



# CITY OF ASTORIA

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## MEMORANDUM • COMMUNITY DEVELOPMENT

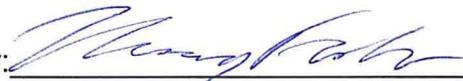
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**DATE:** APRIL 17, 2018  
**TO:** ASTORIA PLANNING COMMISSION  
**FROM:** NANCY FERBER, CITY PLANNER  
**SUBJECT:** PROPOSED EMERGENCY SHELTER CODE AMENDMENT

At the February 27, 2018 worksession, Astoria Planning Commission reviewed an initial draft of code changes to address emergency shelter facilities. The standards address issues including definitions, operating days, number of occupants and conditional uses.

Attached is a draft set of standards prepared by Commissioner Daryl Moore, including comments from the February worksession. The amendment will be discussed at the Planning Commission worksession on Tuesday April 24, 2018. This meeting has been relocated to the Astoria Senior Center. This document is being sent out now to give you an opportunity to review prior to the Planning Commission meeting. A letter received from Mr. Dan Parkison is also included for review.

To move forward with a code amendment requires a 35 day notice to the Department of Land Conservation and Development, and local public notice. The next Planning Commission meeting fitting this timeline would be after May 29, 2018 (either the first meeting June 5<sup>th</sup> 6:30pm, or the regularly scheduled June 26<sup>th</sup> meeting at 6:30pm).

By: 

Nancy Ferber  
Community Development Department

## Definitions

### Homeless, Homeless Individual, Homeless Person, Homeless Family:

(1) an adult individual or family consisting of at least one adult and one or more dependent juveniles who lacks a fixed, regular, and adequate nighttime residence;

(2) an adult individual or family consisting of at least one adult and one or more dependent juveniles with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

### Temporary Warming Shelter:

A temporary shelter that accommodates more than 10 Homeless per operating day and meeting specific conditional use standards as defined in the development code.

## Specific Conditional Use Standard

### 11.180 Temporary Warming Shelters

#### I. Temporary Warming Shelters

##### A. Purpose

The purpose of a Temporary Warming Shelter is to provide short-term shelter for Homeless when Homeless are at greater risk of injury and death from inclement weather conditions.

##### B. Description

A Temporary Warming Shelter provides an opportunity for Homeless to escape from weather conditions that can be hazardous to their health. Operating during the coldest hours of the day, and during the coldest months of the year, the shelter provides warmth, a place to dry, a place to sleep, and optional warming food and beverage.

##### C. Operation

###### 1. Time Limits

- a) A building may be utilized as a temporary warming shelter for a maximum of ninety (90) days within any twelve (12) month period of time beginning on the first (1st) day of occupancy.

**Commented [1]:** Possibly adopt language recommended by the Mayor's Homeless Task Force instead of these definitions

**Commented [2]:** Name changed from Emergency Shelter to Temporary Warming Shelter to avoid any language confusion with Tsunami and other natural disaster emergency shelters

**Commented [3]:** Discussions at the first work session may suggest that 10 is too few and that maybe a larger number is acceptable in R zones as an unregulated warming shelter. Open for discussion

- b) Temporary Warming Shelters may be open to public accommodation between the hours of 7:00 pm and 8:00 am.
- 2. Operating Days
  - a) Temporary Warming Shelter administration shall use their discretion to determine how and when to notify their staff and the public about days of public accommodation.
- 3. Maximum Number of Occupants Allowed: The maximum number of allowable Temporary Warming Shelter occupants shall not exceed an occupant load factor of one (1) individual for every thirty-five (35) square feet of room area.
- 4. Neighborhood Responsibilities
  - a) Garbage Watch

During non-operating hours at least one responsible individual shall canvass the neighborhood within 100' of the Shelter and collect all trash not in receptacles.
  - b) Crime Watch

For one hour prior to and for thirty minutes after the Shelter's operating hours, at least one responsible individual shall maintain a crime watch in and around the Shelter and shall report all suspicious activity to the Astoria Police Department.
- 5. Life-Safety Requirements
  - a) Weapons

The Temporary Warming Shelter shall formulate a weapons safety plan to ensure the safety of its clients. At a minimum, the plan shall contain describe the process for:

    - (1) Defining what the shelter considers a weapon
    - (2) Describing the method(s) to determine if clients are carrying a weapon(s)
    - (3) Describing the process for ensuring that weapons are safely stored during operating hours
  - b) Fire Sprinklers

It is not necessary for a building to have fire sprinklers installed to allow it to be used as a temporary shelter. However, buildings with approved fire sprinklers installed may be granted more flexibility as follows: When a building has approved fire sprinklers installed throughout, temporary sleeping areas may be located on any building floor level. When a building is not fully fire sprinklered, temporary shelter sleeping areas may only be located on the first (ground) or second floor. Sleeping areas are not permitted in basement areas of a non fire sprinklered building.
  - c) Smoke alarms and detection

All Temporary Warming Shelter sleeping areas shall be provided with approved smoke alarms or a complete approved smoke detection system. All other areas of the building used for

Temporary Warming Shelter operations shall be equipped with smoke alarms or a smoke detection system as required by the local fire code official. Smoke alarms may be battery operated.

d) Carbon monoxide (CO) alarms and detection

All Temporary Warming Shelter sleeping areas shall be provided with approved carbon monoxide alarms or a complete approved detection system in buildings that have a carbon monoxide source such as a heater, fireplace, furnace, appliance or cooking source that uses coal, wood, petroleum products and other fuels that emit carbon monoxide as a byproduct of combustion. This would include buildings with an attached garage with a door, ductwork or ventilation shaft that communicates with the rooms intended for sleeping. Carbon monoxide alarms may be battery powered.

e) Means of Egress (Exits)

All floor levels with Temporary Warming Shelter areas shall have a minimum of two means of egress (exits) from each floor level. All means of egress (exit) paths shall be maintained free of obstructions at all times. Exits from sleeping areas shall be as follows:

- (1) Sleeping areas located on the ground floor of a Temporary Warming Shelter with an occupant load of 49 or less shall have a least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the building code.
- (2) All other floor levels used as Temporary Warming Shelter sleeping areas that have an occupant load of 10 or more shall have two (2) exits from the area. The exits serving the areas shall be separated by a distance equal to at least 1/3 of the longest diagonal distance of the area.

f) Emergency Evacuation Plan

All Temporary Warming Shelters shall create and maintain an approved emergency evacuation plan addressing the evacuation of all occupants in an emergency event. At a minimum, the emergency evacuation plan shall contain the following:

- (1) Building floor plans. Building floor plans for each floor of the temporary shelter with sleeping areas clearly identified.
- (2) Room size. The square footage of all rooms of the temporary shelter.
- (3) Egress (exit) path. Building floor plans shall clearly show the egress (exit) paths from all areas of the temporary shelter. Egress (exit) path floor plans shall be posted throughout the Temporary Warming Shelter.

(4) Life-safety systems. The emergency evacuation plan shall also include information about the fire sprinkler system, fire alarm system or the smoke alarms.

(5) Occupant list. A list of all occupants each night must be made maintained and made available to the emergency personnel in the event of a fire or incident

g) Fire Watch

During sleeping hours a fire watch shall be maintained continuously. This means at least one responsible person shall be awake and assigned this responsibility. This duty may be rotated among a number of responsible adults during the sleeping hours. The fire watch person shall be equipped with a working flashlight and have access to a phone or carry a cell phone on their person.

h) Documentation

Documentation of all fire safety requirements including copies of the Temporary Warming Shelter evacuation plan shall be maintained on site and shall be available for review at the request of the local fire code official.

i) Notification

The local fire code official shall be notified prior to the Temporary Warming Shelter being used. Notification shall include the number of occupants being sheltered and the expected days and times that the Temporary Warming Shelter will be used. The local fire code official may require an inspection prior to the shelter being occupied.

D. Parking

The Shelter shall provide 2 off street parking spaces for its staff and one additional off street parking space for every 10 individuals accommodated.

## Zone Changes

### Add "Temporary Warming Shelter" as Conditional Use in Zones

1. AH-HC
2. C3
3. HR
4. LS
5. S2

**Commented [4]:** In the February work session, the R3 zone was discussed. Currently, the Astoria Warming Center (which would be regulated under these recommendations) operates in R3.

The goal of these regulations is to prevent a Temporary Warming Shelter from growing so large that it negatively impacts the neighborhood.

It appears that smaller shelters do not cause a negative impact. The question may lie in at what number of occupants should a Temporary Warming Center be regulated.

10? 20? 30?

## Nancy Ferber

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**From:** Dan Parkison <danparkison911@gmail.com>  
**Sent:** Tuesday, March 27, 2018 11:07 AM  
**To:** Brett Estes; Nancy Ferber; comdev; Ted Ames  
**Subject:** Comments RE: proposed Dev. Code for Temporary Shelters

Dear Brett, Nancy, and Ted

I have been following the discussion on the proposed Development Code changes for Temporary Shelters.

I am quite concerned that the current rough draft modification of the Dev Code contains excessive requirements that might make almost any building structure inappropriate to be used as a Warming Center. The State Fire Marshall's office took a look at the need for Statewide standards for buildings used as a Temporary location for Emergency Shelters and issued the following:

OREGON FIRE CODE Interpretations and Technical Advisories.  
**Technical Advisory No.11-14 (Revised TA# 09-03)**  
Subject: Temporary Shelters  
<http://www.oregon.gov/osp/sfm/docs/Codes/OFCTechAdv/11-14.pdf>

This Technical Advisory was issued to address the challenge of running a temporary Warming Center in a building that is not "R-Occupancy" fire-code compliant. This TA addresses **Exiting** requirements of the Structure as well as other important points such as Life Safety, Smoke and Carbon Dioxide Alarms, Fire Watch and multiple other items. The document allows for a temporary 90 day waiver of the Fire Code Occupancy rules. Almost ANY BUILDING in Astoria would need this waiver to be operated on a temp basis as a Warming Center. The building recently purchased by Helping Hands is unique in that it was formerly used for sleeping, and I believe has a Fire Code R Occupancy---(which is unusual except for Hotels) ----it also costs several million dollars. The current Rough Draft of the Dev Code proposal far exceeds the Exiting requirements of this Technical Advisory

This TA is very simply written and the Warming Center complies with it according to Ted Ames, and the City Building Department, both have performed multiple onsite inspections of the AWC over the years. Other Buildings could be modified at reasonable cost to comply with the Advisory. I would like to stress that although other buildings could be modified, it would be quite expensive to duplicate the existing facilities at the AWC including the Warming Kitchen, handicap shower, laundry facilities, handicap ramps and other accessories that have already been constructed at the current location.

The First Draft, as written, would specifically exclude the AWC's current location---Not only by excluding R-3 zones....but by the proposed technically complex Exiting requirements that exceed the State Fire Marshall's Technical Advisory. It would be prohibitively expensive, and perhaps not even possible to remodel the AWC to comply with the Draft language.

I believe that the State Fire Marshall's TA should be adopted by the City of Astoria as the technical standards that all Temporary Shelter Structures and Operations must comply with.

Thanks for your time on reviewing this information

Sincerely  
Dan Parkison  
(An interested citizen)  
President of the AWC Board