



**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b> May 1, 2023		<b>Subject:</b> Prohibited Camping Code Update Project – Administrative Rules	
		<b>Staff Members:</b> Amanda Guile-Hinman, City Attorney	
		<b>Department:</b> Legal	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> 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	
		<b>Comments:</b> N/A	
<b>Staff Recommendation:</b> N/A			
<b>Recommended Language for Motion:</b> N/A			
<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:**

Review further draft of Administrative Rules (**Attachment 1**) and aerial map of proposed designated non-vehicle camping site (**Attachment 2**) for potential approval at the May 15, 2023 Council meeting.

## **EXECUTIVE SUMMARY:**

This is the seventh work session wherein the City Council has considered provisions regarding camping on city property 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, March 20, April 3, and April 17, 2023 work sessions, staff has prepared an updated draft of Administrative Rules and aerial map regarding prohibited camping. Staff seeks feedback from the Council on the Administrative Rules and aerial map and, assuming consensus from Council, will bring back a proposed Resolution for consideration at the May 15, 2023 Council meeting.

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 at the May 1, 2023 City Council meeting.

### **I. DRAFT ADMINISTRATIVE RULES**

Attached as **Attachment 1** is a draft of Resolution No. 3058 approving administrative rules governing camping on public property. To accommodate the non-vehicle campsites in a relatively small area on the property to the north of the City Hall parking lot, staff recommends reducing the distance between non-vehicle campsites to 25 feet. See Section 3.2 in Administrative Rules (Exhibit A to Attachment 1). This will allow the current proposed area to accommodate eight (8) non-vehicle campsites, while also preserving an area for service vehicles (e.g., sanitation, maintenance, and emergency vehicles) to access the area.

### **II. AERIAL MAP OF NORTH PROPERTY**

At the April 17, 2023 work session, Council agreed that siting non-vehicle camping on the property to the north of the City Hall parking lot was comparatively advantageous to siting non-vehicle camping on the City Hall parking lot.

Council expressed a desire to designate a smaller area of the property to the north for non-vehicle camping than the alternative map 3 shown at the April 17, 2023 work session. Council could not come to a consensus regarding an orientation at the western edge of the property, or a more easterly orientation from the point of the barrier near the crosswalk crossing SW Courtside Drive. Council directed staff to review the options and return with a recommendation for discussion at Council's May 1, 2023 work session.

The City team met and discussed the alternatives and recommends a more easterly orientation, approximately 56 feet across and 90 feet deep (approximately 5,040 square feet), with a recommended distance between campsites of 25 feet, which will allow for 8 overnight campsites. See **Attachment 2**. The City team identified several reasons for this orientation, summarized below:

- With the vegetative screening along the eastern edge of the proposed designated area, the closer the camping is to that screening, the better the screening will serve to minimize the view of the camping from residents to the east.
- If there is an emergency, the ideal location for emergency vehicle access is the driveway next to the crosswalk. The team identified a service access area as well (see Attachment 2), which the westerly portion would not be able to accommodate.
- Similarly, the ideal access for any sanitation servicing (cleaning port-a-potties, collecting trash receptacles) is the driveway next to the crosswalk. The service access area will similarly be accessible to such service providers.
- Since the easterly orientation allows for a rectangular area, as opposed to a triangular area, it balances confining the footprint of the non-vehicle camping area and congregation.
- With the easterly orientation, staff can be more intentional about the vegetative screening and the types of plantings that will best serve the area (see discussion below regarding proposed plantings).
- The easterly orientation will allow employees to continue to rough mow the areas outside of the designated area, further delineating where individuals can and cannot camp for survival at night.
- If a western orientation is implemented, the vegetative screening will need to be along the western edge near Town Center Park. Eastern vegetation will not screen the appearance of the campsites from the residents unless moved closer to the designated area, which will limit the ability to expand without either planting additional screening or removing and replanting new screening. Such implementation would be time consuming and costly.

With regard to implementation, an easterly orientation decreases the type of fencing that will be required. Along with the vegetative screening, the team proposes a fence along the northern property boundary and T-posts (demonstrative photo below) running along the northern and western perimeters with signs stating that camping is not allowed beyond those points. These T-posts can easily be moved if the area needs to be expanded.

Example of T-Post:



For vegetative screening, the City team proposes three different types of plants densely planted that will fill in quickly, provide beautiful blooms, and emit a pleasant scent in the area. They will also partially screen the sanitation area. Attached as **Attachment 3** is a demonstrative map of the plantings and photos of the proposed plants.

Based on the staff review and consideration of the proposed alternatives, a more easterly orientation for non-vehicle camping on the property to the north is staff's recommendation for inclusion in the proposed Administrative Rules.

**EXPECTED RESULTS:**

Council to consider approval of administrative rules planned for May 2023, with an effective date of July 1, 2023. If Council is supportive of the staff's recommendation, the City team has begun identifying vendors for the necessary fencing and vegetative screening.

**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 – Draft Resolution No. 3058 with Exhibit
  - a. Exhibit A – Administrative Rules
2. Attachment 2 – Proposed Aerial Map for Property North of City Hall
3. Attachment 3 – Demonstrative Map and Photos of Proposed Plantings for Vegetative Screening