



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

April 24, 2023

5:30 p.m. CITY COUNCIL WORK SESSION

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of April 24, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President
Alan Zelenka
Greg Evans
Emily Semple

Matt Keating, Vice President
Jennifer Yeh
Mike Clark
Lyndsie Leech

5:30 p.m. CITY COUNCIL WORK SESSION

1. WORK SESSION: An Ordinance Concerning Prohibited Camping, Permitted Overnight Sleeping, and Prohibited Activities on Streets, Sidewalks, and Shared-Use Paths, and Amending Sections 4.815, 4.816, 4.860 and 5.135 of the Eugene Code, 1971.

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: An Ordinance Concerning Prohibited Camping,
Permitted Overnight Sleeping, and Prohibited Activities on Streets,
Sidewalks, and Shared-Use Paths, and Amending Sections 4.815, 4.816,
4.860 and 5.135 of the Eugene Code, 1971.

Meeting Date: April 24, 2023
Department: City Attorney's Office
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Kathryn Brotherton
Contact Telephone Number: 541-682-8447

ISSUE STATEMENT

This work session is a follow-up to Council's March 8, 2023, discussion regarding potential amendments to the City's prohibited camping, and related, code provisions. As requested by Council on March 8, at this work session the Council will have an opportunity to: 1) discuss a revised proposal to protect the City's waterways from unregulated camping; 2) review a draft ordinance that reflects the proposed code amendments presented to Council on March 8 (except for the waterway protection provision); 3) consider additional revisions to the City Code; and, 4) direct staff to schedule a May 15 public hearing on either the proposed draft ordinance or on the proposed draft ordinance with specific revisions.

BACKGROUND

HB 3115, now codified as ORS 195.530, was passed by the Oregon Legislature and signed into law by Governor Brown in June, 2021. HB 3115 provides that local governments have until July 1, 2023, to comply with the requirements of the bill. This means that if there are any changes that must be made to City Code in order to comply with HB 3115, those changes must be effective by June 30, 2023.

HB 3115 states: "Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness." The bill defines "keeping warm and dry" to mean "using measures necessary for an individual to survive outdoors given the environmental condition" but specifically excludes "using any measure that involves fire or flame."

Currently, the City prohibits the establishment of a campsite on all publicly owned property (EC 4.815(3)), defining a campsite as: "[A]ny place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof."

1. Draft Ordinance

Attachment A to this AIS is a draft ordinance intended to bring the City into compliance with HB 3115 by replacing the City's current prohibited camping code provision with location-specific camping prohibitions that are based on risks to public health, safety, and accessibility. Also included in the draft ordinance are code amendments prohibiting certain health hazard and access-denying activities in the City's right-of-way; these proposed code amendments are separate and distinct from the City's prohibited camping code provision. Additionally, the draft ordinance amends EC 4.816 to add the City's currently uncodified Dusk to Dawn program as a permitted overnight sleeping program. To reflect that St. Vincent DePaul, the City's operator of the Dusk to Dawn site, commonly refers to the site as a "Dawn to Dawn" site because SVDP offers daytime support services on-site and at its Service Center, a new subsection (e) has been added. Subsection (e) does not expand the scope of the Dusk to Dawn program or Council authorization, rather, it is intended to highlight that a Dusk to Dawn site may be referred to as a Dawn to Dawn site if the site operator chooses to offer daytime support services at or near the site. Lastly, the draft ordinance amends EC 5.135 to address a regulatory gap when a vehicle has no license plate or registration sticker.

Except for updated protections of the City's waterways, the draft ordinance reflects the proposed code amendments outlined in an attachment to Council's March 8 AIS. Per Council's direction on March 8, the five-foot setback from the City's waterways (all of which are tributaries to the Willamette River) has been substantially revised to better protect water quality. In making the water quality protection recommendations set forth in the draft ordinance, Public Works reviewed existing City code and national best practices related to waterway protections. Specifically, for the Willamette River, the proposed ordinance prohibits camping within 100 feet of top of high bank (TOHB), this 100-foot setback is consistent with EC Chapter 9 /WR Water Resources overlay protections. For all other waterways, except ditches and vegetative stormwater quality facilities, the proposed ordinance prohibits camping within 60 feet of TOHB. A prohibited camping area of 60-feet from TOHB of these other waterways is consistent with /WR Water Resources Overlay Zone protections for Amazon Creek and /WP Waterside Protection Overlay Zone protections for perennial streams within the floodway. Additionally, camping is prohibited within five feet of ditches, wetlands, and vegetative stormwater quality facilities. Collectively, these proposed code amendments are intended to protect the water quality of the Willamette River both directly and via the river's many tributaries.

2. Potential Additions to the Draft Ordinance

A. **Willful Violations**

At the March 8 work session some questions were asked about the enforceability of the proposed code amendments, both from a human resources perspective as well as an effectiveness/deterrent perspective. Through the adoption of EC 4.990, the Council previously established an enhanced penalty for willful vehicle camping violations of EC 4.815. This penalty for a willful vehicle camping violation includes a written warning by a peace officer *or* other person authorized by the City Manager to issue such warnings. Specifically, EC 4.990(7) and (8) states:

(7) Except as provided in subsection (8) of this section, a violation of section 4.815 is punishable by a fine not to exceed \$200.

(8) A willful violation of section 4.815, where the violation consists of camping in a vehicle parked overnight on a public street, is punishable by a fine not to exceed

\$500 or confinement in jail for a period not to exceed ten days, or both. As used in this subsection, “willful violation” means a violation that occurs after the person has received, within 30 days preceding the current violation, a citation for violating section 4.815 or a written warning from a peace officer or other person authorized by the city manager to issue such warnings, that the person was violating section 4.815. In addition to the foregoing penalties, a vehicle used in a willful violation of section 4.815 may be immobilized or impounded pursuant to sections 5.693 through 5.705 of this code.

Some councilors have requested that the proposed ordinance expand the willful violation penalty to any violation of EC 4.815. Because this penalty expansion was not included in the previously provided outline of proposed code amendments, the penalty enhancement is not included in the draft ordinance set forth in Attachment A. However, if a majority of Council wishes to add this amendment to the ordinance that will be considered at the May 15 public hearing, Council could pass the following motion:

Move to direct the City Manager to add to the proposed ordinance an amendment to EC 4.990(8) making the penalty and process for willful violation applicable to any violation of EC 4.815, not just vehicular camping violations.

B. Educational Facilities

In order to ensure unimpeded, safe, and healthy routes for students traveling to/from schools, a requested addition to the ordinance is the establishment of a 1000’ campsite-free buffer zone around educational facilities. If a majority of Council wishes to add this amendment to the ordinance that will be considered at the May 15 public hearing, Council could pass the following motion:

Move to direct the City Manager to add to the proposed ordinance a prohibition on camping on public property located within 1000 feet of an educational facility.

3. Permitted Overnight Sleeping Locations

As discussed during Council’s February 27, 2023, work session, Eugene has in place many permitted overnight camping programs. Starting in 1998 with the Council’s adoption of a car camping program, Eugene has established many exceptions to Eugene Code 4.815, the City’s prohibited camping code provision; these exceptions are primarily set forth in Eugene Code 4.816, Permitted Overnight Sleeping. As requested at the March 8 work session, Attachment B to this AIS is a summary of the City’s permitted overnight sleeping programs, including the locations of the sites.

PREVIOUS COUNCIL DISCUSSION

[March 8, 2023, Work Session](#)

At this work session the Council discussed potential City Code amendments.

[February 27, 2023, Work Session](#)

This work session provided an overview of HB 3115 and previewed the Council’s next steps.

COUNCIL OPTIONS

1. Direct staff to schedule a public hearing on the draft ordinance set forth in Attachment A to this AIS.
2. Direct staff to schedule a public hearing on the draft ordinance set forth in Attachment A to this AIS with specifically identified modifications.

CITY MANAGER'S RECOMMENDATION

If the Council is satisfied with the draft ordinance set forth in Attachment A, the City Manager recommends Council holding a public hearing on the ordinance in May 2023.

SUGGESTED MOTIONS

1. Move to direct the City Manager to schedule a public hearing on the draft ordinance set forth in Attachment A to this AIS.

OR
2. Move to direct the City Manager to schedule a public hearing on the draft ordinance set forth in Attachment A with the following [additions or deletions] and schedule a public hearing.

ATTACHMENTS

- A. Draft Ordinance
- B. Summary of the City's Permitted Overnight Sleeping Programs

FOR MORE INFORMATION

Staff Contact: Kathryn Brotherton
Telephone: 541-682-8447
Staff E-Mail: KBrotherton@Eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING PROHIBITED CAMPING, PERMITTED OVERNIGHT SLEEPING, AND PROHIBITED ACTIVITIES ON STREETS, SIDEWALKS AND SHARED-USE PATHS, AND AMENDING SECTIONS 4.815, 4.816, 4.860, AND 5.135 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.815 of the Eugene Code, 1971, is amended to provide as follows:

4.815 Prohibited Camping.

(1) As used in this section:

(a) "To camp" means to set up or to remain in or at a campsite.

(b) "Campsite" means any place ~~[where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed,]~~ established or maintained for the purpose of maintaining a temporary place to live ~~[, whether or not such place]~~ **that** incorporates the use of any tent, **tarp**, lean-to, shack, **wooden pallet**, or any other structure, or any vehicle or part thereof.

(2) It is found and declared that:

(a) From time to time persons establish campsites on sidewalks, public rights-of-way, under bridges, and so forth;

(b) Such persons, by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of themselves and the community; ~~[and,]~~

(c) Camping on or immediately adjacent to property intended primarily for use by motor vehicles poses an immediate safety risk to the person camping and, in certain circumstances, to the vehicular drivers; and,

(d) The City's sidewalks, accessways and shared-use paths must be accessible to everyone, including people with disabilities; this accessibility depends on sidewalks, accessways, and shared-use paths having a minimum clear width. Campsites that encroach into the necessary clear width prevent people with disabilities from having full access to these transportation systems; and,

(e) State and federal laws require the City to protect and improve the physical integrity and water quality of the Willamette River, including all tributaries to the river. All City waterways are tributaries to the Willamette River. Establishing campsites near a waterway in an area not intended for that use degrades the waterway's physical integrity and water quality, and, when contaminants from campsites enter the waterway, poses an immediate risk to public health and safety; and,

~~[(e)]~~***(f)*** The enactment of this provision is necessary to protect the peace, **accessibility**, health, and safety of the city and its inhabitants.

(3) No person shall camp in or upon ***the following publicly owned property:*** ~~[any sidewalk, street, alley, lane, public right of way, park or any other publicly owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the Mayor in emergency circumstances.]~~

(a) Property that is primarily intended for and used by motor vehicles, including but not limited to, the portion of the street between the curbs;

(b) Publicly owned parking lots and on-street parking spaces;

(c) Property that is intended to provide a buffer between lanes of vehicular traffic or between vehicular traffic and pedestrians, including but not limited to traffic islands and parking strips, if there is not a minimum of 60 inches (5 feet) between the campsite and vehicular traffic;

(c) Sidewalks, accessways, and shared-use paths when the minimum width established by the Americans with Disabilities Act (ADA) or the Federal Highway Administration (FHWA) cannot be maintained. For purposes of this section, sidewalks must have a minimum clear width of 48 inches (4 feet), and accessways and shared-use paths must have a minimum clear width of 120 inches (10 feet);

(d) Property adjacent to a building if the campsite blocks access to the building's entrance, exit, access ramp, or stairs; and,

(e) For the Willamette River, property located within 100 feet of top of high bank; for all other open waterways, property within 60 feet of top of high bank; and, property within 5 feet of ditches, wetlands, and vegetative stormwater quality facilities. For purposes of this section, "top of high bank" means the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and "open waterway" means a natural or human-made creek, stream, pond, or open channel.

(4) Upon finding it to be in the public interest and consistent with council goals and policies, the council may, by motion, exempt a special event ***or specific activity*** from the prohibitions of this section. The motion shall specify the period of time and location covered by the exemption.

Section 2. Section 4.816 of the Eugene Code, 1971, is amended to add a new subsection (11) that provides as follows:

4.816 Permitted Overnight Sleeping.

....

(11) Permitted Overnight Sleeping Dusk to Dawn Program. The City Manager is authorized to permit persons to sleep overnight at designated sites, between the hours of 4:30 p.m. and 7:30 a.m., under the following conditions:

(a) The City Manager shall recommend to the City Council proposed sites for the Dusk to Dawn program. Any such site may not be located in a residential area or close to a school, and must be owned or leased by the City of Eugene, another governmental

entity, a religious institution, a non-profit organization, or a business if the business is located on property zoned commercial or industrial.

(b) Before a proposed site may be used, the site must be approved by the City Council by motion and the City Manager must adopt an administrative rule governing use of the site.

(c) The City Manager may close a site at any time upon determining that allowing camping at a site would create dangerous conditions or a health threat to the public.

(d) In determining the hours that the City Manager permits persons to sleep overnight at designated sites, the City Manager shall consider, among other things, the seasonal sunset.

(e) If, as an addition to the permitted overnight sleeping program authorized by this subsection (11), daytime support services are available at or near the site, the Dusk to Dawn site may be referred to as a Dawn to Dawn site.

Section 3. Section 4.860 of the Eugene Code, 1971, is amended to provide as follows:

4.860 Certain Activities on Streets, [and] Sidewalks, Accessways, and Shared-Use Paths Prohibited. Unless otherwise authorized in this code ***or by revocable permit***, no person shall:

(a) Cut or split wood on a street or sidewalk.

(b) Carry [or] haul, ***deposit, or discard any*** rubbish, garbage, ***debris, human waste, or other refuse*** [or filth on a] ***upon any*** street, [or], sidewalk, ***accessway, or shared-use path*** exposed so as to be offensive to pedestrians.

....

(f) Place personal property on a sidewalk, accessway, or shared-use path if the minimum width established by the Americans with Disabilities Act (ADA) or the Federal Highway Administration (FHWA) is not maintained. For purposes of this section, sidewalks must have a minimum clear width of 48 inches (4 feet), and accessways and shared-use paths must have minimum clear width of 120 inches (10 feet).

(g) Drain, or cause or permit to be drained, sewage, graywater, or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon any street, sidewalk, accessway, or shared-use path, or the associated stormwater drainage system. A violation of this section is deemed an immediate risk to public health and safety and, in addition to the issuance of a citation for the violation, a recreational or camping vehicle is subject to immediate impoundment in accordance with EC 5.693-5.980 and the administrative rules adopted pursuant thereto.

Section 4. Subsection (2) of Section 5.135 of the Eugene Code, 1971, is amended to provide as follows:

5.135 Storage of Vehicles on Streets.

....

(2) No person shall store or permit to be stored a vehicle on a street or other public property if the vehicle's registration sticker has expired ***or if the vehicle has no license plate or registration sticker.***

....

Section 5. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended, or repealed herein.

Passed by the City Council this
__ day of _____, 2023

Approved by the Mayor this
__ day of _____, 2023

City Recorder

Mayor

City of Eugene Permitted Overnight Sleeping Programs

Microsites



Microsites are designated sites where people can stay in Conestoga huts or Pallet Shelters in a secure, managed location, with on-site amenities as well as individualized and group facilitation supports. Microsites are managed by Community Supported Shelters.

Capacity

Microsites accommodate up to 6 structures per site. Contact for current availability.

Program Management

Community Supported Shelters (CSS) manages several microsites.

Locations

- Eugene Mission, 1542 W. 1st Ave. (CSS)
- Graham Fieldhouse, 22nd Ave. and Polk St. (CSS)
- Additional dispersed microsites (CSS)

How to Access

CSS: People can sign up for a CSS rest stop or microsite at the CSS main office at 1160 Grant St. during their walk-in hours, Wednesday through Friday from 1 p.m. – 4 p.m. CSS can be contacted by phone or email at (541) 683-0836 or c.s.s.eugene@gmail.com

Opportunity Village



Opportunity Village is a transitional community providing a safe space for people experiencing homelessness to sleep, keep their belongings, participate in a village community, and receive supports to help them stabilize and transition into permanent housing. It consists of small bungalows and Conestoga huts, with access to community spaces and shared infrastructure.

Capacity

29 sleeping units, contact for current availability

Program Management

Opportunity Village is managed by [SquareOne Villages](#).

Location

111 N. Garfield St.

How to Access

Visit the site at 111 N Garfield between 9 a.m. - 5 p.m. You can view and print the application, and find additional information, at www.squareonevillages.org/opportunity.

Phone: (541) 650-6937

Email: info@squareonevillages.org

Overnight Parking Program



The Overnight Parking Program provides sanctioned, safe, dispersed locations in the community for unhoused people to sleep in their vehicles, with a small number of sites offering Conestoga huts for sleeping. Sites are located in the parking lots of religious institutions, businesses, and public or private entities, with permission of the property owners. Up to six vehicles are allowed per site, and all sites have access to restrooms and trash service.

Capacity

Over 50 spots at approximately 30 locations. Contact for current availability.

Program Management

The Overnight Parking Program is managed by [St. Vincent de Paul](#).

Locations

Locations are dispersed throughout Eugene.

How to Access

To sign up for the Overnight Parking Program, visit the Eugene Service Station at 450 Hwy 99N, open 8 a.m. - 5 p.m. every day, or call (541) 461-8688.

Rest Stops



Rest Stops are designated sites where people can stay in Conestoga huts or Pallet Shelters in a secure, managed location, with on-site amenities as well as individualized and group facilitation supports.

Capacity

Rest Stops accommodate up to 20 people per site. Contact for current availability.

Program Management

Community Supported Shelters (CSS) manages eight rest stops.

Nightingale Hosted Shelters (NHS) manages one rest stop.

Locations

- Skinner City Farm, N Washington and Cheshire (CSS)
- Lot 9 near Autzen Stadium, Leo Harris Parkway and N Walnut (CSS)
- Westmoreland, near 18th Ave. and Chambers St. (CSS)
- Bertelsen, W. 7th and Bertelsen (CSS)
- Empire Pond, Barger/Empire Park Dr. and Hwy 99 (CSS)
- Veterans Safe Spot at the Eugene Mission, 1542 W. 1st Ave. (CSS)
- Roosevelt and N. Garfield (CSS)
- NW Expressway and Chambers (CSS)
- 34th Ave. and Hilyard St. (NHS)

How to Access

CSS: People can sign up for a CSS rest stop or microsite at the CSS main office at 1160 Grant St. during their walk-in hours, Wednesday through Friday from 1 p.m. – 4 p.m. CSS can be contacted by phone or email at (541) 683-0836 or c.s.s.eugene@gmail.com

NHS: Access the application and additional information about the program at <https://nightingaleshelters.org/apply/> or call (541) 630-6303.

Dusk to Dawn/Dawn to Dawn



Dawn to Dawn (also known as Dusk to Dawn) is a low-barrier, drop-in shelter program that provides space where people can stay, keep their belongings, and receive connections to services. Shelter is provided in heated, multi-person tents.

Capacity

150 spaces, contact for current availability

Program Management

The Dawn to Dawn program is managed by St. Vincent de Paul

Location

171 Hwy. 99

How to Access

Sign up begins at 2 p.m. every day at the Eugene Service Station at 450 Hwy 99N. The Service Station can be reached at (541) 461-8688.

Safe Sleep Sites



On April 28, 2021, the Eugene City Council approved an ordinance to create more safe and lawful places for people to sleep. The ordinance allows for the temporary establishment of “safe parking” and “safe tent” sites that could provide options for individuals to legally park their vehicles or sleep in tents. These sites may accommodate a larger number of vehicles or tents than previously allowed by code, up to 60 vehicles or up to 40 tents. The sites are managed by social service providers who are responsible for compliance with rules and community agreements, monitoring who is allowed to be on-site, coordinating ongoing site infrastructure needs, being accessible and responsive to neighbor concerns, and coordinating with the City and other partners. The ordinance is in effect until June 30, 2024, unless extended.

Safe Sleep (Parking) Site Sign Up

To sign up for a parking spot at the at 310 Garfield Safe Sleep site, complete the [Safe Sleep Waiting List form](#).

Safe Sleep Site Locations

310 Garfield St.

Accommodates up to 55 vehicles used for shelter, along with additional vehicles used by those residents for transportation. [St. Vincent de Paul Society of Lane County](#) operates the site.

410 Garfield St.

Indoor site for 86 tents. Operated by [St. Vincent de Paul Society of Lane County](#), including a daily meal, on-site showers, laundry vouchers, common area, case management, regular service provider visits.

Everyone Village

Located at 3825 Janisse St. and operated by Everyone Church. Current capacity is 60, in a mix of vehicles and small shelters.

Dwayne Woods (Rosa) Safe Sleep Site

Located at 2243 Roosevelt Blvd and operated by local service provider Carry It Forward, this site has a capacity of 40 sleeping structures – a mix of Pallet Shelters, Conestoga huts, and other small shelters.

Tom Campbell Safe Sleep Site (at Chase Commons Park)

Located at 175 Commons Drive and operated by Local service provider Carry It Forward, this site has a capacity of 20 sleeping structures, mostly Pallet Shelters. To help support an unmet need in the community, the Chase Commons site prioritizes unsheltered people 18 or older who are medically fragile and therefore experience increased vulnerability to living unsheltered. Services will be available to residents to support their healthcare needs and to assist them in improving their overall stability and moving toward permanent housing.