

City Council Issue Summary

Subject: Joint Resolution with the Deschutes County Board of Commissioners to Authorize Temporary Overnight Vehicle Camping and Improve Safety, Sanitation, and Case Management on Publicly Owned Land at Juniper Ridge

Staff Member, Department: Eric King, City Manager

Meeting Date: 10/16/2024


Action(s) Required:

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| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Ordinance First Reading | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Information/Direction | <input type="checkbox"/> Ordinance Second Reading | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Motion | | |

Recommended Motion:

I move to adopt the joint resolution with the Deschutes County Board of Commissioners to authorize temporary overnight vehicle camping, and improve safety, sanitation, and case management on publicly-owned land at Juniper Ridge.

Issue / Council Decision & Discussion Points:

- The City Council and Board of County Commissioners held a joint meeting on September 5, 2024, where they unanimously approved a plan to work towards allowing a temporary safe stay area on Juniper Ridge, and provided direction to staff to coordinate legal and siting issues, a communications and outreach plan, and scoping of on-site services including housing-focused case management with a focus on safety, performance metrics, and a six month follow up.
 - This Resolution sets out the commitment of the City and the County to authorize temporary overnight vehicle camping on a portion of Juniper Ridge, as authorized by ORS 195.520.
 - The Resolution also directs staff to proceed with administrative or other policies to set rules and guidelines for the temporary overnight camping, anticipates a future intergovernmental agreement committing American Rescue Plan Act (ARPA) funds from
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each agency to increase sanitation and case management services at Juniper Ridge and add Safe Parking capacity within the City of Bend.

- For the portion of the City's Juniper Ridge property outside City limits and east of the Burlington Northern Santa Fe railroad tracks, the Resolution sets out the City's intent to close that portion of its property to camping and remove all people currently camping there by May 31, 2025, and continue fuels reduction and waste clean-up.
- The Temporary Safe Stay Area is intended to close no later than December 31, 2026, which is the time that the ARPA funds anticipated to fund this effort must be expended.

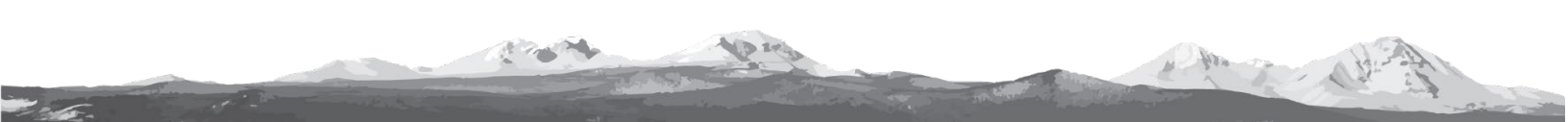
Background:

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.

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.

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.

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.

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.

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.

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. Similar to safe parking, the City Attorney’s office believes a reasonable interpretation of this statute is that this authorization is not a land use decision. In addition, ORS 195.520 (where Section 6 of HB 2006 is now codified) allows limited overnight vehicle camping by homeless individuals without regard to zoning, and without restriction to land inside or outside urban growth boundaries.

The Resolution authorizes a Temporary Safe Stay Area (“TSSA”) on approximately 170-acres of land owed by the City and Deschutes County, between US-97 and the Burlington Northern



Santa Fe railroad tracks in Juniper Ridge. 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 to move into safer shelter or housing. The TSSA is not intended to be a place for people not currently camping or sheltering on the lands at Juniper Ridge to relocate and is not approval for anyone to enter or remain in the area permanently. Overnight camping in the TSSA is anticipated to last no later than December 31, 2026, but may be terminated earlier with the consent of both the City Council and Deschutes County Board of Commissioners.

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.

Additionally, the City intends 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.

Budget and Financial Impacts:

A future agreement will be presented to the City Council and Board of County Commissioners to commit funding for case management and increased sanitation and security services for the Temporary Safe Stay Area. The total anticipated cost for additional Safe Parking capacity and case management services at Juniper Ridge is \$1,500,000, from City and County ARPA allocations, contributions from the Coordinated Houseless Response Office, and money allocated to the Central Oregon Intergovernmental Council through the executive order on homelessness issued by Governor Kotek. Costs for security, sanitation, fuels reduction, and other waste clean up are anticipated to be approximately \$1 million through 2026, from the City and County real estate and land management budgets.

Community Outreach Process and Potential Impacts:

The plan set forth in the resolution was discussed at a joint meeting of the Bend City Council and Deschutes County Board of Commissioners on September 5, 2024. On September 6, 2024, Deschutes County issued a press release regarding the plan unanimously approved at the joint meeting. The funding plan was discussed by the board of the Coordinated Houseless Response Office at a meeting on September 19, 2026.

Department Director Review: Mary Alice Winters

Financial Review: Samantha Nelson

Legal Review: Elizabeth Oshel

Attachments:

- Resolution

