

OPTION 2: VOLUNTARY COMPLIANCE AGREEMENT

BEND CITY COUNCIL RESOLUTION NO.

DESCHUTES COUNTY RESOLUTION NO. 2024-046

A JOINT RESOLUTION OF THE BEND CITY COUNCIL AND THE BOARD OF COMMISSIONERS OF DESCHUTES COUNTY TO AUTHORIZE TEMPORARY OVERNIGHT VEHICLE CAMPING AND IMPROVE SAFETY, SANITATION, AND CASE MANAGEMENT ON PUBLICLY OWNED LAND AT JUNIPER RIDGE

Findings

- A. Deschutes County, Oregon (“County”), and the City of Bend, an Oregon municipal corporation (“City”), are political subdivisions of the State of Oregon.
- B. The County and the City each own land in Deschutes County north of the city limits of Bend and outside the Bend urban growth boundary, adjacent to US-97 and the Burlington Northern Santa Fe Railroad tracks. This area is part of an area commonly referred to as “Juniper Ridge”. Staff estimate approximately 37 people are residing in 21 unpermitted and unauthorized campsites on the County’s property, and that there are approximately 50-60 unpermitted and unauthorized camps west of the railroad tracks and fewer than 20 campsites east of the railroad tracks on the City’s property. These numbers can fluctuate based on the season and circumstances.
- C. Camping, survival sheltering, and other overnight uses of the land without services or facilities at Juniper Ridge has resulted in unpermitted and potentially unsafe conditions, including unpermitted structures, roadways and trails, disposal of human and solid waste and debris, and other unsafe and unsanitary conditions. Unmanaged camping without appropriate facilities can pose fire danger and imperil public health and safety, both for the larger community and people seeking shelter on public land. Significant fires threatened safety and property in 2020 and 2024, in addition to smaller fires at other times, and the risk of wildland fires is extreme and increasing. Juniper Ridge has also been used as a site for illicit and unlawful dumping of garbage and vehicles, which poses a threat to health and safety, the environment, and the public, including people seeking shelter on Juniper Ridge.
- D. Unmanaged camping and unlawful access to the City’s property at Juniper Ridge has resulted in unpermitted and unsafe crossings of the Burlington Northern Santa Fe railroad tracks within the City’s property, including at crossings licensed only for the City’s own use and at unimproved crossings. Crossing of the railroad tracks poses significant safety risks for people making such unpermitted crossings, the safe operation of the railroad, and the safety of the community. Unpermitted use of the City’s licensed crossings jeopardizes the ability of the City to maintain its license to use these crossings, which are essential to the City’s access to its property at Juniper Ridge.
- E. Camping, sheltering, or otherwise using facilities intended for conveyance of irrigation water and City facilities intended for the treatment of drinking water and

City Resolution No.

County Resolution No. 2024-046

Page 1 of 5

wastewater is a threat to public health and safety.

F. The County and the City are committed to addressing homelessness in the area by increasing housing, case management, and a continuum of shelter options. Both entities have provided funding for case management and other services, shelter beds, safe parking locations, and permanent and supportive housing for people experiencing homelessness. In 2021, the City adopted codes authorizing temporary overnight vehicle use and transitional housing accommodations for individuals who lack permanent or safe shelter and who cannot be placed in other low-income housing, as allowed by ORS 195.520 (formerly ORS 203.082, as amended by HB 2006, Section 6 (2021)) and ORS 197.746 (formerly ORS 446.265), referred to as “Safe Parking.” The City supports development of hundreds of units of affordable housing and shelters through its Affordable Housing Fee, Community Development Block Grants, Commercial and Industrial Construction Excise Tax, and other funding sources. There are over 250 shelter beds and temporary shelter units directly supported by the City, including 16 units at Safe Parking sites in the City.

G. The County adopted an order allowing property owners to allow overnight camping in vehicles on lands zoned for certain uses within one mile of the City of Bend and City of Redmond urban growth boundaries, as allowed by ORS 195.520 (formerly ORS 203.082, as amended by HB 2006, Section 6 (2021)), also referred to as “Safe Parking”. The County is additionally supporting the development of over 100 units of shelter and supportive housing. Both the City and County have elected officials serving on the board of the Coordinated Houseless Response Office, set up by agreement of the County and cities in Deschutes County under HB 4123 (2022), to coordinate efforts for the purpose of strengthening Central Oregon’s houseless response system.

H. Both the City and County are aware that ongoing uses on the site are in violation of applicable land use regulations, building codes, environmental health/sanitation requirements and related health and safety mandates.

I. Within 90 days of the date of this Joint Resolution both the City and the County will enter into Voluntary Compliance Agreements (VCA) with the county code enforcement authority, wherein the City and County as subject landowners will covenant to mitigate and ultimately eliminate all unauthorized uses and activities occurring onsite. Efforts to mitigate and reduce the harms posed by unmanaged camping will at a minimum include providing portable toilets, potable water, and dumpsters. Subject to funding constraints, the City and the County will enter into contracts with a security contractor to patrol the subject area.

J. This joint resolution is intended to articulate at a policy-level the actions to be undertaken by the City and the County in furtherance of the VCA.

K. This joint resolution is not a final decision or determination by a local government concerning the goals, a comprehensive plan provision, or a land use regulation, and is not intended to be a land use decision.

Now, therefore, based on these findings,

City Resolution No.

County Resolution No. 2024-046

Page 2 of 5

THE CITY COUNCIL OF THE CITY OF BEND and THE BOARD OF COMMISSIONERS OF DESCHUTES COUNTY JOINTLY RESOLVE AS FOLLOWS:

1. Voluntary Compliance Agreement. Within 90 days of this Joint Resolution the City and the County will each enter into a VCA with the county code enforcement authority. During the term of the VCA, and subject to requirements in the VCA, the City and the County will use best efforts to mitigate and reduce activities at the site that are in violation of applicable land use regulations, building codes, environmental health/sanitation requirements and related health and safety mandates. Examples include:
 - a. Enforcement and monitoring strategy;
 - b. Access by emergency services and how emergency services can obtain information about where people are staying;
 - c. Reduction in unlawful access points from US-97 to the County's property;
 - d. Enforcement strategy toward remedying unlawful structures and unlawful dumping of black water and waste;
 - e. Management for sanitary, handwashing, potable water, and wastewater disposal, including during winter months;
 - f. Reasonable rules describing open flame, cooking, and warming fires, and an enforcement strategy.
2. Commitment for funding. The City and County commit to coordination efforts as described in the VCA or through other agreements, and with each party providing funds toward additional services for people who reside at the subject site.
3. Funding. The funds anticipated to be allocated to this effort originate with the American Rescue Plan Act (ARPA), and must be expended by the end of 2026. Therefore, the it is the intent to achieve compliance with the VCA by no later than December 31, 2026.
4. Additional future agreements. City and County staff are authorized and directed to work collaboratively on agreements to leverage existing contracts and procurement efforts to expand a security presence onto the City's land west of the railroad tracks, establish case management for housing connections, and engage in continued coordination on fire fuel reduction and other fire reduction strategies. Staff are further directed to develop an intergovernmental agreement, memorandum of understanding, joint administrative policies, or other regulatory approaches, to mitigate and improve safety conditions for the community and people staying in the area.
5. This resolution is effective on signing by both the City and County.

Adopted by the Bend City Council on October 16, 2024.

City Resolution No.

County Resolution No. 2024-046

Page 3 of 5

YES:

NO:

Melanie Kebler, Mayor

Attest:

Morgen Fry, Bend City Recorder

Approved as to form:

Mary A. Winters, City Attorney

Adopted by the Board of Commissioners for Deschutes County on October 16, 2024.

THE BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DEBONE, Vice-Chair

PHIL CHANG, Commissioner

Attest:

Deschutes County Recording Secretary