



**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b> May 15, 2023		<b>Subject: Ordinance No. 879</b> – An Ordinance of the City of Wilsonville Regarding Regulation of Camping on Public Property by Adding Sections 10.700 through 10.780 to the Wilsonville Code; Amending Wilsonville Code Sections 3.000, 5.200, 5.210, and 10.540; and Repealing Wilsonville Code Sections 6.400 and 10.425	
		<b>Staff Members:</b> Amanda Guile-Hinman, City Attorney	
		<b>Department:</b> Legal	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: May 1, 2023 <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: May 15, 2023 <input 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	
		<b>Comments:</b> N/A	
<b>Staff Recommendation:</b> Adopt, on second reading, Ordinance No. 879			
<b>Recommended Language for Motion:</b> I move to adopt Ordinance No. 879 on second reading.			
<b>Project / Issue Relates To:</b>			
<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 for adoption Ordinance No. 879 (Attachment 1) to bring Wilsonville Code regulations into compliance with state and federal law regarding camping on public property. The Council’s consideration of the administrative rules and siting/aerial maps is provided in a separate staff report.

**EXECUTIVE SUMMARY:**

The proposed 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.

Since the project that has resulted in the proposed Ordinance No. 879 for Council consideration spanned almost one year and involved several work sessions between the Council and City staff, this staff report will: (1) detail the legal framework that led to this project; (2) review the outreach conducted and resulting information; (3) explain the policies, based on staff recommendations, Council direction, and community feedback received, described in proposed Ordinance No. 879; and (4) summarize the continued steps that will follow passage of Ordinance No. 879, if adopted.

City Council unanimously approved Ordinance No. 879 on first reading at their May 1, 2023 regular meeting after holding a public hearing.

**I. LEGAL FRAMEWORK**

The drivers for this project come from two main sources: (1) federal case law regarding outright bans of camping on public property; and (2) state legislation that codified the outcomes of the federal case law and also mandated local compliance with the legislation by July 1, 2023.

**A. Federal Cases on Camping Ban Enforcement**

*1. Martin v. Boise – Ninth Circuit Court of Appeals (2019)*

In 2019, the United States Ninth Circuit Court of Appeals (“9th Circuit”), in *Martin v. Boise*, examined the constitutionality of two Boise ordinances: one that made it a misdemeanor to use “any streets, sidewalks, parks, or public places as a camping place at any time,” and one that banned occupying or otherwise using a public or private structure without permission. The facts of the case are important to understand the nuance of the resulting limitations imposed on local governments – at the time, Boise had a “significant and increasing homeless population” and point-in-time counts of unhoused individuals in the county in which Boise is located, Ada County, ranged between approximately 750 to 870 individuals with 46 to 125 identified as

unsheltered. The court noted that Boise had three homeless shelters at the time, all of which were run by nonprofits. These shelters were the only identified shelters in the county. One of the shelters had 96 beds for individuals and several additional beds for families, and it did not impose any religious requirements on its residents. The two other shelters were run by a religious nonprofit that offered Christian religious services and displayed religious messages and iconography on the walls – one shelter was exclusively for men and the other was exclusively for women and children. There were also time limits for how long individuals could stay at the two shelters. All told, Boise’s three homeless shelters contained 354 beds and 92 overflow mats for unhoused individuals.

The 9th Circuit ruled that these two ordinances generally violated individuals’ rights under the 8th Amendment, which prohibits government from imposing cruel and unusual punishment. What came out of *Martin* was the general understanding that a city cannot criminalize being involuntarily homeless – as the court explained, “[T]he Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter.” 920 F.3d 584, 617. In other words, if a city does not have enough beds for individuals experiencing homelessness, it cannot punish those individuals for sleeping outside because they have nowhere else to go. The court focused on the following facts by determining that Boise’s prohibited camping ordinances violated the 8th Amendment: (1) there were not enough shelter beds in Boise for the unhoused population; and (2) some of the shelters had gender, time, and religious limitations that were additional barriers to unhoused individuals. In an effort to narrow the scope of the court’s decision, the court caveated its prohibition by holding that cities do not have to provide shelter and do not have to allow sitting, lying, and sleeping on public property at any time or at any place. Rather, cities can still have reasonable time, place, and manner restrictions for camping.

2. *Blake v. City of Grants Pass* – US Federal District Court for the District of Oregon (2020)

After *Martin*, many jurisdictions began revising their state and local statutes to comply with the recent decision – namely, developing time, place, and manner restrictions for camping on public property. In 2020, a class of individuals experiencing homelessness challenged various Grants Pass regulations that were similar to those in *Martin* before the U.S. Federal District Court of Oregon in *Blake v. Grants Pass*. Grants Pass had attempted a limited revision to its regulations in light of *Martin* to allow “sleeping” in certain circumstances, but retained all other prohibitions of camping on public property. Among the regulations were bans on camping in parks, camping on public property, and sleeping in public places when any bedding is used, as well as exclusions from parks for violating more than one regulation in one year’s time. A particular focus by both the Federal District Court and later the Ninth Circuit Court of Appeals was that Grants Pass’s ordinances, while allowing sleeping, did not allow individuals to use any items to facilitate sleep, such as a pillow, blanket, cardboard, or tent. The fact scenario in the *Blake* case was similar to *Martin* – the point in time count for Grants Pass in 2019 identified 602 unhoused individuals. Grants Pass had no “shelters” as defined by the criteria established by

the US Department of Housing and Urban Development (“HUD”)<sup>1</sup>. The one shelter in Grants Pass was run by Gospel Rescue Mission (“GRM”) and had very stringent rules and religious requirements. Thus, not only were there insufficient beds in Grants Pass even counting the GRM shelter, the Federal District Court indicated a reticence to even counting those shelter beds given the barriers imposed on unhoused individuals to accessing GRM’s shelter and the fact that GRM was not a HUD certified emergency shelter.

The District Court ultimately held that Grants Pass’s regulations violated *Martin*, and provided further clarification regarding when cities can or cannot enforce camping prohibitions. The Court held that the 8th Amendment prohibits a jurisdiction from punishing people for taking necessary steps to keep themselves warm and dry while sleeping (such as using bedding or a barrier between themselves and the ground). The court explained, “[I]t is not enough under the Eight Amendment to simply allow sleeping in public spaces; the Eight Amendment also prohibits a City from punishing homeless people for taking necessary minimal measures to keep themselves warm and dry while sleeping when there are no alternative forms of shelter available.” 2020 WL 4209227, \*6. The Court also held that enforcement through imposition of a civil penalty as opposed to a criminal charge did not relieve Grants Pass from the 8th Amendment analysis in *Martin*.

The Federal District Court did reiterate the *Martin* caveat that local jurisdictions do not have to provide shelters or to allow camping at all times on all public property. It also suggested that some regulations, such as prohibiting the use of tents, may be permissible under the Eighth Amendment analysis. The court stated:

“The City may implement time and place restrictions for when homeless individuals may use their belongings to keep warm and dry and when they must have their belonging packed up. The City may also implement an anti-camping ordinance that is more specific than the one in place now. For example, the City may ban the use of tents in public parks without going so far as to ban people from using any bedding type materials to keep warm and dry while they sleep. The City may also consider limiting the amount of bedding type materials allowed per individual in public places.” *Id.* at \*15.

### 3. *Johnson v. City of Grants Pass* – Ninth Circuit Court of Appeals (2022)

Grants Pass appealed the *Blake* decision<sup>2</sup> to the Ninth Circuit Court of Appeals, the same court that issued the *Martin* decision. The 9th Circuit did not focus on the type of shelter (whether

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<sup>1</sup> Interestingly, the *Martin* decision did not focus on whether the shelters in Boise met the HUD criteria. Rather, even with the shelter beds at the three shelters in Boise, there were not enough to meet the point-in-time count of unhoused individuals. This question of whether a shelter needs to meet the HUD criteria to be considered in the comparison of unhoused individuals to available beds remains unanswered. The implication is that jurisdictions do not know whether “available beds” must be in shelters that meet HUD criteria or other alternative sheltering that is becoming commonplace as temporary sheltering for unhoused individuals within the 9th Circuit.

<sup>2</sup> The named plaintiff in the matter was substituted because Debra Blake died after the federal district court decision.

HUD certified or not), but rather agreed with the District Court’s analysis that the allowance to sleep necessarily includes materials needed to keep warm and dry. The 9th Circuit held that Grants Pass’s ordinances violated the Eighth Amendment to the extent the ordinances prohibited individuals from taking minimal measures to keep warm and dry while sleeping. The court explained that the only plausible reading of its *Martin* decision is that “it applies to the act of ‘sleeping’ in public, including articles necessary to facilitate sleep.” 50 F.4<sup>th</sup> 787, 808.

The 9th Circuit, like the Federal District Court, also reiterated that certain prohibitions may be permissible, such as restricting construction of structures or use of tents, though it does suggest that such prohibitions need to be justified:

“Our holding that the City’s interpretation of the anti-camping ordinances is counter to *Martin* is not to be interpreted to hold that the anti-camping ordinances were properly enjoined in their entirety. Beyond prohibiting bedding, the ordinances also prohibit the use of stoves or fires, as well as the erection of any structures. The record has not established the fire, stove, and structure prohibitions deprive homeless persons of sleep or ‘the most rudimentary precautions’ against the elements. Moreover, the record does not explain the City’s interest in these prohibitions. Consistent with *Martin*, these prohibitions may or may not be permissible.” *Id.* at 812.

The 9th Circuit jurisprudence has established the following rules regarding prohibited camping: (1) outright bans on camping on public property are impermissible when there are not enough beds available for individuals experiencing homelessness; (2) time, place, and manner regulations to limit when, where, and how people camp are permissible, but the regulations cannot have the effect of essentially banning camping or prohibiting individuals the ability to use materials necessary to facilitate sleep and to keep warm and dry; and (3) whether a jurisdiction imposes civil or criminal penalties does not change the applicability of the Eighth Amendment on camping bans.

## **B. New Oregon Laws Regulating Local Camping Bans**

### *1. HB 3115 (2021)*

With the guidance of both *Martin* and *Blake* (2020), the Oregon legislature passed HB 3115 in 2021 (codified as ORS 195.530), which set up specific requirements and limitations for city and county camping ordinances.

Among the requirements is a provision stating that any regulation of use of public property by individuals experiencing homelessness must be “objectively reasonable.” Whether or not a regulation is objectively reasonable depends on an analysis of all the circumstances, including the impact of the law on the person, as well as other relevant considerations related to the specific conditions involved.

The law also provides for both an affirmative defense to any crime that is objectively unreasonable, as well as a private right of action for declaratory and injunctive relief (not money damages), which means that individuals can sue the City alleging the City Code is unreasonable on its face (no enforcement action by the City is required prior to suing the City for violating the new state law). The private right of action allows for the collection of attorney's fees at the judge's discretion. The law goes into effect on July 1, 2023. HB 3115 is the key legislation that requires local jurisdictions to bring their codes into compliance by July 1, 2023.

## 2. HB 3124 (2021)

Additionally, passed as HB 3124 (2021) and effective on June 23, 2021, ORS 195.505 added provisions requiring reasonable prior written notice to individuals of an intent to close an established campsite within 72 hours at each campsite entrance before closure, increased from 24-hours' prior notice. This policy does not apply if the site is housing illicit activities, in case of emergencies, or sites near a funeral service.

The law also added provisions regarding the receipt and storage of persons' belongings left after a valid site closure. Any unclaimed property is to be stored at a designated facility located in that community. The city must leave reasonable notice as to where and how the person may find and retrieve their belongings. A city is not required to store goods that are deemed to have no value or utility, or are unsanitary. A city will give all weapons, illicit substances, and stolen property to law enforcement. The city will store the items for 30 days after reasonable notice is given.

### C. Other Considerations Regarding Camping Bans

Other concerns related to the regulation of camping on public property include the 1989 U.S. Supreme Court decision of *Deshaney v. Winnebago County Department of Social Services*, which viewed the 14th Amendment as imposing a duty on government actors when they have created dangerous conditions for others. This has been further refined by the 9th Circuit to apply a duty to government actors where an affirmative act puts a person in danger with a deliberate indifference to a known or obvious danger. *LA Alliance for Human Rights v. City of Los Angeles*, 2021 WL 1546235.

This is an important policy consideration for cities in deciding where to prohibit camping and where to allow it. The city must ensure that regulations for camping and related prohibitions do not expose individuals to a greater danger than under current circumstances. This will sometimes require a case-by-case analysis of current environmental conditions and potential harms that may occur after site removal. It is still unclear as to how far the duty stretches under the State Created Danger principle.

## II. CITY PROJECT AND OUTREACH

With the state-mandated deadline approaching to come into compliance with HB 3115, in the summer of 2022, the City formed an inter-departmental team of employees to work on updating the City's camping code. While the Legal Department served as project manager, members of the Public Works, Parks and Recreation, Library, Code Compliance, Police, and Administration Departments met regularly with the Legal team to review Wilsonville Code provisions that regulate camping, and other related provisions, to discuss outreach, and to identify other issues that would need to be addressed outside of the likely code amendments.

### **A. Initial Considerations – What Can and Can't We Do?**

An initial issue the project team reviewed was simply, what can we do and not do under the state and federal laws? Below is a summary of the actions the City can and cannot take when regulating camping:

- **We cannot ban camping outright** – in the 9th Circuit's jurisdiction (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington), only cities with sufficient shelter beds for unhoused individuals can ban camping outright. Whether such shelter beds must be traditional shelters, pallet shelters, tent sites, or other city-sanctioned sheltering is not clear from the case law and state statutes. Regardless, Wilsonville does not have any such sheltering and currently there is no evidence that there is enough sheltering opportunities within Clackamas County more generally<sup>3</sup>. Currently, staff is not aware of any city that is able to meet this threshold of having enough beds available for its unhoused residents. Portland's mayor recently stated a policy goal to reach this threshold, but otherwise, no city is able to ban camping outright. Moreover, with the passage of HB 3115, even if 9th Circuit decisions are later overturned, the City will still be required to comply with HB 3115.
- **We are only covering regulations on City-owned property and rights-of-way** – the requirements from the case law and state statutes only require cities to either provide shelter beds or allow camping on City-owned property and rights-of-way, not privately owned property or property owned by other public entities. Thus, any regulations regarding camping that may be ultimately adopted by Council are not applicable to business complexes, HOA-owned parks, school district property, or residences. However, we can consider a program that allows private property owners to apply to provide some camping on their property – several Oregon jurisdictions have implemented such programs. Again, this type of program is beyond the scope of the prohibited camping code revisions.
- **We can regulate the timing when camping may/may not occur**, such as only allowing camping between certain hours (e.g., from 9 pm to 7 am).

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<sup>3</sup> The case law is not clear on whether shelters within a county but outside a city may count toward availability of shelter beds for a city to prohibit camping, but the cases do generally look at resources within larger metro/county areas when conducting its analysis.

- **We can regulate where camping occurs on City-owned property** (e.g., parking lots, vacant City-owned lots).
- **We can regulate how camping occurs**, such as to prohibit open flames/fire, certain structures, size of structures, and size of overall space occupied. However, we must allow for individuals to be warm and dry while they sleep. This likely means, at a minimum, allowing individuals to utilize barriers between themselves and the ground, using sleeping bags or blankets to stay warm, and some protection from the rain.
- **We cannot have regulations that are objectively unreasonable.** Reasonableness is determined by examining the totality of the circumstances, including the impact of the regulations on persons experiencing homelessness. Thus, if our time, place, and manner regulations have the impact of essentially prohibiting all camping or extremely limited camping (see *Blake v. City of Grants Pass*), then the regulations are not objectively reasonable.

## **B. Outreach, Engagement, and Education**

While the project team understood the broad strokes of what the state and federal laws allow and do not allow when regulating camping on public property, the more nuanced policy questions must be determined by the Council, with input from subject-matter experts, community members, advisory boards, and individuals with lived experience. Thus, the City Attorney, aided by the City's Communication and Marketing Manager, engaged in a multi-faceted outreach plan, understanding that outreach needed to occur within a relatively short time due to the impending state-mandated compliance deadline.

Attached hereto as **Attachment 2** is an updated<sup>4</sup> memorandum of the outreach, engagement, and education conducted by the City. Below is a summary of the key highlights from the effort:

- The City provided a short questionnaire through Let's Talk, Wilsonville! and created a dedicated project page on the Let's Talk, Wilsonville! site. Over 400 community members responded to the questionnaire, the largest response received since the City implemented Let's Talk, Wilsonville!
  - Within the questionnaire, respondents had to force-rank factors to consider when developing a camping policy. The highest-ranked factors were: duration of stay, hours during which camping is allowed, and compatibility with nearby uses.
  - The questionnaire also required forced-ranking of locations' suitability to allow camping. City-owned property was the best alternative and the lowest alternatives were residential neighborhoods, near school grounds, and in parks

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<sup>4</sup> The memorandum is an update to the prior memorandum provided to Council on February 23, 2023.



and on trails.

- Respondents also provided feedback on factors the City should consider when reviewing potential locations at which to allow overnight camping. The factors that received the highest response were sanitary considerations, public safety, proximity to schools, and proximity to residential areas.
- Staff presented on the project at two Diversity, Equity, and Inclusion Committee meetings, one Library Board meeting, and one Parks and Recreation Advisory Board meeting.
- Staff met with employees from Clackamas County, the West Linn-Wilsonville School District, Wilsonville Community Sharing, and Heart of the City.
- Additional meetings between staff and other community organizations also occurred during the outreach.
- Wilsonville Community Sharing worked with the City to provide an anonymous survey to individuals experiencing homelessness who utilize its services to get additional perspective from persons with lived experience.
- The Boones Ferry Messenger included information about the project in its January, February, April, and May 2023 publications.
- The Wilsonville Spokesman also reported on the project over the course of the last several months.

In addition to these efforts, and understanding that Clackamas County is the government entity that receives significant regional, state, and federal funding to address housing and homelessness issues, Clackamas County employees presented to the City Council on February 23, 2023 about the various programs, resources, and future plans that Clackamas County has to reduce the number of individuals experiencing homelessness in the county. As explained in Section IV below, the City will continue to engage and coordinate with Clackamas County regarding housing and homelessness response.

### **III. PROPOSED ORDINANCE NO. 879**

To develop the proposed Ordinance No. 879, Council had many discussions over the last few months about the policy questions that are reflected in Ordinance No. 879. Below is a summary of some of the key policy direction from Council during these discussions:

- Time Regulations: Council debated between allowing camping only for specific hours

(e.g., 9 pm to 7 am) or for a period of time (e.g., 12 hours or 24 hours). Council determined that the specific hour approach was the preferred alternative because it is easier to understand, implement, and enforce.

- Manner Regulations: Council determined to prohibit open flames because of the risk of fire and that Wilsonville Community Sharing’s food pantry provides food that does not require heat to consume. Council further determined to restrict the use of alcohol or drugs since they are already prohibited on City facilities’ properties. Council also indicated that animals need to be leashed or otherwise physically contained, as is required on all city property that is not a designated off-leash dog park.
- Place Regulations: Given that the City only has anecdotal evidence of the number of residents who are experiencing homelessness, the Council wanted the place regulations to be reflective of the number of individuals experiencing homelessness in the community, but also to have flexibility to adjust where camping is allowed if the actual number is more or less than what is anecdotally known. Thus, Council directed for the new code provisions to reference administrative rules that can be amended more quickly to be responsive to the existent needs.
  - The administrative rules, that will be considered for approval separately from this Ordinance, currently identify two places for camping – a western portion of the City Hall parking lot for vehicle camping and a portion of the City property to the north adjacent to the City Hall parking lot for non-vehicle camping. The locations are centrally located, which allow individuals to know where to go, provide access to service providers to make contact with individuals, and simplify enforcement when individuals are not in the appropriate location at the allowed time. Council’s direction came after examining public rights-of-way and city-owned property throughout the City, considering adjacent uses, and evaluating the feasibility of implementation, connecting to service providers, and enforcing the regulations. Council indicated a preference toward designating specific site(s) to allow camping, as opposed to only identifying where individuals cannot camp. This approach simplifies understanding where individuals can go to camp for survival, allows for service providers to better connect with individuals, and provides clear direction for enforcement.

Attached as **Attachment 1** is proposed Ordinance No. 879 with all anticipated Exhibits A-G, namely, new WC Sections 10.700-10.780 (Exhibit A), revisions to WC Section 3.000 (Exhibit B), revisions to WC 5.200 and 5.210 (Exhibit C), revisions to WC 10.540 (Exhibit D), deletion of WC Section 6.400 (Exhibit E), deletion of WC Section 10.425 (Exhibit F), the City Value Statements (Exhibit G), and the Findings for Ordinance No. 879 (Exhibit H). **Attachment 1** also incorporates the amendments to Exhibit H adopted at the Council meeting on May 1, 2023.

Below is a discussion of the revisions made to certain Exhibits since the April 17, 2023 Council work session.

### **A. WC 10.700 through 10.780 – Camping Regulations**

The following revisions were made to WC 10.700 through 10.780:

- Added reference to shopping carts regarding prohibition against certain obstructions in WC 10.740(1) and added reference to shopping carts regarding prohibition against storage of certain personal property in WC 10.740(9), based on direction from Council.
- Fixed a typo in WC 10.740(15) to reference subsections (1) through (14) above instead of (1) through (13) above.
- In WC 10.750(1)(b), changed “may” to “will,” based on direction from Council.

### **B. WC 10.540 – Civil Exclusion Policy**

While working on refining a civil exclusion policy, as a tangential work product to this project, staff realized that the current civil exclusion policy found in WC 10.540 references camping on public property and public rights-of-way as a basis to execute a civil exclusion order. Since camping will be allowed (subject to time, place, and manner regulations), the civil exclusion policy needs to be revised to remove camping. Additionally, the proposed updated code separately addresses enforcement for camping and so all camping enforcement should follow those regulations that are designed to comply with state and federal law. Thus, Ordinance No. 879 includes an additional reference to amend WC 10.540 and provides an additional exhibit to that effect.

### **C. Findings**

The following revisions were made to the Findings:

- Revised Finding 1.5 to better reflect that, while the Council is adopting regulations to comply with state and federal law, camping for survival is not an alternative to housing that is necessary for the health of the individual.
- Corrected a typo in Finding 3.2, changing “The City Council find” to “The City Council finds....”

Staff also updated the Findings since the May 1, 2023 Council meeting where the Council adopted, on first reading, the Ordinance with amendments to Finding 4.6 and Finding 4.8.

### **D. Ordinance**

A final WHEREAS clause was added to note the public hearing to be held on May 1, 2023.

#### **IV. IMPLEMENTATION STEPS AND ADDITIONAL ACTION ITEMS**

While the project team and Council have devoted significant time to develop Ordinance No. 879 and its exhibits, as well as the Administrative Rules and maps, the next steps to implement the regulations, designate individuals' roles, develop protocols and forms, and continue coordination with Clackamas County and other service providers means that much work is left to be done. Below is a summary of implementation steps the City intends to take over the next two months to prepare for a July 1 effective date:

- An inter-departmental team will work through the questions and also develop protocols or standard operating procedures for City employees.
  - Hold a listening session with City employees to learn about the day-to-day issues or concerns that may not be reflected in the list described above. This meeting is scheduled for May 8, 2023.
  - Refine the list of questions previously raised by City employees concerning implementation to ensure questions are considered and addressed to the best of the City's ability.
  - Establish regular meetings with team members to brainstorm solutions to unanticipated issues that arise.
- Develop easily disseminated educational and reference materials for City employees, community members, and individuals experiencing homelessness.
- Contract with vendors to prepare the designated area(s) for potential overnight camping.
- Develop a more refined exclusion policy for Council consideration in June 2023.
- Continue coordination with Clackamas County and private service providers.

#### **EXPECTED RESULTS:**

Council consideration for adopting code revisions planned for May 2023.

#### **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 for siting camping for survival, as discussed in a companion staff report regarding administrative rules, 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 this staff report as Attachment 2 is an updated memorandum regarding the outreach to and input from various stakeholders on this project.

**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 – Draft Ordinance No. 879 with Exhibits
  - a. Exhibit A – WC 10.700-10.780
  - b. Exhibit B – Revisions to WC 3.000
  - c. Exhibit C – Revisions to WC Sections 5.200 and 5.210
  - d. Exhibit D – Deletion of WC Section 6.400
  - e. Exhibit E – Deletion of WC 10.425
  - f. Exhibit F – Value Statements
  - g. Exhibit G – Findings for Ordinance No. 879
2. Attachment 2 – Revised Outreach Memorandum