



## Staff Report

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**File #:** 20-49

**Version:** 1

**Date:** 2/10/2020

**Item #:** 5.a.

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**TO:** Mayor and City Council

**THROUGH:**

**FROM:** Steve Powers, City Manager

**SUBJECT:**

Revising restrictions on camping.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community; Welcoming and Livable Community.

**ISSUE:**

Information only

**RECOMMENDATION:**

Information only.

**SUMMARY:**

At the January 27<sup>th</sup> City Council meeting, Council directed staff to return at the next council meeting with a proposal that would ban camping in downtown, city parks and residentially zoned neighborhoods. The proposal would allow camping in the remainder of Salem.

To modify the restrictions on camping consistent with the adopted motion, Council would be required to pass an ordinance to modify the Salem Revised Code ("Code" or "SRC") so that the restrictions on camping would only apply to the downtown, City parks, and residentially zoned areas. If the proposal is approved by Council on February 10, an ordinance can be presented for consideration at the February 24<sup>th</sup> council meeting.

**FACTS AND FINDINGS:**

If council decides to modify the camping restrictions, the ordinance bill would amend SRC 95.720 to

provide that the restrictions on camping **apply only** in the following areas:

- Areas zoned for residential use - EFU, RA, RS, RH, RMI, RMII, FMU, and NCMU zoned areas (Attachment 1),
- The “downtown” area as defined in the attached map (Attachment 2), that area generally bounded by Hood Street to the North, the Willamette River to the West, 12<sup>th</sup> Street to the East, and Mission Street to the South, and
- Park land as designated on the City’s Comprehensive Parks Master Plan (Attachment 3).

The areas of the city where the camping restrictions would **not apply** would be properties with commercial, industrial, or public zones that are not located in the “downtown.” A map (Attachment 1) depicts where the camping restriction would and would not apply. The SRC prohibits camping in City parks, as well as overnight use of parks, and those restrictions would not be affected by this proposal. Further, lifting the restrictions would not allow camping on private property, but people could place tents and camp structures within sidewalks abutting those properties.

### **Impacts**

It is extremely difficult to predict the specific effects or consequences of the proposal. The proposal will probably result in an increase to the number of campsites in areas where enforcement will no longer apply. Some individuals currently staying on the sidewalks within the downtown area may relocate to areas with no camping restrictions. Over the past several years, prior to the camping restrictions, the downtown area typically saw an influx of unsheltered individuals during the cold weather months due to proximity to service providers and other factors. Nothing in the proposal would prevent individuals from continuing to reside on downtown sidewalks. Without additional authority to regulate the current behavior in the downtown, it is unlikely the behaviors will be reduced.

Unknown is what specific impacts there will be on areas where the camping restriction is lifted. In the last few years, the existence of large camps and even individual camps has created substantial impacts on neighboring properties. The potential for campers to congregate in large groups in the unregulated areas under this proposal is significant, as is the potential cost to the City for the associated clean-ups and responses to any camp that is deemed a nuisance.

### **Use Considerations**

Many unsheltered people stay near available resources, such as the UGM and Arches. Given that both UGM and Arches are within the recommended “downtown” area under the proposal, it is possible that camps will occur and increase in areas as close as possible to these resources, but outside of “downtown” zone. Areas around Edgewater and Wallace Road near the West end of the Union Street pedestrian bridge, and the commercial and industrial areas North of Hood Street, would not be covered by the restrictions on camping, and it is possible that camps will proliferate in those areas.

Many sensitive uses, such as schools and churches, are in commercial, public, and some industrial areas where camping would be allowed. If this proposal moves forward, the restrictions on camping on land near schools and churches should be preserved.

Many commercial, industrial, and public-zoned areas are located adjacent to residential areas such as Portland Road, Commercial Street, Lancaster Avenue, Mission Street East of 12<sup>th</sup> Street, Market Street, and Wallace Road. A likely outcome of the proposed revisions to SRC to allow camping is that there will be negative impacts on adjacent areas where the camping restrictions continue to apply.

### **Implementation Considerations**

The proposal only lifts the camping restrictions in certain areas, and does not affirmatively grant or permit the right to camp within the city. Camping would not be allowed on private property without the owner's consent. Campsites that rise to the level of public nuisance will be subject to enforcement action by the City, to the extent that resources are available, and individual campers will be required to temporarily move to allow abutting property owners to maintain the sidewalk and landscape strip, as required by the City Code.

The proposal would create enforcement challenges for staff in determining what properties and areas are subject to camping restrictions. Additional costs and delayed enforcement will result from not having distinct and easily identifiable boundaries. This challenge will also apply to people who wish to camp and will not know the areas the camping restrictions apply. The City may be able to provide guidance, and compliance may improve over time.

### **BACKGROUND:**

On January 13<sup>th</sup> City Council directed staff to evaluate whether to suspend the restrictions on campsites in industrial areas. At the January 27<sup>th</sup> city council meeting, staff provided a report that recommended no changes to the current restrictions. At that meeting, City Council adopted a motion to direct staff to present for council consideration a proposal that would ban camping in the downtown, City parks, and residentially zoned areas.

#### **Attachments:**

1. Proposal Map
2. "Downtown" map
3. Parks Master Plan Map