



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: April 3, 2023		Subject: Prohibited Camping Code Update Project	
		Staff Members: Amanda Guile-Hinman, City Attorney; Nick McCormick, Law Clerk	
		Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
<input 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 type="checkbox"/> Resolution <input checked="" 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: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Review updated draft code provisions regarding prohibited camping. The draft code provisions are attached hereto as **Attachments A and B**. Council will also review an updated aerial of the proposed designated overnight camping areas at/around City Hall (**Attachment C**), draft administrative rules (**Attachment D**), and draft value statements (**Attachment E**).

EXECUTIVE SUMMARY:

The City is undertaking a review and update to its local code provisions regarding camping on city property and city rights-of-way such as streets and sidewalks in 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.

Based on the state laws and federal case law, community members' and stakeholders' feedback, Council's policy direction from its February 23, March 6, and March 20 work sessions, and code updates conducted by other jurisdictions based on the new state mandates, staff has prepared an updated draft of Wilsonville Code revisions regarding prohibited camping. The updated draft has been reviewed by the City inter-departmental team (Legal, Parks & Recreation, Public Works, Library, Police, Code Enforcement, Administration) working on this project. Staff seeks feedback from the Council on the draft code and will bring back further revisions for Council review and discussion at its April 17, 2023 work session.

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 Reports provided for the February 23, 2023 and March 6, 2023 Council work sessions.

I. UPDATED DRAFT CODE LANGUAGE

A. WC 10.700 through 10.780 – Camping Regulations

Attached as **Attachment A** is an updated draft of WC 10.700 through 10.780 in response to Council feedback at its March 20, 2023 work session and further staff review. Attachment A shows the revisions made since the draft code that Council reviewed on March 20, 2023. The revisions include the following:

- Added definitions for the adoption of Administrative Rules
- Specified that the regulations apply to “individuals who are involuntarily homeless.” The federal case law particularly states that outright bans on camping on public property are unconstitutional if the jurisdiction has individuals who are involuntarily homeless.
- Updates throughout specifying that people may camp in “Designated Area(s),” which will be delineated in the Administrative Rules, rather than specifying areas in the code
- Revised the “Place Regulations” (WC 10.730) to reiterate that people cannot camp for survival on any City property and rights-of-way other than the Designated Areas
- Removed the use of cooking stoves

- Added regulations regarding smoking, tobacco, cannabis, alcohol, and controlled substances
- Removed any provisions that contemplated the use of the City rights-of-way or City sidewalks, based on Council’s direction to focus on designating areas for camping
- Added that if the City Manager or designee needs to temporarily expand areas to camp for survival, the Council needs to consider the action at its next Council meeting, which is consistent with the City’s Emergency Operations Plan.

B. WC 3.000 – Parks Regulations

For consistency regarding camping stoves and open flames in the proposed prohibited camping regulations, staff recommend updating the Parks Regulations to reflect the allowed use of open flames in City parks. Currently, fires are only allowed if approved as part of a park use permit. The proposed revision is reflected in **Attachment B** attached hereto.

II. UPDATED AERIAL MAP

Pursuant to the discussion at the Council’s work session on March 20, 2023, the aerial of the City Hall parking lot and property to the north were modified as reflected in **Attachment C**, which modifications are described as follows:

- Staff walked the City Hall parking lot and recommends that Council designate nine (9) parking spots for overnight vehicle camping. Seven (7) will be the primary locations and two (2) will be overflow spaces. Staff recommends retaining a parking space in between each designated space to reduce the likelihood of congregation and allow staff, service providers, and/or law enforcement to more safely make contact with individuals utilizing the spaces. Staff measured that the vast majority of recreational vehicles could fit diagonally in three (3) spaces. If RVs are parked in these spaces, it is likely additional spaces will be necessary. However, staff recommends “ground truthing” the need before designated additional spaces.
- Staff recommend retaining the 100-foot distance between non-vehicle campsites and recommend initially only using the property to the north to avoid conflicts with commercial uses. The aerial map shows the current distance between the back property line of residences and the property line of the City property to the north of City Hall. The distance is 100 feet. No houses front Town Center Loop East across from the property to the north, and all have a fence along their back property lines. The aerial map shows additional 10-foot and 20-foot setbacks, if Council seeks to have an additional buffer between designated camping areas and the residences to the east. A 10-foot setback would allow for 10 campsites and a 20-foot setback would allow for 9 campsites.

- An additional option that can be explored as part of implementation is some screening along Town Center Loop East. Staff will also explore placing fencing between the northern edge of the property line to reduce the likelihood of individuals trespassing onto the adjacent private property further to the north.

III. ADMINISTRATIVE RULES

Attached as **Attachment D** is the initial draft of Administrative Rules providing further direction and specificity of the City's camping for survival regulations. Staff reviewed the Administrative Rules from the City of Bend, the feedback from Council at the March 20, 2023 work session, and discussed internally what matters should be covered by administrative rules as direction from Council versus administrative execution decisions that will be managed by City staff.

The key provisions of the draft Administrative Rules are as follows:

- Identification of the Designated Area(s) where overnight camping for survival will be allowed
- Development of resource materials and a commitment to coordinate with the County's on their responses to and resources for individuals experiencing homelessness
- Campsite clean-up and removal procedures for both vehicle and non-vehicle camping
- Enforcement procedures, and efforts to connect individuals to services both before and after enforcement

IV. VALUE STATEMENTS

Staff developed draft value statements based on the Council's discussion at the March 20, 2023 work session, which are attached hereto as **Attachment E**. Staff did not address Measure 110 in the value statements based on the incorporation of regulations concerning controlled substances in the manner regulations (WC 10.740(14)).

EXPECTED RESULTS:

Council consideration for adopting code revisions planned for May 2023.

TIMELINE:

Approximate timeline of expected upcoming events:

1. April 17, 2023 – Council Work Session for any last revisions
2. May 1, 2023 – First Reading of Ordinance
3. May 15, 2023 – Second Reading of Ordinance
4. Administrative Rules will be adopted via Resolution in either May or June 2023
5. July 1, 2023 – New regulations become effective

CURRENT YEAR BUDGET IMPACTS:

None immediately, but there could be potential costs depending on the chosen system for managing prohibitions on camping. Cities are not required to provide facilities for those who are experiencing homelessness, but may be required to create additional procedures for regulating camping.

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. Staff also presented the draft code provisions to the Diversity, Equity and Inclusion Committee at its March 14, 2023 meeting.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

There are several potential impacts on the residential, commercial, and related communities depending on the adopted code revisions. The project team will work with local residents and stakeholders to address concerns and provide equitable solutions that benefits both the community and other impacted individuals.

ATTACHMENTS:

1. Attachment A – Updated Draft WC 10.700-10.780
2. Attachment B – Updated Draft WC 3.000
3. Attachment C – Aerial for City Hall parking lot and property to the north
4. Attachment D – Draft Administrative Rules
5. Attachment E – Draft Value Statements