

ORDINANCE NO. 515

AN ORDINANCE ADDING SECTION 8.45 TO THE COOS BAY MUNICIPAL CODE RELATED TO TEMPORARY LODGING FACILITY REGULATIONS.

Section 1. The proposed regulations are to be filed with this ordinance in the Office of the City Recorder, City of Coos Bay as found in "Exhibit 2" and include the following:

- A. A variety of definitions specific to the new regulations (Section 8.45.020);
- B. An authorization process requiring parties interested in establishing indoor and outdoor temporary lodging facility to engage with city staff in advance of an application, notification of nearby owners of property regarding temporary lodging proposals, and the City process to take action on temporary shelter permits. Additional requirements include specificity that temporary shelters are subject to sanitary, security, ingress/egress and management criteria (Sections 8.45.030-.040);
- C. Standards and Requirements for shelter operation (Sections 8.45.050);
- D. Direction on modification and revocation of authorization to operate a Temporary Lodging facility (Sections 8.45.50-.055);
- E. Statement of protection and liability as the responsibility of the Temporary Lodging facility (Section 8.45.060);
- F. Periodic and Annual review requirements (Section 8.45.065);
- G. Penalty for violation of the requirements (8.45.070).

Section 2. Notice of time and place of the City Council hearing was provided on June 7, 2019 by posting notice on the bulletin boards in the City Hall of the City of Coos Bay and the Coos Bay Library. The notices were posted in a conspicuous place where they could be easily read.

Section 3. Notice was published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon on June 12, 2019, as shown on attached Exhibit 1.

Section 4. On June 18, 2019, July 2, 2019, and July 16, 2019, the City Council held duly noticed public hearings in the Coos Bay City Council chambers located at 500 Central Avenue in Coos Bay during the hour of 7:00 p.m. when all persons had an opportunity to appear and object to the subject addition to the addition of section 8.45 to the Coos Bay Municipal Code.

Section 5. After careful consideration of all evidence and testimony presented during the public hearing, the City Council found that the public interest would not be prejudiced by the proposed addition of section CBMC 8.45 as outlined in "Exhibit 2".

Section 6. The City Council hereby adopts the regulations outlined in "Exhibit 2".

Section 7. Noticing of the subject amendments is consistent with ORS 271.110 and CBMC section 17.130.120.

Section 8. This Ordinance shall take effect 30 days after enactment by the Council.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 16th day of July 2019 by the following vote:

Yes: Mayor Joe Benetti and City Councilors Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Phil Marler, and Rob Miles.

No: None.

Absent: Councilor Carmen Matthews.



Joe Benetti
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: Nichole Rutherford
Nichole Rutherford
City Recorder of the City of Coos Bay
Coos County, Oregon

EXHIBIT 1 – AFFIDAVIT

AFFIDAVIT OF PUBLICATION

The World

Lee Enterprises - Coos County
350 Commercial Ave. Coos Bay, OR 97420
P.O. Box 1840, Coos Bay, OR 97420

STATE OF OREGON - COUNTY OF COOS

City of Coos Bay
Attn: Finance
500 Central Avenue
Coos Bay, Oregon 97420

REFERENCE: 60005035 / 20347718

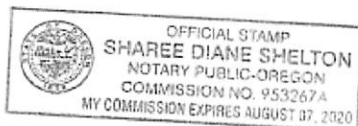
I, Kelly T. Swingle, first duly sworn,
deposed and say that I am the Legal
Advertising Clerk for THE WORLD, a
newspaper of general circulation
published at Coos Bay, Oregon, in the
aforesaid county and state; that I know
from my personal knowledge that the
Notice of Public Hearing, copy of
which hereto annexed, was published in
the entire issue of said newspaper one
time(s) in the following issue(s):

PUBLISHED: June 12th, 2019

TOTAL COST: \$ 59.66

Kelly T. Swingle
Legal Clerk, Kelly T. Swingle, Subscribed and
sworn before this 12th day of June 2019

Shanee Diane Shelton
Notary Public of Oregon-My Commission
expires Aug 07, 2020



NOTICE OF PUBLIC HEARING
A public hearing on the proposed temporary lodging facilities ordinance will be held in the City Hall council chambers, 500 Central Ave., Coos Bay, OR, June 18, 2019, 7pm. Any City resident may appear and be heard. Written comments to be filed with the City Manager's Office at least five working days prior to the hearing date.
Published: June 12, 2019 The World & ONPA (JD20347718)

EXHIBIT 2

Chapter 8.45 Temporary Lodging Facilities

Sections

8.45.010	Applicability
8.45.020	Intent
8.45.030	Definitions
8.45.035	Facility location and Permit requirement
8.45.040	Authorization Process and Permitting
8.45.045	Standards and Requirements for Operation
8.45.050	Modifications to Permit
8.45.055	Permit Revocation
8.45.060	Protection and Liability
8.45.065	Periodic and Annual Review

8.45.010 Applicability.

This Chapter applies to all Temporary Lodging Facilities as defined in Chapter 8.45.030 established after August 15, 2019. Existing Temporary Lodging Facilities established prior to adoption of this Chapter shall continue to operate under the conditions of approvals and permits granted by the City, all other applicable provisions of the Municipal Code, and any limitations and requirements imposed as a condition of funding.

8.45.020 Intent.

The City recognizes the value and benefit of temporary housing and services until permanent housing can be realized. It is the intent of Chapter 8.45 to create a process and standards for the establishment of Temporary Lodging Facilities to address individual and family temporary shelter needs.

8.45.030 Definitions.

For the purposes of CBMC Title 8 Section 8.45 the following mean:

Building: A walled and roofed structure above ground.

Building Official: The Coos Bay Building Official or his/her designee.

Fire Chief: The Coos Bay Fire Chief or his/her designee.

City Engineer: The Coos Bay City Engineer or his/her designee.

City Manager: The Coos Bay City Manager or his/her designee.

Director: Public Works and Community Development Director or his/her designee.

Guests: Homeless individuals and families in need of temporary shelter.

Lodging Facility Operator: Any noncommercial entity or entities working together to meet the standards and criteria specified by this chapter to provide temporary lodging at no cost.

Noncommercial: Not engaging in commerce or making a profit.

Property Owner: Temporary Lodging Facility site property owner.

Structure: A building or any piece of work joined together in some definite manner, which requires location on the ground or is attached to something located on the ground.

Temporary: 30 consecutive days and 90 days in a single calendar year.

Temporary Lodging Facility: A building, buildings or area of land for parking vehicles on private property for family and/or individual for temporary and noncommercial (less than 30 consecutive or 90 days per family or individual in a single calendar year) overnight accommodations for families and/or individuals transitioning to a long-term housing solution. An indoor lodging facility meeting City fire and life safety requirements may offer beds, meals, shower, laundry or other amenities within a structure of a Lodging Facility Operator subject to an annual inspection by the City for life/safety code compliance and compliance with Coos County Health Department Requirements. Outdoor lodging facilities are parking lots to provide parking for vehicles to be used as shelter on a temporary basis.

Temporary Lodging Facility Permit: A permit issued by the City to provide temporary shelter for families and/or individuals

Vehicle: A car, truck or recreational vehicle 1) of one hundred square feet or less; 2) occupied by no more than two (2) persons per car or truck and no more than four (4) persons per recreational vehicle; 3) hold current DMV registration; 4) be operational and capable of moving within a 4-hour notice on its own power; and 5) have four (4) working tires.

8.45.035 Facility location and Permit requirement

Temporary Lodging Facilities are permitted on private property with City authorization of either an Indoor or Outdoor Temporary Lodging Facilities Permit. No more than one Temporary Lodging Facilities Permit may be secured for any facility.

8.45.040 Authorization Process and Permitting

1) Indoor Temporary Lodging Facility.

- A. Prior to submittal of an application for an Indoor Temporary Lodging Facility Permit, (Permit) the Property Owner and Lodging Facility Operator shall engage in a pre-application conference with the City Building Official, Fire Chief and Director and provide a draft Facility proposal with a site plan, floor plan and management plan consistent with the requirements of 8.45.040(1B). Additionally, the Property Owner will provide the Building Official and Fire Chief access to the proposed Facility for an on-site inspection to assess the structures layout and compliance with Building Code requirements. Within ten (10) working days of the pre-application meeting, the Building Official will provide a written assessment of the proposed Facility to the Property Owner relative to compliance with Building Code requirements.

- B. An application to the Director can be submitted following the pre-application conference noted in 8.45.040(1A). The Indoor Temporary Lodging Facility Permit application shall include information consistent with Section 8.45.045(A) and the following:
1. A floor plan identifying:
 - a. the location and square feet of sleeping and gathering area,
 - b. smoke/fire detection and carbon monoxide detectors,
 - c. restroom amenities, including location and number of sanitation fixtures,
 - d. the route guests would use to exit or enter the proposed sleeping and gathering areas, and the area in square feet proposed for sleeping and gathering.
 2. A site plan identifying parking location for guest parking on-site.
 3. A Facility Management Plan addressing:
 - a. The number of individuals to be served.
 - b. Eligibility criteria, enforcement rules, and procedures for disruptive guests.
 - c. Number and responsibilities of on-site Lodging Facility Operator staff, training standards, copy of the facilities insurance policy naming the City as an additional insured party, management procedures, security procedures and a primary and secondary contact person.
 - d. Refuse collection.
 - e. Security procedures.
 - f. Compliance with Coos County Health Department requirements.
 - g. The requirements of 8.45.045(A)
 - h. An emergency contact phone number and any additional information requested by the Director.
 4. Insurance. The Temporary Lodging Operator will maintain in force and effect a policy of general liability insurance with limits of not less than one million dollars. A copy of the certificate of insurance shall be provided to the City prior to issuance of a Temporary Lodging Facility permit.

2) Outdoor Temporary Lodging Facility.

- A. Prior to submittal of an application for an outdoor Temporary Lodging Facility Permit, the property owner and Lodging Facility Operator shall engage in pre-application conference with the City Engineer and Director and provide a draft Facility proposal to allow on-site vehicle parking for the purpose of sleeping accommodations. Also provided will be a site plan and management plan consistent with the requirements of 8.45.040(2B). Additionally, the property owner will provide the City Engineer access to the proposed Facility, so s/he may evaluate the parking lot design and site ingress/egress. Within ten (10) working days of the pre-application meeting, the Director will provide the Property Owner with a written assessment of the proposed facility.
- B. An application for a Temporary Lodging Facility Permit can be submitted to the Director following the pre-application conference noted in 8.45.040(2A). The Outdoor Temporary Lodging Facility Permit application shall include:
1. A site plan identifying compliance with Section 8.45.045 (B) and the following:

- a. Location and distances to residential properties, public transportation, and location of designated overnight parking spaces.
 - b. The permitted locations for an amount pre-determined by the property owner during the permitting process with a maximum of 5 recreational vehicles, automobile or truck parking unless otherwise authorized by the City Police Chief and Fire Chief.
 - c. ADA Restroom amenities, including location and number of sanitation fixtures,
 - d. Property ingress and egress,
 - e. Property lighting,
 - f. Trash and recycling facilities.
2. A Facility Management Plan addressing:
- a. The number of individuals to be served.
 - b. Eligibility criteria, enforcement rules, and procedures for disruptive guests.
 - c. Number and responsibilities of on-site Lodging Facility Operator staff, training standards, other management procedures, and a primary and secondary contact person.
 - d. Refuse collection.
 - e. Security procedures.
 - f. Any additional information requested by the Director.
 - g. The requirements of 8.45.045(B)
 - h. An emergency contact phone number and any additional information requested by the Director.
3. **Insurance and Bonding.** The Temporary Lodging Operator will maintain in force and effect general liability insurance with a limit of not less than one million dollars and a \$10,000 Restoration bond in the event City clean-up is required. A copy of the certificate of insurance and the bond instrument shall be provided to the City prior to issuance of a Temporary Lodging Facility permit.

3) Action on the Temporary Lodging Facility Permit application

- A. Within ten working days of the receipt of a complete application for a Temporary Lodging Facility Permit, the Director will notify all owners and occupants within a 500-foot radius of the proposed Facility site that an application has been received and is available for ten (10) working days for public review and comment. At the end of the ten working day period, the Director shall consider public comments and compliance with this Chapter and formulate a recommendation for the City Manager's action.
- B. The City Manager, upon considering the recommendation of the Director and the requirements of this Chapter, shall act upon the Temporary Lodging Facility Permit within ten (10) working days. To authorize a Temporary Lodging Facility, Permit the City Manager must find that the Facility proposal 1) meets the requirements of Section 8.45.045, 2) will be compatible with the use of adjacent properties, and 3) will not constitute a nuisance or a threat to the public welfare.
- C. The City Manager will notify owners and occupants within 500 feet of the proposed Facility site of his/her decision with advisement that the decision can be appealed to the City Council within ten (10) working days of his/her decision date. If the Temporary Facility Permit is authorized, a copy of the Permit will be included in the notification to

owners and occupants. If the Temporary Facility Permit is denied, reasons for the denial will be included in the notification.

- D. Should the City Manager's decision be appealed, the City shall, within ten (10) working days of the receipt of the appeal, notify all owners and occupants within a 500-foot radius of the proposed Facility site that an appeal has been filed and the date of the appeal public hearing. The City Council, in a public hearing shall affirm, modify or reverse the revocation within thirty (30) days of the date of the appeal of the City Manager's decision.

8.45.045 Standards and Requirements for Operation.

A. Indoor Facilities

1. No Indoor Temporary Lodging Facility (Indoor Facility) shall be located within 500 feet of another Lodging Facility, kindergarten through 12th grade curriculum school or, child care center, or park as measured from the closest property line.
2. Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided. When abutting a residentially-zoned property all areas for Indoor Facility activities and uses, including but not limited to waiting and intake, personal storage, facility storage, and recreation, shall be located indoors.
3. The Lodging Facility Operator will provide on-site management services and security for the guests and staff during all open hours of the Indoor Facility.
4. The Indoor Facility shall comply with city and state health and safety codes.
5. Maximum occupancy for overnight guests shall be determined by the Building Official and Fire Chief.
6. For Indoor Facilities, one parking space for every three guests shall be provided on site. One (1) space per employee on the largest shift shall also be provided. A covered and secured area for bicycle parking shall be provided for use by staff and guests commensurate with demonstrated need.
7. On-site management by the Lodging Facility Operator shall be provided at all times the Indoor Facility is in operation and at least one hour prior to and after Indoor Facility operation hours.
8. Exterior lighting on pedestrian walkways and parking areas on the Indoor Facility premises are required. All lighting shall be stationary, directed away from adjacent properties and public right-of way, and of an intensity compatible with the neighborhood.

B. Outdoor Facilities

1. No Outdoor Temporary Lodging Facility (Outdoor Facility) shall be located within 500 feet of another Outdoor Temporary Lodging Facility, kindergarten through 12th grade curriculum school, child care center, residential area or park as measured from the closest property line of the proposed Outdoor Facility.

2. The number of overnight vehicles at the Outdoor Facility shall not exceed five (5); unless otherwise authorized by the Chief of Police and the Fire Chief with requirements for additional garbage disposal and toilet facilities.
3. Sleeping outside a vehicle at the Outdoor Facility is not permitted.
4. Vehicles shall be located on paved areas only.
5. Restroom accommodations shall be made available for individual use.
6. Garbage disposal services shall be provided.

8.45.50 Modifications to Permit.

After receipt of a Temporary Lodging Facility Permit, the Lodging Facilities Operator may request modifications to the Permit upon application to the City Manager. Modifications must meet the intent of this chapter and may not conflict with the Facility occupancy and parking requirements nor be in conflict with the health, safety and welfare of the citizens of Coos Bay. Section 8.45.040(3) requirements for neighboring property notification and appeals shall be applied to modification requests.

8.45.055 Permit Revocation.

The Temporary Lodging Facility Permit may be revoked by the City Manager if:

- A. The requirements of the Permit are violated.
- B. The Facility Operator violates any applicable federal, state or City law, ordinance, rule, guideline or agreement.
- C. The Facility activity is determined to be incompatible the quiet enjoyment, health, safety or welfare of adjacent properties or the well-being of the surrounding area and/or the Coos Bay community.

To revoke a Permit, the City Manager will notify all owners and occupants within a 500-foot radius of the Facility site that revocation of the Permit is under consideration for ten (10) working days period for public comment. At the end of the ten working day period, the City Manager shall reach a decision on the action to be taken related to the Permit.

The City Manager will notify owners and occupants within 500 feet of the proposed Facility site of his/her decision and reasons regarding the revocation and that his/her decision can be appealed to the City Council within ten (10) working days of his/her decision date.

The City Council shall, if the City Manager's decision is appealed, affirm, modify or reverse the City Manager's action regarding the revocation within thirty (30) days of an appeal. Permit revocation appeals are subject to Section 8.45.040 requirements for neighboring property notification.

8.45.60 Protection and Liability.

Nothing in this section creates any duty on the part of the City or its agents to ensure property or persons protection regarding the authorized Temporary Lodging Facility.

8.45.065 Periodic and Annual Review.

Periodic review – The City may periodically review a Lodging Facility Operator Permit and its related facility.

Annual Review - The Lodging Facility Operator shall annually submit to the Director an assessment of the Temporary Lodging Facility operation over the prior year, including the number of Facility guests served.

8.45.070 Penalty

A violation of any provision of this chapter is punishable by a fine not to exceed \$500. However, if there is a violation of any provision identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in the state law. Each day a violation continues constitutes a separate offense.