

# PLANNING COMMISSION STUDY SESSION AGENDA SEPTEMBER 14, 2020



**MEDFORD**  
OREGON

## Commission Members

David Culbertson

Joe Foley

David Jordan

Bill Mansfield

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

Study Sessions begin at noon

## City of Medford

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# PLANNING COMMISSION STUDY SESSION AGENDA



**MEDFORD**  
OREGON

September 14, 2020

Noon

Zoom Virtual Meeting

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## **Virtual Meeting information**

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### 10. **Introductions**

### 20. **Discussion Item**

20.1 Permanent and Temporary Shelters

### 30. **Adjournment**



## MEMORANDUM

**To:** Planning Commission *for September 14, 2020 study session*  
**From:** Carla Angeli Paladino, Principal Planner  
**Date:** September 9, 2020  
**Subject:** Draft Code provisions related to (Permanent) Shelters and Temporary Shelters

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### DIRECTION SOUGHT

Staff is seeking feedback on the preliminary code changes related to (permanent) shelters and temporary shelters.

### PRESENTATION OUTLINE

- Presentation overview and information – Carla Angeli Paladino
- Discussion and feedback - Commissioners

### BACKGROUND

Over the course of the past few years, the City has actively been pursuing actions to address homelessness in the City of Medford. Examples include the designation of Hope Village, amendments to Chapter 10 to allow new land uses (i.e. temporary and emergency shelters), the hiring of Lesar Development Consultants to prepare the Homeless System Action Plan, direct participation in the Jackson County Continuum of Care (CoC) and other outreach efforts to the City's faith based and non-profit community. Early in 2019 Council directed staff to begin drafting policies and procedures in regards to declaring emergencies and providing emergency shelters. In July 2020, Council approved a resolution (Council Bill 2020-92) designating a portion of property near Biddle and Midway Roads as a temporary, transitional housing campground under the state provisions (ORS 446.265).

At the March 14, 2019 Council study session staff reviewed the current ordinances, policies and procedures in place for providing temporary and emergency shelters. Staff identified current barriers that exist, one barrier being the requirement for a conditional use permit (CUP) for temporary shelters. It was at this time that Council directed staff to prepare provisions for emergency shelters (subsequently named "Severe Event Shelters), that would not require a conditional use permit.

On November 7, 2019 Council adopted land use ordinances to allow for severe event shelters to operate during declared severe weather events (Ord. 2019-119). Through this process, and in particular at the October 24, 2019 City Council study session, the usefulness and benefit of the CUP for temporary shelters was discussed. At the study session, the need for an alternative for this process was identified.

On December 12, 2019 Council was asked to evaluate and consider four possible code options related to temporary shelters which included:

Option 1

Amend the temporary shelter special use standards to reflect the updated temporary shelter policy and remove any redundant standards from code that are addressed in the City's Temporary Shelter Policy.

Option 2

Change the land use permitting requirements in commercial zones from conditionally permitted to permitted by right with special standards.

Option 3

Change the land use permitting requirements in residential zones from conditionally permitted to permitted by right with special standards. Temporary shelters would still have to be accessory to an institutional use, like a church, which would already be operating under a Conditional Use Permit.

Option 4

Amend the temporary shelter classifications in the residential zones to differentiate between small and large temporary shelters. There would be two shelter types based on maximum number of individuals served; a temporary shelter of 15 or fewer persons and a shelter of 16 or more. A shelter of 15 or less would be permitted by right with special standards while a shelter of 16 or more would still be conditionally permitted. Again, the requirement that they be accessory to an institutional use would remain unchanged.

During that study session, Council voiced interest in reviewing changes outlined under Options 1, 2, and to a lesser degree Option 4. In addition, Council directed staff to provide standards that would apply to (permanent) shelters.

The attached code provisions (Draft #3) were slightly updated from the Council's review at their August 13, 2020 study session and was sent to city staff and community partners for comment. Many of the Councilors indicated they concurred with the proposed changes to allow temporary shelters in the commercial and industrial zones as permitted uses with special standards, and adding provisions for permanent shelters.

Council requested more information and data from staff related to allowing or disallowing permanent shelters in the General Industrial (I-G) and Heavy Industrial (I-H) zoning districts (page 5 of the text, under 8322). They raised concerns with making changes to the temporary shelter provisions as accessory uses to institutional uses in residential zones that would differentiate between shelters of 16 or more guests and shelters with 15 or fewer guests. Council requested feedback and recommendations on that change specifically from the Planning Commission and Housing Advisory Commission.

## **PROPOSAL SUMMARIZED**

The draft language includes the following proposed changes;

- New definition for (permanent) Shelter
- Added definitions from the Temporary Shelter Policy
- Incorporated some of the provisions within the Temporary Shelter Policy
- Amended the Land Use Review table for different shelter types
- Separated Temporary Shelters in residential zones into two categories (16 or more guests as a conditional use; 15 or fewer guests permitted outright with special standards and a required neighborhood meeting)
- Modified Temporary Shelters in the commercial and industrial zones from a conditional use to an outright permitted use with special standards
- Added a new land use classification for (permanent) Shelters as an outright permitted uses in the commercial and Light-Industrial zoning districts
- Clarified the different temporary shelter types within the institutional use sections
- Updated provisions for Temporary Shelters
- Added new (permanent) Shelter provisions (same as Temporary Shelters with some changes)

## **STAFF AND COMMUNITY COMMENTS**

A meeting was held on September 8, 2020 with City staff and community partners to discuss the draft text and receive feedback. Planning staff still needs to incorporate the changes from that meeting into a new draft. Some of the suggested changes included:

- Rename (Permanent) Shelters to Non-Permanent Shelters
- Move and rename Temporary Shelters SIC 004 under the 832 category so they are in the same place
- Modify the definition for Individual Area so that any regulations are not a part of the definition
- Add Oregon Structural Specialty Code as reference where Oregon Fire Code is referenced (in the definition of Incapable of Self-Preservation)
- As a consideration for adding permanent shelters as a permitted use in the I-G and I-H zones, it was suggested that the providers explain how they will provide services and transportation to their guests if located away from such needs.

- Merge the standards 10.819A and 10.819B together and distinguish the difference rather than having nearly two identical sections.

### **DIRECTION SOUGHT**

Staff is seeking feedback on the preliminary code changes related to permanent and temporary shelters from the Planning Commission.

Specifically, staff is looking for the Commission's feedback on distinguishing the land use procedure for temporary shelters as accessory uses to institutional uses in residential zones when less than 15 guests versus 16 or more guests. Also, the Commission's thoughts on allowing permanent shelters in the General Industrial (I-G) and Heavy Industrial (I-H) zoning districts. Currently, the draft does not list this use as a permitted use.

### **HEARING SCHEDULE**

The project is scheduled for hearings on:

- September 24, 2020 – Planning Commission
- October 15, 2020 – City Council

### **EXHIBITS**

Draft Code Language dated 8/30/2020

## Shelters and Temporary Shelter Provisions

### 10.012 Definitions, Specific.

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) for sleeping purposes. Unless approved otherwise, the minimum dimensions shall be as follows:

- 4 feet by 7 feet (if no storage area is provided) The occupants and operators shall be responsible for maintaining egress paths free from obstructions.
- 3 feet by 7 feet (if a separate storage area is provided) This area does not include areas 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.

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

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

Temporary Shelters. A temporary use within a building, typically not used as a residence, meant to provide overnight sleeping accommodations and related services for individuals or groups who are homeless. A Temporary Shelter is a place or area within a building that includes, but is not limited to, exit access including aisles, and a row or rows of *Individual Areas*.

10.108 Land Use Review Procedure Types.

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
<u>Shelters (Use of Existing Building)</u>	I	<u>10.819(B)</u>	<u>Planning Director</u>	<u>No</u>
<u>Shelters (New Construction)</u>	III	<u>10.819(B)</u>	<u>SPAC</u>	<u>Yes</u>
<u>Temporary Shelters (16 or more persons) in Residential Zones</u>	III	<u>10.184; 10.819(A)</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Temporary Shelters (15 or fewer persons) in Residential Zones</u>	I	<u>10.819(A)</u>	<u>Planning Director</u>	<u>No</u>
<u>Temporary Shelters in Commercial/Industrial Zones</u>	I	<u>10.819(A)</u>	<u>Planning Director</u>	<u>No</u>

Section 10.110

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(Q) Planning Director Authority. The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit. This includes the following land use reviews:

Land Use Review

De Minimis Revision(s) to Approved PUD Plan

Final PUD Plan

Final Plat, Partition/Subdivision

Major Modifications to Site Plan and Architectural Review

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Shelters (in existing building)

Sign Permit

Temporary Shelter (15 or fewer guests in Residential Zones; or when located in Commercial and Industrial Zones)

Tentative Plat, Partition

Wireless Communication Facilities in Public Right-of-Way

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)
<b>6. NONRESIDENTIAL SPECIAL USES</b>									
(c) Institutional Uses	Cs	10.815- 817							
(c)(i) Temporary Shelters, Accessory Uses <u>(16 or more persons)</u>	Cs	10.816- 817 & 10.819A							
<u>(c)(ii) Temporary Shelters, Accessory Uses (15 or fewer persons)</u>	<u>Ps</u>	<u>10.816- 817 &amp; 10.819A</u>							
(c)(iii) Severe Event Shelters, Accessory Uses	Ps	10.825							



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

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(4) Temporary shelters (for 16 or more persons) shall be conditionally permitted as an accessory use to all community buildings, social halls, lodges, fraternal organizations, and clubs as permitted per Section 10.314(6)(c)(i) of this Code. Temporary shelters (for 15 or fewer persons) shall be permitted with special use regulations as an accessory use to all community buildings, social halls, lodges, fraternal organizations, and clubs as permitted per Section 10.314(6)(c)(ii).

10.819A **Temporary Shelters.**

(A) Purpose and Intent.

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

(B) Definitions Pertaining to Temporary Shelters.

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

- (1) Access Point: The main point of entry and exit for a temporary shelter where users, visitors, and other persons must sign in and out to maintain security within a shelter.
- (2) Client(s): Person or persons who receive services from an operator of a temporary shelter which shall include overnight sleeping, and may include other items established per the shelter’s operations plan as required in Section 10.819A(D)(1)(b).
- (3) Operator: The organization in charge of daily operations of a temporary shelter. The operator shall be a civic, non-profit, public, religious, membership based, or otherwise competent organization and shall be the applicant for the applicable land use review of a temporary shelter.
- (4) Operational Period: An operator’s established days of operations.
- (5) Operations Plan: The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.
- (6) User(s): See 10.819A(B)(2) client(s).

(C) Temporary Shelter Permit Requirements

- (1) The conditional use permit (CUP) as required by Sections ~~10.314(6)(c)(i) and 10.337~~ of this Code shall run with the lot(s), tract(s), or parcel(s) of land on which a temporary shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period. (2) Prior to submitting a Type I land use action as required by Section 10.314(6)(c)(ii), the applicant shall conduct a neighborhood meeting in accordance with Section 10.

194.

~~(32)~~ An operator of a temporary shelter shall comply with all applicable local, state, and federal laws, rules, and regulations (e.g. Building and Fire Department approvals) unrelated to land use applications/reviews, unless waived by the appropriate approving authority/official.

~~(43)~~ Upon request by the applicant, the Planning Director may reduce or waive the land use application fees and any other fees required by the Planning Department. In evaluating such a re-quest, the Director will consider the financial hardship to the applicant and other information relevant to the cost of processing the application and/or the applicant's ability to pay the fees.

~~(54)~~ In order to begin operating a temporary shelter, an operator shall apply for and receive an approved ~~Temporary Shelter~~ Operational Permit from the Medford Fire-Rescue Department for each operational period. The applicant shall request a Business Safety Checklist for common fire hazards.

~~(65)~~ Shelters operating with extensions, granted per Section 10.819A(D)(2)(e), shall be required to perform all improvements, acquire all permits, and fulfill all other requirements of the Medford Municipal Code, unless waived by the appropriate approving authority.

~~(76)~~ All applicable permits must be approved prior to the initial date of operations.

~~(87)~~ Each temporary shelter shall adhere to the Temporary Shelter Policy as established by the City.

(9) Inspection and approval from a fire code official and building code official is required prior to opening.

#### (D) General Standards for Temporary Shelters

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

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

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

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

(c) Supervision. There shall be a minimum of ~~threetwo~~ on-duty representatives of the temporary shelter at any time, unless approved otherwise. The representative(s) contact information shall be clearly posted at the shelter's

access point each day. The representative may be a volunteer, hired employee, or otherwise competent and responsible adult.

i. ~~When required by Medford Fire-Rescue, Aa person dedicated to Ffire Ww~~atch shall be in place in addition to any on-duty representative(s).

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

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

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

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

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

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

(2) Operational Period.

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

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

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

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

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

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

(e) The operational period may be extended for a temporary shelter by the City if local conditions warrant an extension. Extensions may be granted for a total of 30, 60, or 90 calendar days. Extensions shall be approved by the City Manager. The total operational period, including extensions, shall not exceed a total of 180 consecutive days, in a 12 month period[CGP1]. Extensions are subject to the following conditions:

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

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

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

(3) Reporting Requirements. Within 30 days of the end of the operational period, and/or upon application for an extension to the operational period pursuant to section 10.819A(D)(2)(e), the operator shall submit a report to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information:

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

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

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

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

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

The operator shall coordinate the reporting requirement with the Medford, Ashland/Jackson County Continuum of Care using the industry standard software (e.g. Homeless Management Information System) in place at the time of reporting.

(4) Standards for Closing/Suspending Temporary Shelters

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

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

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

ii. More than 40 emergency service calls within 30 calendar days are made regarding activity in or near the temporary shelter.

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

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

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

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

(d) Clients of a temporary shelter, the operator, and the property owner shall be given seven calendar days for the operator and owner to remove temporary shelter components, and for clients to vacate the location in which a shelter operates, once the use has been terminated. In cases of emergency or threat to human health or life safety, less than seven days' notice may be given. The owner or operator shall not be required to remove components utilized for the temporary shelter that are also part of the owner or operator's routine operations.

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

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

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

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

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

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

i. Building Department

ii. Planning Department

iii. Police Department

iv. Fire-Rescue Department

(c) Each ~~operator~~user of temporary shelter must sign a waiver and give

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

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

(E) Site Standards for Temporary Shelters

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

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

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

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

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

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

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

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

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

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

(c) Location of buildings access point(s)

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

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

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

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

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

(8) Documentation that a neighborhood meeting was conducted in accordance with Section 10.194.

(9) Tents, yurts, and similar temporary structures are not allowed to be used for

the temporary shelter land use.

### 10.819B Shelters

#### (A) Purpose and Intent.

Shelters are permanent locations that provide homeless individuals and families with sleeping accommodations and other services within a building or buildings. It is the intent of these standards to mitigate any conflicts associated with shelters and the surrounding land uses through special use regulations set forth in this section.

#### (B) Definitions.

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

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

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

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

(4) 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 10.819B(B)(2) client(s).

#### (C) Permit Requirements.

(1) Shelters are permitted as primary or accessory uses with special regulations in the commercial zones and the Light-Industrial (I-L) zone. The use of an existing building or buildings shall be reviewed as a Type I land use action. The construction of a new building or buildings shall be reviewed as a Type III land use action.

(2) Prior to submitting a Type I land use action, the applicant shall conduct a neighborhood meeting in accordance with Section 10.194.

(3) An operator a shelter shall comply with all applicable local, state, and federal laws, rules, and regulations (e.g. Building and Fire Department approvals) in addition to the land use applications/reviews, unless waived by the appropriate approving authority/official.

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

(5) In order to begin operating a shelter, an operator shall apply for and receive an approved Shelter Operational Permit from the Medford Fire-Rescue Department.

(6) All applicable permits and conditions of approval must be approved prior to the

initial date of operations.

(7) Each shelter shall adhere to the Temporary Shelter Policy as [CGP2] established by the City.

(D) General Standards.

The following standards shall apply to shelters. The words operator and applicant may be used interchangeably in this subsection as they are one and the same. The requirements are as follows:

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

(a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with applicable local, state, and federal regulations related to shelters. Shelters shall comply with all applicable building, fire, health, life, and safety codes. Compliance with this section requires the operator to maintain a Shelter Operational Permit.

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

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

i. A person dedicated to Fire Watch shall be in place in addition to any on-duty representative(s).

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

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

(e) Areas for Sleeping. Shelters may have separately designated areas for sleeping categorized by groups such as male only, female only, and family only sleeping areas.

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

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

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

(2) Reporting Requirements. At the end of June each year, the operator shall submit a report to the Housing Advisory Commission (HAC). At a minimum, the report shall include the following information:

- i. Number of clients served in a 12 month period
- ii. Number of public service calls and reason for each call
- iii. Services provided to the clients
- iv. Number of nights spent at full capacity
- v. Number of clients who have transitioned out of the shelter into different housing

The operator shall coordinate the reporting requirement with the Medford, Ashland/Jackson County Continuum of Care using the industry standard software (e.g. Homeless Management Information System) in place at the time of reporting.

(3) Standards for Closing/Suspending Shelters [CGP3] [MHB4]

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

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

- i. The City Manager has determined that it would be in the public interest to do so.
- ii. More than 40 emergency service calls within 30 calendar days are made regarding activity in or near the shelter.
- iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues that cannot be corrected in a reasonable amount of time.
- iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.

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

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

(4) Consent to Inspection Shelters

(a) Shelters are subject to inspection at any time by the City to verify safe operations.

- i. Inspections by the City may include inspections of all portions of a shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.
- ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten

minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.

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

i. Building Department

ii. Planning Department

iii. Police Department

iv. Fire-Rescue Department

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

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

#### (E) Site Standards for Shelters

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

(1) A written narrative outlining how the standards of Section 10.819B will be met.

(2) A scaled site plan shall be submitted depicting the following:

(a) Building footprint(s) of the building or buildings on the site in which the shelter will be operated.

(b) A floor plan, with square footage measurements labeled identifying:

i. The total size of the shelter;

ii. Label the location and size of other areas used in conjunction with the shelter (e.g. common areas, kitchens, bathrooms, client's personal items or offices).

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

(c) Location of building(s) access point(s) and queuing areas that do not block public right of way

(d) Location(s) of trash receptacle(s) on site and during times of intake

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

(f) Required parking spaces in accordance with Sections 10.741-10.751

(g) Vehicular access points

(3) Documentation that a neighborhood meeting was conducted in accordance with Section 10.194.

(4) Tents, yurts, and similar pliable structures are not allowed to be used as shelters.