on Homelessness.” MailTribune.com, MailTribune.com, 1 Feb. 2017, www.mailtribune.com/news/20170131/trying-to-get-handle-on-homelessness.

² United States Interagency Council on Homelessness. “Housing First Checklist: Assessing Projects and Systems for a Housing First Orientation.” Sept. 2016.

³ Tsemberis, S. & Eisenberg, R. Pathways to Housing: Supported Housing for Street-Dwelling Homeless Individuals with Psychiatric Disabilities. 2000

⁴ Heben, Andrew. Tent City Urbanism: from Self-Organized Camps to Tiny House Villages. The Village Collaborative, 2014.

⁵ Zillow. “Medford Metro .” Market Overview: Real Estate , June 2017.