



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: May 15, 2023		Subject: Resolution No. 3058 A Resolution of the City of Wilsonville Adopting Administrative Rules Related to the Regulation of Camping for Survival on Public Property Staff Members: Amanda Guile-Hinman, City Attorney Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Approval of Resolution No. 3058.			
Recommended Language for Motion: I move to approve Resolution No. 3058.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Housing Strategy 14 – adopt ordinances to bring the city into compliance with state and circuit court rules	<input type="checkbox"/> Adopted Master Plan(s):	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Consider approval of Resolution No. 3058 that adopts Administrative Rules to regulate camping for survival on public property.

EXECUTIVE SUMMARY:

The proposed Resolution No. 3058, along with Ordinance No. 879, represents the culmination of almost one-year's work by the Council and City employees to consider regulations regarding camping on public property in Wilsonville that: (1) comply with House Bill (HB) 3115 (2021) and HB 3124 (2021); (2) are informed by the input of community members, individuals with lived experience, public and private service providers, and other stakeholders; and (3) emphasize continued outreach, communication, and education of the regulations to individuals experiencing homelessness and the community.

Both Resolution No. 3058 and Ordinance No. 879 are the City's proposed response to new state laws and federal court cases. This is state-mandated work that every city in Oregon is, or will be in the process of, doing. The goal of the City's camping code update project is to do so in a way that is humane, and complies with state and federal law, by establishing clear rules about where, when, and how camping is allowed or not allowed on City property and rights-of-way. For a comprehensive discussion of federal case law and state statutes that require the City to undertake this prohibited camping code update, see the Staff Report for Ordinance No. 879, which is being considered, on second reading, at the May 15, 2023 City Council meeting.

Resolution No. 3058 seeks to adopt administrative rules that further refine the regulations found in Ordinance No. 879 governing camping for survival on public property. In the new Wilsonville Code (WC) 10.700-10.780, the code contemplates the adoption of administrative rules via resolution to further refine the camping regulations. See Ordinance No. 879, Exhibit A (WC 10.760(3)). The Administrative Rules provide flexibility and nimbleness the City needs as it works to comply with the requirements of HB 3115 to ensure there is sufficient space for individuals experiencing homelessness to camp for survival as the City, in coordination with Clackamas County and service providers, work to connect people to resources to, one day, achieve functional-zero homelessness in Wilsonville.

Based on the state laws and federal case law, community members' and stakeholders' feedback, Council's policy direction from its February 23, March 6, March 20, April 3, April 17, and May 1, 2023 work sessions, staff has finalized a draft of Administrative Rules and aerial map regarding prohibited camping that are found in the proposed Resolution No. 3058.

I. ADMINISTRATIVE RULES

Attached as **Attachment 1** is Resolution No. 3058, which adopts administrative rules governing camping on public property. The Administrative Rules (Exhibit A to Resolution No. 3058) generally govern four (4) key components of the City's new camping regulations: (1) the area(s) designated for camping for survival; (2) outreach and education efforts as the City implements the new regulations; (3) campsite clean-up procedures; and (4) enforcement.

A. Designated Areas

After in-depth discussions with the Council regarding issues of safety, sanitation, implementation, humane treatment of individuals experiencing homelessness, proximity to/conflict with adjacent uses, the Council determined that the initial designated areas for camping for survivals, as reflected in the proposed Administrative Rules, will be as follows: limited vehicle camping at the western end of the City Hall parking lot and approximately 5,040 square feet of land on the City property immediately to the north of City Hall for non-vehicle camping. Below is the aerial map of these designated areas, which is included in the Administrative Rules:



B. Outreach and Education

The Administrative Rules contemplate that the City will prepare educational materials regarding resources for individuals who are involuntarily homeless and information of the City's camping for survival regulations. The City will have these educational materials printed in English and Spanish and available to employees, individuals who are involuntarily homeless, service providers, and community members at City facilities commonly utilized by the public. The information will also be provided on the City's website. The City will also have signage posted within designated camping areas to delineate where overnight camping is, and is not, allowed.

Additionally, the Administrative Rules state that the City will continue its work coordinating with Clackamas and Washington Counties regarding each County's response to and resources for individuals who are involuntarily homeless and that the City will provide regular updates to the City Council and community of each County's resources and projects to address homelessness.

C. Campsite Clean-Up Procedures

While general campsite clean-up regulations, including noticing, are dictated by HB 3124 and the new WC 10.750, the Administrative Rules further explain the expectations and requirements when campsite clean-up occurs. For example, if a person is present when a campsite clean-up is about to occur, they should be given one additional verbal or written warning to remove their campsite or property. Additionally, efforts should be made to not use force if a person needs to be removed from the site.

The clean-up regulations also distinguish between towing abandoned vehicles and towing vehicles that are being used for shelter. The regulations further specify the requirements to store both personal property and vehicles that are used for camping for survival.

D. Enforcement

Similar to the regulations regarding clean-up of campsites, the enforcement regulations promote first seeking compliance with the camping regulations before taking an enforcement action. The enforcement provisions also allow dismissal of citations that may be issued if a person is cited and then seeks to connect to services provided through the counties.

EXPECTED RESULTS:

Council to consider approval of administrative rules on May 15, 2023, with an effective date of July 1, 2023. The City team has begun identifying vendors for the necessary fencing, vegetative screening, signage, and sanitation needs for the designated areas.

TIMELINE:

Approximate timeline of expected upcoming events:

1. May 15, 2023 – Adopt Administrative Rules via Resolution
2. July 1, 2023 – New regulations become effective

CURRENT YEAR BUDGET IMPACTS:

Assuming Council directs staff to move forward with the recommended plan, a supplemental budget request of approximately \$100,000 is planned in June 2023 for one-time capital costs to contract for sanitation services, purchase and install fencing, and plant the needed vegetative screening. Ongoing operational and maintenance costs will be proposed in the next fiscal year budget.

COMMUNITY INVOLVEMENT PROCESS:

Public involvement is a focal point of the city camping code revision process to ensure a diverse group of community members and stakeholders can provide their priorities, interests, and concerns related to the potential code revisions. The City provided a community survey through Let's Talk, Wilsonville! and staff have met and are meeting with stakeholders, including City advisory boards, private service providers, business and community groups, Clackamas County, the School District, TVF&R, and other government agencies. Attached to the companion staff report on Ordinance No. 879 is a memorandum explaining the community outreach process.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

While community members may feel uncertain about the implementation and impact of these new camping regulations, the Council and City project team have diligently worked over several months to ensure that new regulations and siting for camping for survival reflect the current need for overnight campsites for individuals experiencing homelessness, while ensuring that the regulations are not so complicated or onerous that they are difficult to understand or enforce. The City is committed, as reflected in the value statements accompanying Ordinance No. 879, to collaborating with its partners to connect individuals experiencing homelessness with available resources so that the City can one day achieve functional zero homelessness in the community.

ATTACHMENTS:

1. Attachment 1 –Resolution No. 3058
 - a. Exhibit A – Administrative Rules
2. Attachment 2 – Acknowledgements