

BEND CITY COUNCIL RESOLUTION NO. 3401

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 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. On May 31, 2023, the County initiated a code enforcement action against itself and the City relating to conditions on the properties owned by each entity, including building codes, environmental health/sanitation, solid waste, and other health and safety issues (the "Code Enforcement Action").

I. Both the City and County have made efforts to improve public safety and reduce harms posed by unmanaged camping on their properties at Juniper Ridge. Beginning in 2024, the County and City have provided portable toilets, potable water, and dumpsters on its land at Juniper Ridge. The County contracts with a security contractor that has provided connections to resources and services. The City has removed approximately 131,000 pounds of solid waste, 879 discarded tires, and 39 abandoned campsites from its property at Juniper Ridge. Independent service providers are also in contact with individuals camping on the lands owned by the City and County, building relationships and providing resources and connections to more stable living situations, including shelter and permanent housing.

J. Sanitation facilities and housing-focused case management are essential to

improving the risks to public safety posed by unmanaged camping.

K. The Bend City Council and Deschutes County Board of Commissioners held a joint meeting on September 5, 2024, where they discussed, among other items, Juniper Ridge Management Strategy and addressing homelessness. The Council and the Board of Commissioners unanimously agreed on a set of action items, including establishment of a Temporary Safe Stay Area on a portion of lands owned by the City and the County at Juniper Ridge, with direction to staff to coordinate legal and siting issues, communication and outreach, and scoping of on-site services including intensive case management, full closure of areas of Juniper Ridge outside the Temporary Safe Stay Area, continued coordination on fire fuel reduction, and allocation and leverage of county-wide resources to assist in case management and operations for the Temporary Safe Stay Area. This resolution is the first step in implementing the direction agreed to at the joint meeting.

L. ORS 195.520 enables political subdivisions of the State of Oregon to allow any public or private entity to allow overnight camping by homeless individuals living in vehicles on the property of the entity. The political subdivision may impose reasonable conditions upon offering camping space under this section, including establishing a maximum number of vehicles allowed. Under this statute, entities providing camping spaces must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities. ORS 195.520 does not distinguish between areas inside or outside of city limits or urban growth boundaries, and does not refer to zoning.

M. Permanent improvements for homeless facilities are not allowed uses of the land at Juniper Ridge under the present zoning and development code of Deschutes County. This resolution is not intended to allow any camping by homeless individuals at Juniper Ridge other than vehicle camping as described in this resolution and implementing documents. The activities authorized by this Resolution are not intended to be permanent.

N. This resolution is not intended to be a land use decision.

Now, therefore, based on these findings,

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

1. Temporary Safe Stay Area for Vehicles under ORS 195.520. Overnight camping by homeless individuals living in vehicles is temporarily allowed on a portion of property owned by the City and County in the area known as Juniper Ridge, as shown on the attached Exhibit A (the "Temporary Safe Stay Area" or "TSAA"), to mitigate dangers to public health and safety resulting from unmanaged camping currently occurring on the property of each entity, as authorized by the Oregon legislature under ORS 195.520. Camping within the TSSA should be clustered and limited to locations with existing impacts, which represents approximately 40 acres, as shown on the attached Exhibit A,

by use of land management and outreach strategies, and reduced over time to approximately 20 acres in the second year of this resolution. The TSSA will not be available to homeless individuals not living in vehicles. A “vehicle” includes a car, camper, trailer, recreational vehicle, or other structure intended to be movable by towing.

2. Intent of TSSA. The intent of the TSSA is to mitigate and improve the health and safety risks associated with unmanaged camping, and to provide improved sanitation services and case management to facilitate people camping at Juniper Ridge moving into safer shelter or housing.

3. Commitment for funding. The City and County commit to negotiating an intergovernmental agreement (IGA), with each party providing funds toward additional services for people who camp overnight in vehicles in the TSSA, including:

- a. Sanitary facilities, including toilet, handwashing and trash disposal facilities;
- b. Housing-focused case management services, including appropriate follow-up and metrics; and
- c. Land management strategies that provide a framework for rules of conduct including property clean-up efforts and security (see paragraphs 4 and 5 below for details).

4. Funding and duration of TSSA. 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 TSSA is intended to close no later than December 31, 2026, after which time public access, camping, and overnight vehicle use will no longer be allowed on the City and County properties. Any suspension of the TSSA by either the City or County before December 31, 2026, may occur only after consultation between the City Council and Board of County Commissioners, and then by formal action of the governing bodies.

5. 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, at the TSSA, 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 and address steps each entity can take to work toward compliance under the Code Enforcement Action. These administrative actions should address, at a minimum:

- a. Enforcement and monitoring strategy;

- b. Access by emergency services and how emergency services can obtain information about where people are staying within the TSSA;
- 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. Coordination between County Counsel and the City Attorney's Office including joint defense obligations if appropriate; and
- g. Reasonable rules describing open flame, cooking, and warming fires, and an enforcement strategy.

6. Continued services and enforcement. The City will continue and expand contracts for fuels reduction and clean-up of solid waste, debris, abandoned campsites, and abandoned vehicles on its property at Juniper Ridge. The City will develop an enforcement and monitoring strategy to enforce a prohibition on camping and other unlawful uses of its property east of the railroad tracks. The County will continue its contracts for sanitation and hygiene services, and both entities will work together on contracting for additional services including sanitation, hygiene, and housing-focused case management in the Temporary Safe Stay Area.

7. Closure of the eastern portion of the City's property. The City will make concerted efforts to remove all people camping on the portion of its property at Juniper Ridge east of the Burlington Northern Santa Fe Railroad tracks, by May 31, 2025. The process and notice for removal will be through the City's revised Administrative Policy on Removal of City-Owned Property Outside City Limits, with an implementation plan to provide additional advance notice and coordination with service providers for outreach to the individuals camping at Juniper Ridge.


8. Limited authorization. The allowance for overnight camping by homeless individuals living in vehicles applies only to the area identified as the TSSA. All other areas of Juniper Ridge are intended to be closed to camping, consistent with the City's revised Administrative Policy on Removal of City-Owned Property Outside City Limits and applicable County policies on land management and encampment removal. This resolution does not authorize any other property owner to allow overnight camping by homeless individuals living in vehicles on their property, except as may be otherwise allowed by separate provisions of the Bend City Code or orders of the Board of Commissioners of Deschutes County.

9. This resolution is effective on signing by both the City and County.

Adopted by the Bend City Council on October 29, 2024.

YES: Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Ariel Mendez
Councilor Anthony Broadman
Councilor Mike Riley
Councilor Megan Norris

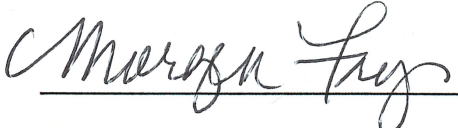
NO: None



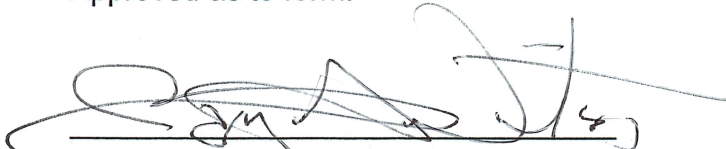
Melanie Kebler, Mayor

Attest:

Approved as to form:



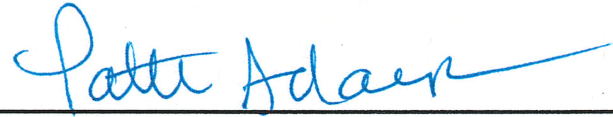
Morgen Fry, Bend City Recorder




Mary A. Winters, City Attorney

Adopted by the Board of Commissioners for Deschutes County on, ^{October 23,} 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

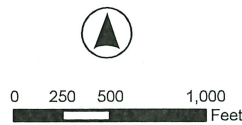
EXHIBIT A



TEMPORARY SAFE STAY AREA

OCTOBER 8, 2024

- | | | | | | |
|--|--------------------------|--|-----------------------|--|---------------|
| | Temporary Safe Stay Area | | City Limits | | Major Roads |
| | Cluster Use Areas | | Urban Growth Boundary | | Local Streets |
| | City Owned | | Taxlots | | Railroad |
| | Deschutes County | | Parks | | |



Map prepared by: City of Bend
 Print Date: Oct 22, 2024
 Sources: City of Bend, Deschutes County



CITY OF BEND

This map is for reference purposes only. Care was taken in the creation of this map, but it is provided "AS IS." Please contact the City of Bend to verify map information or to report any errors.