

CITY OF BEND – JUNIPER RIDGE AREA
PUBLIC LAND MANAGEMENT POLICY



I. Recitals

A. Purpose of this Policy

1. At the September 19, 2018, City Council meeting, City Council directed staff to create a public land management policy (the "Policy") for Juniper Ridge (the "Property") pursuant to ORS 203.077.
2. This Policy is intended to address health and safety concerns, reduce potential risks of fire, promote a safe environment, deter unauthorized and illegal activities, eliminate unsanitary conditions, allocate public resources effectively, and meet legal and humanitarian standards for all people within the City.
3. The City recognizes the social nature of the problem of homelessness that has contributed to individuals locating on the Property and establishing campsites there. The Policy also addresses removal of illegally dumped trash and other debris that is not necessarily related to the individuals camping on the Property. The City recognizes that homeless people need a place to sleep, shelter themselves, and store belongings. The City is committed to the safety and security of all residents, including property owners and people experiencing homelessness, while protecting all residents from unsafe and dangerous conditions. An implementation plan will be developed to carry out this policy related to the organized removal of established campsites in early 2020 (the "Plan").

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B. The Land.

1. The Property is 1,500 acres of contiguous land owned by the City of Bend. Nearly 500 acres of the Property are within City limits and the remaining 1,000 acres are in Deschutes County, outside City limits. The Property is located on the northeast side of the City of Bend and extends generally North from the Urban Growth Boundary (UGB) towards Deschutes Market Road.
2. Throughout the Property, there are a variety of unauthorized established campsites. The campsites range in size both from a spatial and population standpoint. There are approximately 48 campsites on the Property.
3. The majority of the Property is undeveloped, with irrigation lines and canals maintained by Central Oregon Irrigation District. The Property is undulating in nature with many rock outcrops, pressure ridges, large junipers, sage and other brushes. There is a variety of wildlife on the Property including deer, owls, and other fowl.

C. Development.

1. Within City limits, the majority of the Property is in the Juniper Ridge Employment Subdistrict, and the Juniper Ridge Urban Renewal Area, and has been designated for industrial and employment-related development since at least 2006. The City re-established a Juniper Ridge Management Advisory Board in 2018 to advise on the future of development at Juniper Ridge.
2. The City's North Interceptor Sewer Line Project is under construction and will run from the City's Water Reclamation Facility and across the Property to the west. As of December 2019, Phase 2 of project is underway, and will continue until 2022. Phase 2 will include extensive blasting and excavation operations within the Property, creating an immediate need for increased property management to establish and maintain safe conditions for everyone within and around the Property. The North Interceptor Sewer Project will generally cross the Property, cutting off access to the northern portion of the Property, and construction of the sewer line will make it unsafe for any individuals to be present on the Property during construction.

D. Concerns.

1. Unsafe and dangerous conditions exist on the Property, including the potential for natural and man-made fires, limited emergency access, trenches, uneven dirt roads, unsanitary conditions, hazardous materials, improper disposal of trash and human waste, extreme weather conditions, low visibility, and discharge of firearms.

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2. Additionally, the construction of Phase 2 of the North Interceptor Sewer Line, and other construction-related activities on the Property, raise immediate safety concerns for anyone using the Property.

E. Goals.

1. The City will continue to take an active role in stewarding the Property by increasing the number of no trespassing signs, scheduling fuel abatement efforts, coordinating trash removal, minimizing the number of vehicular access points, increasing visible City presence, and working with adjacent property owners and members of the community to improve conditions for those in and around the Property.
2. Bend Police and Fire & EMS will allocate resources and work collectively to better serve the individuals on the Property by conducting periodic welfare checks.
3. The City will provide notice prior to removing homeless individuals from established campsites pursuant to ORS 203.079, as well as additional advanced notice and outreach services described in this Policy.
4. This Policy recognizes that individuals with disabilities may be present within the Property and affected by the Policy. The City recognizes its obligations under Title II of the Americans with Disabilities Act and other laws prohibiting discrimination and requiring equal treatment under the law. The implementation plan referenced above will include the ability for individuals to request reasonable accommodations or modifications related to administration of this Policy or the Plan.
5. The City will continue to rely on the expertise and feedback of social service agencies and stakeholders to identify and secure critical resources for the safety of individuals experiencing homelessness. These efforts may include consideration of a managed, permanent campground for transitional stays, support for the Frequent User System Engagement program, and other supportive services. The City has already funded an additional community resource officer with the Bend Police Department and committed to contributing funding to the Deschutes County Crisis Stabilization Center, in addition to significant contributions through Community Development Block Grants, the City's Affordable Housing Fee, and exemptions from System Development Charges for affordable housing organizations and service providers.

II. Policy

A. Established Campsite Removal Definitions

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1. **Established Campsites.** For purposes of this Policy, an established campsite is a location within the Property where a camp structure exists and/or the location is being used or appears to be used for shelter or housing. Camp structures may include, but are not limited to, tents, lean-tos, huts, similar temporary structures, and/or motor vehicles. Indications that a location is being used or appears to be used for shelter or housing may include presence of personal belongings in quantity or nature that aid in activities such as overnight camping, shelter, cooking, or other similar activities.
2. **Personal Property.** For purposes of this Policy, personal property is generally considered property that is movable and reasonably recognized as belonging to an individual. Movable and abandoned property that has no apparent use or is in an unsanitary condition will be discarded as part of any cleanup efforts by the City. The City will make reasonable efforts to determine if property belongs to an individual or has any apparent use.
3. **Unsanitary Conditions.** Unsanitary conditions are any conditions that may have a propensity to transmit, generate or promote disease, injury, or sickness to any person.

B. Procedures

1. No notice will be given prior to removal of abandoned or illegally dumped property not associated with an established campsite.
 - a) Prior to removal, the City will take reasonable efforts to determine if apparently abandoned or illegally dumped property is associated with an established campsite or belongs to any individual.
2. Coordinated assistance for moving individuals camping on the Property.
 - a) Notice.
 - (1) Approximately 60 and 30 days prior to organized removal efforts by the City of established campsites prior to the North Interceptor Sewer Project construction in 2020, the City will begin making reasonable efforts to notify all identified campsites on the Property and social service organizations providing services to homeless individuals on the Property. Any campsites established or identified after these outreach efforts will receive 24 hour notice as provided below.

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- (2) 24-hour Notice. The City will post written notices, in English and Spanish, twenty-four (24) hours prior to removing homeless individuals from an established campsite pursuant to ORS 203.079(1)(a).
 - (3) When City efforts to remove homeless individuals from an established campsite begin, individuals remaining on the Property will be given additional notification and opportunity to vacate and remove their personal property.
- b) Coordination with social service providers.
- (1) The City will coordinate outreach efforts with advocacy groups and social service providers prior to the City's 2020 organized removal effort of established campsites.
 - (2) As required by ORS 203.079, at the time of posting a 24-hour notice, police officers or City representatives will inform local social service agencies of the location of the posting and any relative information regarding the occupants of the camp pursuant to ORS 203.079(1)(b). The City will allow outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.
- c) Storage of personal property.
- (1) Any personal property unclaimed at the time the City is moving campsites will be given to law enforcement officials or a City representative whether 24-hour notice is required or not. Weapons, drugs and drug paraphernalia, and items that appear to be stolen or evidence of a crime will be given to or confiscated by police officers regardless of their condition, as required by ORS 203.079(1)(d).
 - (2) Personal property collected from the Property will be stored for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. The City may dispose of any personal property that remains unclaimed for 30 days.
 - (3) The City's implementation plan will establish where and how the City will make personal property available for individuals to claim.

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3. The 24-hour notices described above do not apply:
 - a) When there are grounds for a police officer to believe that illegal activities other than camping are occurring pursuant to ORS 203.079(e)(2)(a).
 - b) In the event of an exceptional emergency, such as possible site contaminated by hazardous materials or when there is immediate danger to human life or safety pursuant to ORS 203.079(e)(2)(b).

Bend Code Chapter 1.450 provides for 'City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.' All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

Reviewed by Legal Counsel:

Eric King
City Manager

Mary Winters
City Attorney

Dated: _____

Dated: _____