

RESOLUTION NO. 2022-38

A RESOLUTION AFFIRMING THE DECISION TO APPROVE THE SITING OF A MICRO-SHELTER VILLAGE AT 1280 CENTER STREET NE

Whereas, on October 11, 2021, City Council adopted Resolution No. 2021-41, which extended the state of emergency relating to unsheltered residents in the city of Salem (the “Declaration”), through June 28, 2022, and on June 13, 2022, City Council adopted Resolution No. 2022-38, which further extended the state of emergency to December 31, 2022; and

Whereas, there continues to be a declared a state of emergency within the city of Salem related to unsheltered residents, pursuant to Salem Revised Code (SRC) 2.660-2.680; and

Whereas, the City Council has declared a state of emergency in order to take emergency action to address the unsafe and unsanitary conditions that exist for unsheltered residents in the community, and to reduce the negative impacts of unsanctioned camping that affect residents and property owners throughout the city; and

Whereas, the Declaration gives authority to the Salem City Manager to suspend land use regulations to allow managed micro-shelter villages, subject to standards established by the City Manager at locations approved by the City Council; and

Whereas, on January 24, 2022, City Council approved the site at 1280 Center Street NE for use as a micro-shelter village (the “Site”) to provide shelter to homeless individuals; and

Whereas, the Marion County Circuit Court issued a writ of review concerning the City Council’s decision to approve the Site for use as a micro-shelter village, case no. 22CV06480; and

Whereas, the Court remanded the City’s decision to approve the site to the City Council and directed the City to address the following issues:

1. Increased Foot Traffic – How the site will impact foot traffic approaching the Site and in the immediate areas surrounding the Site, and how these impacts will be mitigated for health and safety?;
2. Vehicular Traffic – How the site will impact vehicular traffic approaching the Site and in the immediate areas surrounding the Site, and how those impacts will be mitigated for health and safety?;
3. How the Site will interact with the Police to ensure any additional foot and vehicular traffic to the site will not exacerbate criminal activity both in and around the Site, or how any such exacerbation or impact will be mitigated by policy or Site security response?;
4. Analyze whether and how the Site will attract unmanaged unsheltered and how and with what steps and processes that attraction will be mitigated;
5. Analyze how the site would or should be buffered from unmanaged unsheltered;

6. How the Site will –
 - a. Maintain the sobriety of its residents;
 - b. Maintain the mental health treat compliance of its residents; and
 - c. Address criminal activity engaged in by its residents;

7. How the Site will respond to trespass and other property infringements by residents of the Site, visitors to the Site, or attracted vehicular or foot traffic to the Site;

Whereas, further information has been provided to Council related to the unsheltered emergency and the siting of a micro-shelter village at the Site, which City Council has reviewed and considered; and

Whereas, House Bill 2006 (2021) states a local government *shall* approve a development or use of land for an emergency shelter subject to certain requirements, unless the City Council determines that it will pose any unreasonable risk to public health or safety; and

Whereas, notwithstanding House Bill 2006, which mandates that a local government shall approve a site for an emergency shelter, unless it determines the use will pose an unreasonable risk to public health and safety, the City has inherent power and authority under its emergency powers to waive its own land use regulations and approve the use of a location for a micro-shelter village.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM, OREGON, RESOLVES AS FOLLOWS:

Section 1. No unreasonable risk to public health and safety. As set forth herein, and as supported by the record in this matter, City Council finds that the siting and operation of a micro-shelter village at this location poses no unreasonable risk to public health and safety, and in-fact enhances public health and safety by providing safe and habitable temporary shelter for residents, who have a higher likelihood to move on from the village to a positive housing outcome, and not return to an unsheltered life. Further, evidence in the record indicates, and as further supported by the findings contained in Exhibit A which are attached hereto, and by this reference incorporated herein, that:

1. Foot traffic in the vicinity of the Site will not substantially increase due to prohibitions on services to non-village residents and the village’s closed campus policy. Any increase will be addressed by outreach from Church at the Park and City HOST Team resources.
2. Existence of the village is unlikely to increase unmanaged camping in the vicinity of the Site, and any increase will be address by outreach from Church at the Park, and City HOST Team resources.
3. The Site is not expected to have any significant impact on vehicular traffic in the vicinity; internal circulation and access and ingress by vehicles is adequately addressed by the proposed site plan.
4. The proximity to the railroad will not create an unreasonable safety risk, due to Site design which separates the Site from the railway, and the enhanced protections along the railway and enhanced pedestrian crossing safety facilities in place in the vicinity of the Site.
5. The Site is not expected to have any significant impact on crime rates in the vicinity of the Site, either due to its residents or unsheltered individuals from unmanaged camps potentially drawn to the vicinity by the existence of the village. Any increase will be mitigated by the site security team, the

City's HOST team, enhanced patrols from the Salem Police Department consistent with the Department's resources and policies.

6. Village residents will receive wrap-around services addressing mental health, addiction and recovery services, and assistance locating permanent housing. Village residents will be required to comply with a code of conduct, addressing potential behavioral issues. Further, the Village prohibits possession of alcohol or drugs at the Site. Village residents will be provided transportation options as appropriate for access to commercial, mental health and medical providers and other services that occur off-site.
7. The Site will be buffered from adjacent properties and unmanaged unsheltered individuals to the extent they are present, by opaque fencing and through site security and other staff monitoring the Site on a regular basis and coordinate with the appropriate authorities to avoid having unmanaged individuals gathering around the site, which will avoid exacerbation of any criminal activity both in and around the site.
8. Village residents are required to engage in services to remain at the village, which will be coordinated by the village manager and staff. Village staff and service providers will actively engage with residents on their treatment plan to ensure participation and compliance. Prohibited conduct, including conduct in the vicinity of the Site, will be cause for removal from the village.

Section 2. The other requirements of HB 2006 have been satisfied. Specifically, as reflected in the record, the micro-shelter village at 1280 Center Street, NE will:

- Include sleeping and restroom facilities for clients;
- Comply with applicable building codes;
- Will be inside the urban growth boundary; and
- Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard; and
- Have adequate transportation access to commercial and medical services.

Section 3. The City Council's affirms the approval of this location for use as a micro-shelter village to address the emergency conditions identified in the City Council's unsheltered resident emergency declaration.

Section 4. This resolution is effective upon adoption.

ADOPTED by the City Council this _____.

ATTEST:

City Recorder

Approved by City Attorney: _____