

Legislation Details (With Text)

File #: 20-29 **Version:** 1

Type: SOB - Matters of special importance to council **Status:** Agenda Ready

In control: City Council

On agenda: 1/21/2020 **Final action:** 1/21/2020

Title: Declaration of emergency related to unsheltered residents

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community; Welcoming and Livable Community.

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Resolution no 2020-4 Unsheltered resident emergency declaration, 2. Written Testimony received by 3:30 p.m. 1-21-20, 3. Written Testimony received by 5:00 p.m.

Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council	adopted as amended	Pass

TO: Mayor and City Council

THROUGH:

FROM: Steve Powers, City Manager

SUBJECT:

Declaration of emergency related to unsheltered residents

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community; Welcoming and Livable Community.

ISSUE:

Shall City Council adopt resolution no. 2020-4, declaring a state of emergency within the city of Salem related to unsheltered residents?

RECOMMENDATION:

Adopt resolution no. 2020-4, declaring a state of emergency within the city of Salem related to

unsheltered residents.

SUMMARY:

The declaration of emergency ("Declaration") establishes that emergency conditions exist relating to the increase in unsheltered residents within the city. The Declaration authorizes the City Manager, acting as the City's Emergency Program Manager, to issue an order to; 1) allow vehicle camping subject to standards set forth in the order; allow the United Way's Safe Sleep shelter to expand capacity to 19 people, and; 3) allow the use of Pringle Community Hall as a temporary overnight shelter. The authorized actions will be effective through March 31, 2020; however, the Declaration will expire on April 14, 2020, which is the date of the next regular city council meeting after the expiration of the authorized actions.

FACTS AND FINDINGS:

Emergency Declaration

SRC 2.660 to 2.680 establish the City's Emergency Management Agency and designates the City Manager as the Emergency Program Manager. SRC 2.670 authorizes the City Council to declare an emergency through resolution or ordinance. "Emergency" is not defined by the SRC but is defined by ORS 401.025 to mean "a human created or natural event or circumstance that cause or threatens widespread loss of life, injury to person property, human suffering or financial loss." ORS 401.309 also requires that any city or county emergency declaration limit the duration of the state of emergency to the period of time during which the conditions giving rise to the declaration exist or are likely to remain in existence.

Under the SRC, once an emergency has been declared, the City may issue an order authorizing certain actions that may otherwise be restricted under the SRC. These actions include waiver of certain regulations, redirecting funds for emergency use, suspending procurement rules, and the establishment of certain emergency regulations.

In this case, the Declaration identifies that the Salem area has many unsheltered residents who do not have adequate access to permanent affordable housing, or access to safe temporary shelter. In addition, the Declaration determines that seasonal winter weather conditions have the potential to pose a threat to the health and safety of unsheltered people, and that illegal camping and use of public places for human habitation cause the potential for threats to public health and safety through the accumulation of waste and unsanitary conditions.

At the January 13th city council meeting, Council identified three actions to address these conditions; 1) authorization of Pringle Community Hall as a temporary overnight shelter through March 31, 2020; allowing the United Way's Safe Sleep shelter, a women's low-barrier overnight shelter, to expand capacity from 9 to 20 people, and; 3) allowing pilot program for vehicle-camping, subject to certain standards.

Each of the actions would otherwise be prohibited or restricted by City land use regulations or, in the

case of the use of Pringle Hall, park regulations. In order to quickly and efficiently implement these objectives, in response to the emergency conditions that exist, it is necessary to waive the conflicting regulations through an emergency declaration and order.

Emergency Order

After Council's declaration of an emergency, the City Manager will issue an emergency order implementing the actions authorized by the Declaration;

- 1) The United Way's Safe Sleep shelter expanded capacity. The shelter, located at 1910 Front Street, NE, has been toured by the Fire Marshall and Building Official, who found that the facility would meet the fire code and building code if operated as a shelter for up to 19 people. The property is properly zoned for a homeless shelter use and may operate at up to 10 people without specific land use approval. However, to operate with more than 10 people, the property needs to obtain a conditional use permit. United Way has had preliminary discussions with the City regarding a conditional use permit but has not yet submitted an application. Review of an application would likely take more than 60 days after submittal and would require a public hearing before the Salem Hearings Officer.

In order to expediate the expanded capacity of the shelter, the Emergency Order will waive the conditional use permit requirement until March 31, 2020.

- 2) Vehicle-Camping. Council received an information report regarding recommended best practices and standards for a vehicle-camping pilot program. The order will incorporate those practices and standards, including;
 - a) Vehicle-camping will be limited to properties operated by a non-profit, public, or commercial entity, and not located within or adjacent to a residential zone, or property currently used for a residential use;
 - b) Daily hours of operation will be limited to 9:00 p.m. to 7:00 a.m.;
 - c) The property owner must register the location with the City;
 - d) No more than 8 locations will be registered in the City at any time;
 - e) The property owner will provide on-premises access to a minimum of two restrooms per location;
 - f) The property owner will provide the equivalent of one 32 cubic foot garbage receptacle for each vehicle on the premises in addition to any garbage receptables otherwise required;
 - g) Camping will be limited to vehicles, and not tents or other improvised camps;
 - h) Vehicles possessing septic systems (e.g., recreational vehicles) must be emptied and free of leaks prior to admittance to the site;
 - i) No more than six vehicles will be allowed per location;
 - j) All vehicles will be licensed and registered;
 - k) All personal property will be managed and stored in compliance with SRC chapter 50 - property maintenance;
 - l) All activities will comply with SRC chapter 93 - noise;
 - m) No open flames will be allowed at the location, including within the vehicles;
 - n) The owner-operator of a location may not charge a fee for the use of the property for

camping;

- o) The owner-operator has the right to refuse entry or discontinue use for any individual, subject to SRC chapter 97 - human rights.
- p) The pilot program will operate until March 31, 2020

- 3) Pringle Community Hall Temporary Shelter. The Emergency Order will waive land use and park regulations that would otherwise prohibit a temporary shelter at Pringle Community Hall. The Order will provide that the shelter will be professionally operated by a third party under a grant agreement with the City, will operate from 7:00 pm to 7:00 am, and will govern other aspects of the operation. The shelter operation will continue until March 31, 2020.

Also, on tonight's agenda is a resolution approving the transfer of appropriation authority of \$213,000 from general fund - contingency to general fund - materials and services. This amount was approved by Council on December 9, 2019 to fund the expansion of warming center operation to a durational model. That expansion did not occur, and on January 13, 2020 Council directed that those funds be used for the Pringle Community Hall temporary shelter.

BACKGROUND:

At the January 14, 2020 city council meeting, Council directed staff to return to Council no later than the January 27, 2020 council meeting, with an emergency declaration for Council's consideration.

Attachments:

- 1. Resolution No. 2020-4 - Emergency Declaration