



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: April 17, 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 draft Ordinance, including draft code, value statements, and findings (**Attachment 1**). Review draft Resolution, including draft Administrative Rules (**Attachment 2**). Provide guidance on alternative aerial maps (**Attachment 3**).

EXECUTIVE SUMMARY:

This is the sixth work session wherein the City Council has considered and reviewed updates to Wilsonville Code (WC) 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, and April 3 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. Staff seeks feedback from the Council on the draft code and, assuming consensus from Council, will bring back a proposed Ordinance for a public hearing and first reading at the May 1, 2023 Council meeting and 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 Reports provided for the February 23, 2023 and March 6, 2023 Council work sessions.

I. DRAFT ORDINANCE NO. 879

Attached as **Attachment 1** is a draft of 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), deletion of WC Section 6.400 (Exhibit D), deletion of WC Section 10.425 (Exhibit E), the City Value Statements (Exhibit F), and the Findings for Ordinance No. 879 (Exhibit G).

While Attachment 1 represents a proposed draft of Ordinance No. 879, staff has also prepared attachments to this staff report to demonstrate the revisions to certain documents since the April 3, 2023 work session. The revised documents are discussed below.

A. WC 10.700 through 10.780 – Camping Regulations

Attached as **Attachment 4** is an updated draft of WC 10.700 through 10.780 in response to Council feedback at its April 3, 2023 work session and further staff review. Attachment 4 shows the revisions made since the draft code that Council reviewed on April 3, 2023. The revisions include the following:

- Revised Section 10.730(1)(c) to reiterate that camping for survival is prohibited on rights-of-way in and adjacent to residentially zoned areas and schools
- Noted that Section 10.740(2) should be deleted if Council determines to designate the

City Hall parking lot for non-vehicle camping (see Section III below for this discussion item).

- Added in Section 10.740(3) the word “requirements” after spacing.

B. Value Statements

Staff developed draft value statements based on the Council’s discussion at the March 20, 2023 work session, and seek Council feedback on revisions discussed at and since the April 3, 2023 Council work session, which is reflected in **Attachment 6** attached hereto. The proposed revisions consist of the following:

- The first revision reflects Council’s discussion of the work to create a thriving community.
- The second revision examines the terminology of “respect” versus “valued” when expressing how all members of the community should be treated.
- The third revision clarifies that the County housing efforts seek to create safer, stable housing for currently unhoused individuals.

C. Findings

Staff created findings for Ordinance No. 879, which are included in Attachment 1 as Exhibit G. The findings follow the same order as proposed Sections 10.720, 10.730, and 10.740. In other words, the findings discuss each time, place, and manner regulation contained in Sections 10.720 through 10.740. Staff consulted with other City subject-matter experts for accuracy and also reviewed the findings/purpose statements by the Cities of Medford and Bend. The findings are to demonstrate that the regulations are “objectively reasonable” in compliance with HB 3115.

II. DRAFT RESOLUTION ADOPTING ADMINISTRATIVE RULES

Attached as **Attachment 2** is the draft of a proposed Resolution to adopt administrative rules regulating camping for survival on public property. Attachment 2 includes the current draft of the Administrative Rules as Exhibit 1. Staff also prepared **Attachment 5** that shows the revisions made to the draft Administrative Rules since the April 3, 2023 work session.

The proposed revisions to the Administrative Rules concern the location of non-vehicle camping. If the Council determines to keep non-vehicle camping on the property to the north of City Hall, then Section 3.2 should remain unchanged. Staff drafted an Alternative Section 3.2 if Council determines to designate a portion of the City Hall parking lot for non-vehicle camping.

III. AERIAL MAP ALTERNATIVES

At the April 3, 2023 work session, Council asked staff to review the possibility of siting non-vehicle camping for survival on the City Hall parking lot. Staff prepared three (3) alternative

aerial maps. A description of each alternative is described below.

- **Alternative Map 1:** Alternative Map 1 contemplates retaining the vehicle parking as previously sited in the west portion of the parking lot adjacent to Courtside Drive. It also considers placing non-vehicle camping across the stormwater facility in every other parking space to the south. This creates five (5) non-vehicle camp locations. This alternative provides the least number of non-vehicle camp locations, but seeks to retain some distance from the adjacent commercial, retail uses. Given the significant risk of vehicles injuring individuals who may be located in the area, at a minimum, semi-permanent barriers, such as jersey barriers (image below) would need to be placed for protection. The placement of such barriers would mean that these sites would be unusable during non-camping hours; in other words, the City Hall parking lot would lose nine (9) parking spaces full time. The use of the barriers may impact emergency service access to individuals who may need assistance.



Example of Jersey Barrier

- **Alternative Map 2:** Alternative Map 2 reorients the vehicle parking to accommodate non-vehicle parking. The vehicle parking would move to the western edge of the City Hall parking lot directly adjacent to commercial, retail uses and also adjacent to the City Hall vehicle corral where City vehicles are parked overnight. The orientation also places a vehicle very close to the sanitation area, which may cause conflicts with use/perceptions of personal ownership over the sanitation area by those sleeping closest to the area. In order to better protect non-vehicle campers at night, but to ensure normal traffic flow during the day, this option contemplates the City installing a gate at each end of the designated non-vehicle camping area. This option provides more non-vehicle camp locations than Alternative Map 1. However, the gates and potential issues of vehicles parked in the designated area prior to closure make implementation and enforcement more challenging. The gates may require permit approval and coordination with emergency services not contemplated by the other alternatives. Staff would likely also need to remove all existing landscaping in that area for visibility and to

avoid conflicts with landscape maintenance (such as the running of sprinklers). It also places both vehicle and non-vehicle camping close to Town Center Park, particularly the basketball court.

Staff also notes that with both Alternative Map 1 and Map 2, accommodating RVs becomes more challenging, and would likely cause the City to have to expand the footprint of the designated area if individuals experiencing homelessness arrive in RVs.

- **Alternative Map 3:** Alternative Map 3 contemplates the same designation of vehicle and non-vehicle camping as identified in the April 3 work session, except to add an additional 187 feet (total of 287 feet minimum separation) between residential properties that back up to Town Center Loop East and to show where vegetative screening would occur. Staff hopes to provide a street view mock-up from the eastern sidewalk along Town Center Loop East so that Council can better visualize the vegetative screening. This option seeks to balance residential property owners' concerns with commercial property owners' concerns, the closeness of Town Center Park, ease of implementation and enforcement, and humanely siting where individuals experiencing homelessness may rest – particularly considering asphalt's extreme temperatures when exposed to heat or cold, and relief for those who may have no padding or other material to separate them from the ground. **After conducting the comparative analysis discussed below, the staff recommendation is to proceed with Alternative Map 3.**

Staff also prepared a comparative analysis of the three alternatives that is page 4 of **Attachment 3**. For each criteria considered, staff ranked them 1 to 3, with 1 being the best alternative for the specific criteria and 3 being the least desirable alternative. Alternative Map 3 had the best (lowest) score, and so represents staff's recommendation. As a summary of the comparative analysis, Alternative Map 3 ranked the highest for the following reasons:

- Sleeping on asphalt can be dangerous, particularly during extreme heat and cold. For example, the University of Georgia showed that when temperatures reach 95 degrees, asphalt can reach as high as 140 degrees, while grass in the sun can reach 105 degrees. While no alternative provides ideal protection from hot surfaces, grass is significantly better than asphalt.
- The modification of Alternative Map 3 balances proximity to all nearby uses – residential, commercial, and the Town Center Park, including the Korean War Memorial, the park shelter for community gathering, the water feature, and the basketball court. The modification contemplates a minimum of 287 feet from the properties that back up to Town Center Loop East.
- Implementation and enforcement is better with Alternative Map 3 – law enforcement can observe both vehicle and non-vehicle camping driving along Courtside Drive and the vegetative screening needed for Alternative Map 3 can easily be acquired as opposed to installing an electric gate or jersey barriers. Additionally, ongoing maintenance of jersey barriers, a gate, and further use of the parking lot is likely much higher than maintaining the grassy area to the north, coupled with the nine vehicle camping parking spaces in

the City Hall parking lot.

Based on the staff review and consideration of the proposed alternatives, Alternative Map 3 is staff's recommendation for inclusion in the proposed Administrative Rules.

EXPECTED RESULTS:

Council consideration for adopting code revisions and administrative rules planned for May 2023.

TIMELINE:

Approximate timeline of expected upcoming events:

1. May 1, 2023 – First Reading of Ordinance
2. May 15, 2023 – Second Reading of Ordinance
3. May 15, 2023 – Adopt Administrative Rules via Resolution
4. 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.

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 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 – Draft Resolution No. XXXX with Exhibit
 - a. Exhibit A – Administrative Rules
- 3. Attachment 3 – Alternative Aerial Maps and Comparative Analysis
- 4. Attachment 4 – Revisions to WC 10.700-10.780 since 4/3/23 Council Work Session
- 5. Attachment 5 – Revisions to Administrative Rules since 4/3/23 Council Work Session
- 6. Attachment 6 – Revisions to Value Statements since 4/3/23 Council Work Session