

PLANNING COMMISSION STUDY SESSION AGENDA SEPTEMBER 9, 2019



MEDFORD
OREGON

Commission Members

David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
E. J. McManus
Jared Pulver
Jeff Thomas

Planning Commission study sessions are held on the second and fourth Mondays of every month

Study Sessions begin at noon

City of Medford

Lausmann Annex Room 151
200 S. Ivy Street, First Floor
Medford, OR 97501
541-774-2380

PLANNING COMMISSION STUDY SESSION AGENDA



MEDFORD
OREGON

September 9, 2019

Noon

Lausmann Annex, Room 151

200 South Ivy Street, Medford, Oregon

10. Introductions

20. Discussion Item

20.1 DCA-19-004 Emergency Shelters

20.2 Discussion regarding a Site Plan & Architectural Commission request to amend Chapter 10 of the Medford Municipal Code to require a conditional use permit for car washes and fuel stations adjacent to residential zones.

30. Adjournment



MEMORANDUM

To: Planning Commission
File no. DCA-19-00004
From: Kyle Kearns, Planner II – Long Range Division
Date: September 4, 2019 *for 09/09/2019 study session*
Subject: Emergency Shelters, aka “Severe Event Shelters”

RELATED PROJECTS

DCA-17-062 – Temporary Shelters (Ordinance 2018-113)

SUMMARY

Currently, the City allows for the sheltering of homeless individuals and families in a limited capacity. Staff was directed on February 21, 2019 to develop a report for the City Council that outlined the process for declaring an emergency and establishing emergency shelters; this would be in addition to already existing policies for temporary shelters. At the March 21, 2019 City Council hearing staff presented this report with six recommendations (Exhibit B) for staff to begin to address the aforementioned shelter processes. Staff was directed to bring back the six items listed in this report (see minutes Exhibit C).

Presently, permitted shelters include permanent shelters in the City’s commercial zones (SIC# 839) and temporary shelters (no more than 180 days in 12 months) as a conditional use; temporary shelters may be accessory to an institutional use in residential zones or a primary or accessory use in commercial/industrial zones.

Constraints of Current Policies

Given the non-profit nature of providing shelter to the homeless, resources are often sparse for organizations seeking to do just this. As such, it has come to the City’s attention that current policies produce barriers to providing shelter in the event of severe events such as freezing temperatures, excessive heat, wildfire smoke and other unforeseen acts of Nature or otherwise. Severe events are typically shorter in duration such as a few days or a week, as opposed to an entire season.

Current policies are geared towards permitting shelters that operate on a more permanent basis or for a winter or summer season. Additionally, the requirement that an organization

obtain a conditional use permit for a temporary shelter prevents a quick response to changing conditions such as weather, natural disasters or other emergencies. Per the report from the City Manager's office for the March 21 Council hearing (Exhibit B) it states the following in regards to the conditional use permit requirement:

"In the case of any emergency situation when shelter is required, this CUP process is not feasible given the lengthy [3-4 month] process and the nature of an emergency. This process is generally considered to be used for temporary shelters that operate with the City in a more constant or seasonable fashion." (Exhibit B).

Creating "Severe Event Shelters"

Per the aforementioned recommendations, staff has started working to create policies and land use practices that are consistent with the directives. Of these recommendations is the amendment of Chapter 10 to remove the aforementioned barriers. The proposed changes to Chapter 10 (Exhibit A) are modeled after the temporary standards found in Section 10.819A, which Planning Commission previously recommended approval on. Staff has removed many of the standards for severe event shelters as they will now be contained within the policies identified for creation in the recommendations. Additionally, staff has begun to work with local non-profits and faith based organizations in order to establish a process for shelters that would operate during severe events (as defined in Exhibit A). The aforementioned report goes on to say:

"Staff is in conversation with some leaders of the faith based community who may have an interest in operating emergency shelters during a severe weather event. Throughout the discussions, staff has been working to develop a set of requirements to satisfy fire and life safety and the building safety needs. Providers continue to provide their feedback on these requirements and how best between the city and the provider network we can establish a workable solution to meet minimum safety requirements for emergency shelters." (Exhibit B).

Addressed in DCA-19-00004 will be the following recommendations from Exhibit B:

- Address Chapter 10 Medford Municipal Code (Exhibit A)
- Direct City staff to adopt administrative policies/requirements that address the fire/life/building safety issues (Exhibit D)
- Consider the creation of an administrative policy that allows the City to execute emergency shelter plans (Forthcoming, prior to November 7 Council Hearing)

Planning Commission is only required to recommend on Chapter 10 changes, but the policies and administrative rules are being considered simultaneously.

NEXT STEPS

Barring substantial changes from the September 9, 2019 study session, the proposed development code amendment is scheduled to go to the Planning Commission hearing on September 26, 2019 and to the City Council Hearing on November 7, 2019. Staff is seeking direction from the Planning Commission on the following items:

- Is additional information required before the hearing to make a recommendation?
- Does the Planning Commission want to review the policies on fire/life/building safety and emergency shelter plans in conjunction with DCA-19-00004?

City staff will be coordinating with local non-profits and faith based organizations to ensure the administrative policies mentioned above are complete by November 7 City Council hearing. These policies will be outside of the typical scope of Chapter 10 (i.e. building and fire codes); as such staff does not recommend their inclusion in the hearing process.

EXHIBIT

- A Proposed Code Language
- B City Manager's Office Report – City Council Hearing March 21, 2019
- C City Council Meeting Minutes – March 21, 2019
- D City of Medford Shelter Policy - Draft

Exhibit A

Proposed Text DCA-19-00004

~~Deleted Text~~ New Text

ARTICLE I - GENERAL PROVISIONS

* * *

10.012 Definitions, Specific.

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

* * *

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

* * *

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

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

Homeless Shelter. See Emergency Shelter or SIC Classification 832.

* * *

Severe Event. An act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for individual or groups, as defined in the City of Medford Shelter Policy.

Severe Event Shelter. A temporary use within a building, typically not used as a residence, meant to provide relief during a Severe Event to individuals or groups experiencing homelessness.

* * *

Temporary Shelter. A temporary use within a building, typically not used a residence, meant to provide relief from extreme weather and substandard living conditions overnight sleeping

10.825.

(B) Definitions Pertaining to Severe Event Shelters.

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

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

(2) Client(s): Person or persons who receive services from an operator of a Severe Event Shelter which shall include overnight sleeping, and may include other items established per the shelter's operations plan.

(3) Operator: The organization in charge of daily operations of a Severe Event Shelter. The operator shall be a civic, non-profit, public, faith, membership based, or otherwise competent organization and shall be the applicant for the Severe Event shelter. The words operator and applicant may be used interchangeably as they are one in the same.

(4) Operational Period: Days in which a Severe Event shelter are permitted to operate per the Policy

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

(6) User(s): See 10.825 (B)(2) client(s).

(C) Severe Event Shelter Permit Requirements

(1) In order to begin operating a Severe Event shelter, an operator shall apply for and receive an approved permit per The Policy.

(D) General Standards for Severe Event Shelters

The following standards shall apply to Severe Event shelters:

(1) Operational Requirements. The operator shall be required to meet the following standards as it pertains to shelter operations:

(a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with the City of Medford Shelter Policies and the requirements of the Operational Permit.

(b) Operations Plan. An operations plan shall be required for a Severe Event shelter. An operations plan shall include, at a minimum, items addressing client interaction, rules for shelter use and opening, facility operations and maintenance, safety and security provisions, and signage that complies with the Medford Municipal Code.

(2) Operational Period.

(a) The operational period of a Severe Event shelter shall only be permitted in accordance with The Policy.

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

(c) The operator may be required to provide the opportunity for inspection prior to operating the shelter.

(3) Reporting Requirements. April 1 of each calendar year, the operator may be required to submit a report to the Housing Advisory Commission (HAC) or applicable conditions of approval on the operational permit.

(4) Standards for Closing/Suspending Severe Event Shelters

A shelter may be closed or suspended in accordance with the following procedures and criteria.

(a) A Severe Event shelter shall close or the operations may be suspended if:

- i. Conditions are considered non-severe per The Policy.
- ii. The City Manager, or designee, has determined that it would be in the public interest to do so.
- iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues.
- iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.

(b) Clients of a temporary shelter, the operator, and the property owner shall be given a 24-hour notice to cease operations, unless immediate closure is necessary due to issues pertaining to fire or life safety. The owner or operator shall not be required to remove components utilized for the severe weather shelter if:

- i. The shelter is closing due to condition changes per 10.825(D)(4)(a)(i); or
- ii. The components of the shelter are customarily used for the primary use of the building.

(c) The City Manager, or designee, may revoke a shelter's permits and the decision shall be effective immediately. Appeals of this decision shall be made to the City Council.

(5) Consent to Inspection of Severe Event Shelter(s)

(a) Severe Event Shelters are subject to inspection at any time by the City to verify safe operation of a shelter.

- i. Inspections by the City may include inspections of all portions of a Severe Event Shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.
- ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.

(b) Inspections may be required prior to each opening of a Severe Weather Shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a Severe Event Shelter. Inspections may be required by the following City departments to verify conformance with applicable codes, prior to operations commencing:

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

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

(E) Site Standards for Severe Event Shelters

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

(1) Severe Event Shelters shall be an accessory use, in residential zones, to institutional

uses.

(2) In commercial and industrial zones, Severe Event shelters may be an accessory or primary use.

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

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

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

(6) Operators of Severe Event shelters shall comply with all provisions contained in the most recently adopted/approved City of Medford Shelter Policy.

Exhibit B

City Manager's Office Report – City Council Hearing March 21, 2019

To: Mayor and City Council
From: Eric Zimmerman, Deputy City Manager
Date: 3/14/2019
Re: Emergency Declaration and Emergency Shelter Report

On February 21, 2019 the Medford City Council directed staff to develop a report for the council that described the process for 1) declaring an emergency and 2) establishing emergency shelters. The Mayor provided the staff with questions and information requests to help in the decision making process of an emergency declaration. This report is intended to answer those questions, provide limited recommendations, and to provide for further policy discussion by the Medford City Council.

Declaring an Emergency

The Medford Municipal Code (MMC) Chapter 12 describes the intent and process for declaring an emergency and terminating such a declaration in the City of Medford.

"Ch. 12.020 Purpose

The purpose of this chapter is to reduce the vulnerability of the city and its residents to loss of life, injury to persons or property, human suffering and financial loss resulting from emergencies, and to provide for recovery and relief assistance for the victims of emergencies."

A declaration of an emergency is the responsibility of the Mayor. The planning and execution of the emergency management plan is the responsibility of the City Manager or designee. The MMC states *"If the Mayor, for any reason, is unable or unavailable to perform these duties, then the duties shall be performed in the following order of succession:"* The MMC goes on to list the elected officials.

A declaration for a state of emergency shall state the nature of the emergency, designate the geographic boundaries subject to the emergency procedures, state the duration of time for the emergency, and state any special regulations imposed by the state of emergency.

The MMC specifically states *"All existing laws, ordinances, rules and orders inconsistent with this chapter shall be inoperative during the period of time and to the extent such inconsistencies exist."*

The common intent behind a declaration of an emergency is to leverage resources from county, state, and federal programs when the City has exhausted its resources to respond to the emergency in a reasonable fashion. Any declaration of emergency by City will be filed with the Jackson County Emergency Management Office who in turn works to determine if the state's Office of Emergency Management involvement is necessary.

Relative to short-term, severe weather events that threaten the safety of persons unsheltered due to exposure, the City Council has indicated a desire to know what actions the council or Mayor can take to allow for the operation of temporary emergency shelters. The declaration of an emergency would achieve this end, it could be argued that a declaration of emergency is not necessary to allow for the operation of temporary emergency shelters and that such an action could be seen as overreaching given the limited nature of the severe weather events most often referenced for the unsheltered population.

Conditional Use Permits and Shelters

The MMC requires a Conditional Use Permit (CUP) per Chapter 10.819A for Temporary Shelters. This requirement prevents the operation of temporary emergency shelters unless such a location obtains a permit and a CUP. In the case of any emergency situation when shelter is required, this CUP process is not feasible given the lengthy process and the nature of an emergency. This process is generally considered to be used for the temporary shelters that operate within the City in a more constant or reasonable fashion.

In order for a provider (non-profit, faith based, etc.) in the community or for the city to open and operate an emergency shelter in response to a severe weather event, the City needs to suspend enforcement (via a declaration of an emergency) of portions of Chapter 10 in the MMC, revise Chapter 10 and eliminate the CUP requirement for temporary shelters, or create a separate provision for emergency shelters.

Providers

Staff is in conversation with some leaders of the faith based community who may have an interest in operating emergency shelters during a severe weather event. Throughout the discussions, staff has been working to develop a set of requirements to satisfy fire and life safety and the building safety needs. Providers continue to provide their feedback on these requirements and how best between the city and the provider network we can establish a workable solution to meet minimum safety requirements for emergency shelters.

Providers have shown a willingness to open and operate emergency shelters for a short duration and have confidence that within their own organization they could provide these services without a significant amount of resources from outside agencies. However, it is well understood that the longer the need for emergency shelters is present, the more a provider would need assistance from other nonprofit or government aid agencies to continue operation.

The staffing and feeding at overnight shelters rise as the top concerns logistically and the concern grows the longer the shelter remains open or if the shelter is called upon for multiple openings throughout a winter season. There has been discussion to potentially develop a rotating schedule for providers as a means to alleviate the hardship on any one given organization. This remains an area for continued organizing and coordination.

Parameters of a Severe Weather Emergency

These parameters are offered as a starting recommendation, as such considerations must and should be taken into consideration at a local level to meet a local need.

Cold weather: Forecasted temperatures 20 degrees and below; or a measurable amount of snowfall; or a measurable amount of freezing rain; or a combination of circumstances that would threaten safety of a person exposed to such conditions for an extended amount of time.

Hot weather: Forecasted temperatures above 105 degrees and above; or a combination of circumstances that would threaten safety of a person exposed to such conditions for an extended amount of time.

Every effort by the city should be made to monitor the weather forecasts and to pre-position resources including the readying of emergency shelters up to five days in advance of a severe weather event. A determination to proclaim an emergency can occur at any time, however to activate the provider network in the most effective manner the city should strive to notify providers a minimum of 12 hours prior to the proclaimed emergency. Notification allows providers to make a final determination if they can be listed as an open shelter on a given night and for all public announcements to include the most comprehensive list of shelters and locations that are open for warming or cooling during the severe weather event.

The city should monitor the situation and make a determination every 12 hours if the severe weather event is forecasted to continue and when it appears that the event has passed the Mayor should terminate the emergency.

Emergency Shelter Requirement (Fire/Life/Building Safety)

The staff developed and finalized requirements for temporary shelters in October of 2018. Those requirements have been adjusted to meet the need of emergency shelters during this effort. Due to the short duration of emergency shelters, the requirements for a temporary shelter are reduced slightly where possible while still maintaining overall minimum safety.

The staff proposes developing a pre-inspection program for providers interested in potentially hosting an emergency shelter. The City would dedicate staff resources to conduct inspections and walk-through discussions to help providers meet our requirements and to prepare in the event of a declared or proclaimed emergency. This "pre-authorization" plan/list allows the City to reduce the lead time necessary to properly open safe shelters during an emergency.

This "pre-authorization" plan has been favorably received by providers who have been present for the discussions. The timeline and other details of how best to accomplish this have yet to be determined, however staff does not anticipate an unmanageable number of sites requiring pre-inspections.

Notification to the Community

In the lead up to a severe weather emergency, the City will communicate with providers from the "pre-authorization" list to determine if the provider can indeed open an emergency shelter for the upcoming event. If a provider is able to open as a shelter, the City will work to determine the shelter capacity, the population it can serve, and an estimate of any barriers to the shelter opening in time to meet the need of the community. This information will be communicated with the Mayor to help determine if the community can meet the need and if other resources are required. It is best if this information gathering effort and decision-making effort occur in the day(s) leading up to an event.

If a determination is made that emergency shelters are needed, the City will communicate as much specific information about shelters and other important matters to the public and the media. At this point, the providers would be transitioning from pre-positioning to open/operating as they make final preparation to shelter people.

City Liability

It is impossible to state that the City will ever avoid any claim to liability should an unfortunate event occur, however if the city is not actively operating any shelters it also reduces the likelihood of a liability claim. Additionally, the inspections that emergency shelters undergo do not then protect the operator from providing a safe environment, nor do they automatically make the city liable. This is not unlike any other building in the community- the city inspects buildings and yet a person may still have a claim

against a building or a business, it does not put the city in a position for liability for an error made by a building owner/operator.

The City should expect to assume more risk if a shelter is operated on city-owned property and again more risk if the city operates a shelter on city-owned property. The responsibility for providing a shelter can be complicated and providers should assess their capabilities within their own organizational structure and with their own advisors. The city does not assume liability for the operators of an emergency shelter.

Staff Recommendation

Assuming the City Council desires emergency shelters to operate in the City of Medford during severe weather emergencies, the following recommendations are provided for consideration:

1. Direct City staff to develop a "Shelter Site Pre-Authorization Plan" to determine which sites in the community are willing and can provide emergency shelters ahead of any need and in a fashion that brings the city and providers together to address a shelter need.
2. Address Chapter 10 in the Medford Municipal Code by creating a mechanism for Emergency Shelters that differs from Temporary Shelters and does not require a Conditional Use Permit.
3. Direct City staff to propose a rewrite of Chapter 12 in the Medford Municipal Code to align the Emergency Declaration process with current industry standards and build the flexibility needed for the City to safely execute operations during times of emergency.
4. Direct City staff to adopt administrative policies/requirements that address the fire/life/building safety issues for both temporary shelters and emergency shelters.
5. Consider the creation of an administrative policy that allows the City to execute emergency shelter plans given a specific set of parameters for severe weather without elevating the situation to an official declaration of an emergency.
6. When the City determines that opening Emergency Shelters is necessary, the City should make every effort to secure shelters at community based locations, staffed by community based organizations. City owned facilities are not optimal and even more so, City staff are not trained adequately to fully staff an emergency shelter responsibly at this time.

Summary

The CUP currently required of shelters is a barrier to allowing providers to provide short-term shelters during severe weather events. The legal restrictions can be overcome through the use of an emergency declaration or changes to the Medford Municipal Code.

The likelihood of successful emergency shelters is less cut and dry than defining the legal parameters. It requires ongoing coordination and organizing between the City, the faith based community, nonprofit providers, Jackson County, and other interested parties. This memorandum has prepared recommendations and discussion points from a position of allowing emergency shelters to exist in the community rather than proposing a city program to operate shelters. This places the city in a convening role to enable community partners to provide a service and therefore more of their buy-in and participation is needed to make such a program successful for the community.

Exhibit C

City Council Meeting Minutes – March 21, 2019

Minutes

March 21, 2019

6:00 p.m.

Medford City Hall, Council Chambers
411 W. 8th Street, Medford, OR 97501

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

Mayor Gary Wheeler; Councilmembers Clay Bearson, Kay Brooks (arrived 6:09 p.m.; left at 6:14 p.m. and returned at 6:22 p.m.; left at 6:34 p.m. and returned at 6:35 p.m.), Tim D'Alessandro, Alex Poythress, Eric Stark, Kevin Stine, Michael Zarosinski; City Manager Brian Sjothun, Deputy City Manager Eric Zimmerman, City Attorney Lori Cooper, and Deputy City Recorder Winnie Shepard; Councilmember Dick Gordon was absent.

* * *

100.3 Severe Weather Discussion

Deputy City Manager Eric Zimmerman, Emergency Management Coordinator Melissa Cano and Deputy Fire Marshall Tanner Fairrington presented information on declaring an emergency, possible alternatives to that declaration, shelter requirements, the provider network and staff recommendations.

Ms. Cano explained that our Mayor has the ability to declare an emergency and any declaration should include the nature, boundaries, anticipated duration and any special regulations. Oregon's Office of Emergency Management's definition of an emergency specifies that a City must exhaust its local resources or accrue damages in excess of \$768k. She also advised that if the City were to issue a declaration of emergency, it would be filed with

Jackson County's Office of Emergency Management before submission to the state.

Mr. Zimmerman reported that temporary shelters require a conditional use permit (CUP); and recommended revising Chapter 10 to include "emergency shelter", to prevent the declaration of an emergency before opening emergency shelter. Mr. Fairrington added that the proposed emergency shelter Code would not require a CUP process or be limited to a specific time period. Staff would partner with a provider network to develop the requirements for emergency shelters.

Mr. Zimmerman advised that staff met with non-profit, faith-based and social service organizations to discuss their concerns with serving as an emergency shelter facility. Agencies reported that 1-2 nights would be manageable, but anticipated difficulty with staffing, food and daily operations with longer stays.

Ms. Cano clarified portions of the Oregon Office of Emergency Management's definition of an emergency. "Exhausting resources" is not specifically defined by the organization, but she defined it to be the point when we have done all we can during an emergency. The \$768k figure referenced in their definition is determined by Jackson County, at the direction of the State. The figure is based on our population.

Mr. Zimmerman stated that if Mayor isn't available to declare an emergency, the duty passes to the President then Vice President, then the remaining Councilmembers in order of seniority. At this point, the Council cannot override the Mayor's authority in declaring an emergency.

Mr. Sjothun reported that during a recent Continuum of Care Executive Board meeting, there is a willingness by providers to assist with emergency and temporary shelter, but they need time to organize and prepare their facilities before making a commitment.

Mr. Zimmerman clarified that this potential Code amendment will allow the City to open and use emergency shelter for citizens, without a formal emergency declaration. In addition to the Code amendment, staff will collaborate with outside agencies to create and continuously update a list of pre-approved emergency organizations, the services provided, their locations and contact information.

Motion: Direct staff to bring back recommendations regarding the six items listed on page 52 of our Council agenda.

Moved by: Clay Bearnson

Seconded by: Kay Brooks

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Poythress, Stark, Stine, and Zarosinski voting yes.

Motion carried and so ordered.

100.4 Further reports from City Manager

a. Mr. Sjothun noted a walk event is scheduled for April 20. Participants will walk along the greenway from Hawthorne Park to Bear Creek Park and back. An invitation will be sent to the Council; he encouraged the public to participate as well.

1. Mr. Sjothun thanked all the staff involved with Agenda Item 100.3, the severe weather and temporary shelters topic.
2. Mayor Wheeler voiced his appreciation of the booklet Kristina "KJ" Johnsen created for the Oregon Mayor's Association.
3. Councilmember Brooks also thanked staff for their work on Agenda Item 100.3.

110. Adjournment

There being no further business, this Council meeting adjourned at 8:01 p.m.

The proceedings of the City Council meeting were recorded and are filed in the City Recorder's Office. The complete agenda of this meeting is filed in the City Recorder's Office.

<https://www.ci.medford.or.us/Agendas.asp?AMID=8075&Display=Minutes>

Winnie Shepard, CMC
Deputy City Recorder

Exhibit D

City of Medford Shelter Policy - Draft

GENERAL:

Purpose:

These policies have been established in coordination with other City of Medford departments including Building, Planning, Police, and Fire to provide a safe solution for providing shelters for sleeping purposes. Many of these policies are based on the Oregon State Fire Marshal's Technical Advisory for Temporary Shelters (OSFM TA 11-14). These policies allow a building not normally designated as a Residential "R" Occupancy (use of a building, or a portion thereof, for temporary living and sleeping purposes) to be used as a shelter. These requirements apply to *Temporary Shelters* and *Severe Event Shelters*, unless noted otherwise. These requirements are intended to be a starting point. Every shelter will be different, and these requirements are intended to provide a reasonable level of life safety. Therefore, some requirements will be on a case-by-case basis and may be modified if approved.

City of Medford municipal code requirements for Temporary and Severe Event Shelters shall take precedence when in conflict with these requirements.

Approval Requirements:

Prior to approval for use of a shelter, the following items are required:

- Approval from the Planning Department for use of a location
 - Although a Conditional Use Permit (CUP), may not be required for use of a *Severe Event Shelter*, the planning department may review the use of Severe Event Shelters.
- Approval from the Medford Building Department
- An approved Operational Permit through Medford Fire-Rescue
 - If not included in the application, please request a Business Safety Checklist for common fire hazards.
- A fire inspection and approval from a fire code official (Fire Marshal or Deputy Fire Marshal).

DEFINITIONS:

Incapable of Self-Preservation (OFC Section 202): Persons who because of age, physical limitation, mental limitations, chemical dependency, or medical treatment cannot respond as an individual to an emergency situation.

Individual Area: An individual space or area provided per person (occupant). Unless approved otherwise, the minimum dimensions shall be as follows:

- 4 ft x 7 ft if no storage area is provided. The occupants and operators shall be responsible for maintaining egress paths free of obstructions.

- 3 ft x 7 ft if a separate storage area is provided. This area does not include area required for means of egress. This is the minimum individual area to be provided when adequate storage space is provided for storage of personal belongings. The occupants may have small items within their individual space, such as a purse or small bag. The occupants and operators shall be responsible for maintaining egress paths free of obstructions.

Limited Assistance: Persons who because of age, physical limitation, mental limitations, chemical dependency, or medical treatment require limited verbal or physical assistance while responding to an emergency situation.

Marking of Sleeping Area: Markings, such as tape or another approved method, shall be provided to designate and define the exit access including aisles, and exits. Markings may also be used, and are encouraged, for *Individual Areas*. The purpose of these markings is to maintain clear egress paths at all times.

Severe Event Shelter: A shelter that is pre-approved by Building and Fire for use during a Severe Event. (Note: Consultations/inspections for pre-approval will generally be provided at no cost. Fees may be required if a significant number of consultations or inspections are requested).

Sleeping Area: Space or area that includes, but is not limited to, exit access including aisles, and a row or rows of *Individual Areas*.

LOCATION PLANNING AND REQUIREMENTS:

Occupancy Requirements:

How occupants respond during an emergency can affect the risk of all occupants. Considerations that can influence the ability to respond correctly to an emergency include, but are not limited to, mental and physical abilities. For this reason, there are more strict requirements for locations where some of the occupants require physical or verbal assistance to respond to an emergency including fire protection, staffing, training, etc. As such, the following requirements apply for shelters:

- (OFC 1101.1) Persons who are Incapable of Self-Preservation shall not be permitted to stay at a shelter. The operations plan shall include procedures for moving persons who are incapable of self-preservation to a location that can safely meet their needs.
- (OFC 104.8, 1101.1) Shelters may allow persons requiring Limited Assistance to sleep at the shelter when approved. Considerations for approval include, but are not limited to:
 - The number of persons requiring limited assistance.
 - The presence of fire protection systems such as an automatic sprinkler system
 - Staffing
 - Staff training
 - Modifications to the Emergency Evacuation Plan.
 - Provisions for moving individuals who require limited assistance to a different location when the maximum number is exceeded.

Fire Protection Requirements:

The following life-safety requirements apply to buildings used as a shelter:

- (OFC 1101.1, 104.8) Automatic Sprinkler System. Buildings used as shelters shall be protected throughout with and approved Automatic Sprinkler System, with the following exceptions:

- Approval through Medford Fire-Rescue and the Building Department is required in order to locate a Temporary Shelter in a building not protected throughout with a fire sprinkler system. For shelters not protected throughout to be approved, the sleeping areas and shelter operations shall be limited to the ground floor (with all exits directly to the outside at ground level).
- An automatic fire sprinkler system is not required for *Severe Event Shelters* that are located on the ground floor with a minimum of two exits at grade that meet other policy requirements.
- Fire extinguishers with a minimum rating of 2-A:10-B:C shall be provided within 75 feet of travel, and within 10 feet of exits. A minimum of 2 fire extinguishers shall be provided unless approved otherwise.

Means of Egress (Exiting – OFC Chapter 10):

- All floor levels with shelter sleeping areas shall have a minimum of two means of egress (exits) from each floor level, and shall have exit signs and emergency lighting. All means of egress (exit) paths shall be maintained free of obstructions at all times.
- Exits from sleeping areas within buildings protected throughout by an automatic sprinkler system shall be as follows;
 - Sleeping areas located on the ground floor of a shelter with an occupant load of 49 (i.e. persons using shelter) or less shall have at least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the building code.
 - All other floor levels (other than the ground floor) used as Temporary Shelter sleeping areas that have an occupant load of 10 or more shall have two (2) exits from the area. The exits serving the areas shall be separated by a distance equal to at least 1/3 (automatic fire suppression system required on floors other than the ground floor) of the longest diagonal distance of the area.
- Exits from sleeping areas within buildings NOT protected throughout by an automatic sprinkler system:
 - For *Temporary Shelters* and *Severe Event Shelters* that are approved without an automatic fire suppression system, the sleeping areas shall only be located on the ground floor, and a minimum of 2 exits shall be provided for occupant loads of 10 or more. Shelters approved without a fire suppressions system with an occupant load of nine (9) or less shall have at least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the building code.
- Doors shall operate properly. The intent of this is that doors are easily opened and closed, even for people with limited strength and mobility.
- Egress lighting shall be provided. This lighting may be the plug-in type with battery backup.
- Egress for Sleeping Areas:
 - *Individual Areas* shall be limited to one (1) or two (2) rows.
 - A 36" min. aisle shall be provided (OFC 1017.5):
 - on both sides where two *Individual Areas* are provided in two rows that are not separated by an aisle
 - on at least one side of a single row of *Individual Areas*

- Egress paths shall be marked (such as with tape on the floor)
- (OFC 1007.1) Accessibility: a minimum of one (1) accessible egress path shall be provided.

Maximum Number of Occupants Allowed:

(OFC 104.8, 1004.1.2) The maximum number of allowable shelter occupants shall be calculated using an occupant load factor of one (1) individual for every 100 square feet minimum in sleeping areas. For example, a room with 980 square feet of sleeping area would be allowed to provide shelter for up to 9 occupants. 980 divided by 100 = 9.8, and the number must be rounded down to 9. The occupant load shall be approved by the fire code official. Space for bathrooms, storage, etc. would be in addition to the sleeping area and would not be included in the space requirement for sleeping areas.

An occupant load sign shall be posted showing the maximum number of occupants in each space.

PLEASE NOTE: Additional requirements will apply when the occupant load exceeds 49 people in sprinklered shelters, and 9 people in unsprinklered shelters.

Smoke Alarms and Detection (OFC 907.2):

- All shelter sleeping areas shall be provided with approved smoke alarms or a complete approved smoke detection system.
- All other areas of the building used for shelter operations shall be equipped with smoke alarms or a smoke detection system as required by the local fire code official.
- Smoke alarms may be battery-powered.

Carbon Monoxide (CO) Alarms and Detection (OFC 908.7):

- All shelter sleeping areas shall be provided with approved carbon monoxide alarms or an approved Carbon Monoxide detection system
- Carbon monoxide alarms may be battery-powered.

Cooking Facilities:

(OFC 609.1 and 904.11) Shelters where food is provided shall may have to meet all requirements for new construction for cooking equipment. This will be determined on a case-by-case basis.

Storage:

(OFC Section 315, Chapter 10) Provisions for storage shall be provided in order to maintain egress paths and allow storage of items that are not permitted within the shelter.

Sanitation:

Toilets, hand washing, and trash disposal shall be provided. Provisions for bathing are typically recommended, but not required.

OPERATIONAL (USE) REQUIREMENTS:

Operational Permit:

An Operational Permit through Medford Fire-Rescue will be required. A plan / layout shall be submitted as part of operation permit. The following shall be shown on the plan:

- Location, size and occupant load for all areas including sleeping areas, kitchen, bathroom, storage, etc.
- Access points
- Trash cans
- Lighting
- Emergency vehicle access
- Etc.

These items may be shown on the building floor plan required as part of the Emergency Evacuation Plan as long as the plan is legible and reasonably useful. A separate building floor plan may be required as part of the Emergency Evacuation Plan in order to provide only critical information needed during an emergency.

Staffing:

A minimum ratio of staff per occupants shall be provided as follows:

- 1 to 25

Notification:

The fire code official (Fire Marshal or Deputy Fire Marshal) shall be notified 48 hours minimum prior to each anticipated non-consecutive use of a shelter. The fire code official may require a fire inspection prior to the shelter being used. A fire inspection shall be completed and final approval shall be received prior to opening a shelter for the first time.

- *Severe Event Shelter* Exception: the fire code official and operators will work together to schedule/conduct a fire inspection prior to use of a Severe Event Shelter. This is intended to be a follow-up inspection in addition to the fire inspection required prior to approval of a Severe Event Shelter location.

Time limits:

A building may be used as a *Temporary Shelter* for a maximum of ninety days (90) within any twelve (12) month period of time beginning on the first (1st) day of occupancy or as approved by the local authority having jurisdiction.

- Additionally, Temporary uses exceeding a six month (180 day) time period beginning on the first (1st) day of occupancy require approval from the Building Code Official.
- *Severe Event Shelter* Exception: the time limits above do not apply to *Severe Event Shelters*.

Emergency Evacuation Plan (OFC Chapter 4):

An approved emergency evacuation plan addressing the evacuation of all occupants in an emergency event shall be available at all times at the shelter location (not a remote location). The plan shall be reviewed a minimum of once per year, and shall be revised when needed. At a minimum, the emergency evacuation plan shall contain the following:

- Emergency Response Plan: complete and review with a fire code official
- Occupant log: A log of all occupants for each night must be maintained and made available to the emergency personnel in the event of a fire or incident.
- Building floor plans: Building floor plans for each floor of the shelter shall be posted throughout the shelter, and shall include:
 - *Sleeping Areas* clearly identified.

- Room size: the square footage of all rooms within the shelter.
- Evacuation Routes: the primary and secondary egress (exit) paths from all areas of the shelter shall be shown.
- Accessible egress routes: locations shall be shown on the building floor plans.
- Life-safety systems: include locations for fire sprinkler system including riser room, fire alarm panel and controls, etc.
- Manual Fire Alarm Pull Boxes, if present
- Fire Extinguishers
- AED (Automated External Defibrillator), if present

Documentation:

Documentation of all fire safety requirements including copies of an Emergency Plan and a Shelter Operational Plan shall be maintained on site and shall be immediately available for review if requested by the fire code official.

Fire Watch:

A fire watch shall be maintained continuously. See fire watch packet for additional requirements. A fire watch shall be maintained during sleeping hours at a minimum, and may be required at other times. This means at least one responsible person shall be awake and assigned this responsibility. The intent is that if one person cannot survey all areas of the shelter, then additional persons will be required. Fire watch personnel are dedicated to this task and shall not be responsible for other duties such as serving food. This duty may be rotated among a number of responsible adults. The fire watch personnel shall be familiar with the building, the emergency plan, and shall be trained on procedures during an emergency. They have the responsibility for a continuous patrol of the shelter for the purpose of detecting fire or other emergencies and transmitting an immediate alarm to the Fire Department and occupants. If a fire alarm system is not present, fire watch personnel shall have a manual device such as a whistle or bell for alerting occupants and a cell phone for alerting the fire department and other Fire Watch personnel.

General Safety Requirements:

- Alcohol and drugs shall not be in possession or used
- (OFC 310) No smoking inside. Outside smoking, if allowed, shall be in designated locations and non-combustible containers filled with water shall be provided. Smoking shall be a minimum of 10 ft away from entrances, exits, windows, ventilation intakes, etc.
- (OFC 305) Potential fire ignition sources such as lighters and candles shall not be allowed in shelters, unless stored in supervised or locked storage areas.
- Use of portable heaters or unvented fuel-fired heaters shall be prohibited inside. Outside use may be approved.
- Separate locations or areas for different populations including families, single men, etc. shall be required, unless approved otherwise.



MEMORANDUM

To: Planning Commission

From: Sarah Sousa, Planner IV

Date: September 3, 2019 *for September 9, 2019 study session*

Subject: Discussion regarding a Site Plan & Architectural Commission request to amend Chapter 10 of the Medford Municipal Code to require a conditional use permit for car washes and fuel stations adjacent to residential zones

BACKGROUND

The Site Plan and Architectural Commission (SPAC) recently reviewed an application for a commercial development in a primarily residential area. The project included multiple commercial uses, including a car wash and fuel station. The Commission expressed concerns that the impact of car washes and fuel stations next to residential properties may be too intense and industrial. They also found that the conditions that can be imposed on permitted uses are insufficient to mitigate anticipated impacts. As a result, the SPAC has requested the Planning Commission consider a code amendment to require such uses as conditional when adjacent to residential zones.

EXISTING & PROPOSED CODE

Section 10.337 of the Medford Municipal Code lists uses under each of the commercial and industrial zones. Uses are generally permitted, permitted with special use requirements, not permitted, or conditional based upon zoning. Fuel stations (listed under Standard Industrial Classification #5541) are allowed outright in all of the commercial and industrial zones. Car washes (listed under Standard Industrial Classification #7542) are not permitted in the Service Commercial and Professional Office zoning district and are listed as conditional in the Neighborhood Commercial district. They are permitted outright in all of the other commercial and industrial zoning districts. (See table below)

Existing Use by zone

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
SIC #	Use								
5541	Fuel Station	P	P	P	P	P	P	P	P
7542	Car Wash	X	C	P	P	P	P	P	P

The change requested is to list car washes and fuel stations as conditional when adjoining residentially zoned properties. The table could be amended as shown below.

Proposed Use by zone

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
SIC #	Use								
5541	Fuel Station	Ps/C	Ps/C	Ps/C	Ps/C	Ps/C	Ps/C	Ps/C	Ps/C
7542	Car Wash	X	C	Ps/C	Ps/C	Ps/C	Ps/C	Ps/C	Ps/C

The special use reference for fuel stations and car washes corresponds with Section XXXX. Fuel Stations and Car Washes require Conditional Use Permits if the property adjoins residential zoning.

EVALUATION OF REQUEST

Both the SPAC and Conditional Use Permit (CUP) processes include a list of conditions that can be imposed upon development. Many of these are overlapping conditions such as limiting the intensity of outdoor lighting or restricting the size of signs. However, the CUP approval criteria requires findings addressing either 1) the use will cause no adverse impacts on abutting property when compared to impacts of permitted development or 2) the use is in the public interest and impacts have been mitigated.

The CUP process focuses on use and impacts while the SPAC process emphasizes both site and architectural design. The mitigation of impacts for a CUP allows for the Planning Commission to impose restrictions on the use, such as to the hours of operation. The Site Plan & Architectural Commission’s criteria is based upon architectural compatibility. Requiring a conditional use permit for car washes and fuel stations would provide more ways

to mitigate impacts to adjacent neighborhoods and provide a proper avenue to deny these uses if they cannot be made compatible with residential properties.

OTHER OPTIONS

The Planning Commission may consider other options as well. Instead of the requirement of a CUP, the following are other possibilities.

- 1) Allow car washes and fuel stations in the same zones as they are currently allowed but require a distance requirement of 500 – 1000 feet to residential properties.
- 2) Allow car washes and fuel stations in the same zones as they are currently allowed but require special standards such as requiring privacy walls, limiting the hours of operation, and increasing setbacks, etc.

CITY COUNCIL STUDY SESSION OF JUNE 13, 2019

On June 13, 2019 the City Council discussed auto-oriented uses as they relate to the downtown and to the Liberty Park Neighborhood. Automotive related businesses, such as fuel stations and car washes, typically include large areas of pavement for vehicle storage and maneuvering. Limiting such uses can create a more pedestrian-friendly and walkable area. The Council will be considering this topic in the Liberty Park Neighborhood in the coming months to promote a more mixed-use and livable area.

FEEDBACK

Staff is seeking the Planning Commission's feedback on the request before going forward with a Development Code Amendment.