A. Call to Order

B. Roll Call

C. Topics
   1. Beach Camping [PW/DS, Pg. 2]
      a. Oregon State Parks – Process to Request a Change in Camping on Beach within City Limits [Pg. 3]

   2. Social Security Bar Access Lease Agreement [PW/DS, Pg. 4]
      a. Lease Agreement [Pg. 5]
      b. Chetco River – Social Security Bar Proposal [Pg. 9]

   3. Land Development Code Revisions – Accessory Dwelling Unit [PW/DS, Pg. 20]
      a. HB 2001 Section by Section Summary [Pg. 21]

   4. Code Revisions for Homeless Resources Update [PW/DS, Pg. 28]
      a. LCOG Memo “Homelessness Summary” – August 12, 2019 [Pg. 29]
      b. City of Coos Bay, Chapter 8.45 “Temporary Lodging Facility” Ordinance [Pg. 31]
      c. City of Eugene, Ordinance adopting “Dusk to Dawn” Permitted Overnight Sleeping Pilot Program [Pg. 41]

D. Council Member Requests for Workshop Topics

E. Adjournment

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1103 if you have any questions regarding this notice.
Subject: Beach Camping

Background/Discussion:
Under Oregon Law, it is legal to camp overnight along the ocean shore to accommodate recreational hikers on the Oregon Coast Trail. The exception to this is beach areas fronting those cities that have requested no camping adjacent to the boundaries of their city. City governments can request, under Oregon Administrative Regulation (OAR) 736-030-0020 to be included on a list of cities where overnight camping is prohibited. The Cities of Cannon Beach, Lincoln City, Seaside, Newport, Bandon, Gold Beach, Rockaway Beach and Manzanita currently prohibit overnight camping on the beach under this provision.

In order to enact this prohibition, the City must adopt an ordinance prohibiting overnight camping on the beach, and must request that the Oregon Department of Parks and Recreation amend the OAR to include Brookings on the list of cities as indicated above.

Since the development of Mill Beach Access in 2013, the City has received multiple complaints from area residents concerning transient camping on Mill Beach. In 2009 & 2016 the City Council declined the request to restrict camping on beaches within the City of Brookings.

Recently local management for Oregon State Parks approached the City regarding this issue. They have had a significant increase in compliance issues, illegal activity and garbage at the Mill Beach location. They suggested that the overnight camping prohibition may be beneficial to both City and Oregon State Parks.

Staff is seeking direction from Council if restricting camping on beaches in the City of Brookings should be re-visited.

Attachment(s):
   a. Oregon State Parks – Process to Request a Change in Camping on a Beach within City Limits. (Including current and potential changes to OAR 736-030-0020)
Process to Request a Change in Camping on Beach within City Limits

**Current Rule**
**736-030-0020**

**Prohibition of Camping**
Overnight camping, including overnight sleeping in tents, driftwood shelters, sleeping bags, recreational vehicles, trailers or automobiles, on the ocean shore within the city limits of Cannon Beach, Lincoln City, Seaside, Newport, Bandon, Gold Beach, Rockaway Beach and Manzanita is prohibited.

**Statutory/Other Authority:** ORS 390.660

**Statutes/Other Implemented:** ORS 390.124 & 390.660

**Potential Change**
**736-030-0020**

**Prohibition of Camping**
Overnight camping, including overnight sleeping in tents, driftwood shelters, sleeping bags, recreational vehicles, trailers or automobiles, on the ocean shore within the city limits of Cannon Beach, Lincoln City, Seaside, Newport, Bandon, Gold Beach, Brookings, Rockaway Beach and Manzanita is prohibited.

**Rule change process**
- Brookings submits letter requesting a rule change to the OPRD Director
- OPRD Commission considers approval of opening rulemaking at a regular meeting
- Public Comment open for minimum of 30 days, beginning first of month following commission meeting.
  - Public comments accepted via mail, email and website.
  - Public hearing held in Brookings at least 21 days after comments opened.
- OPRD Commission reviews comment and may adopt changes at next commission meeting.
  - Rule becomes effective day following commission meeting in which it is adopted.

**OPRD Commission meetings**
- February 20- Hillsboro or Tualatin
  - Material needed by 1/15
- April 15- Astoria
  - Material needed by 3/12
- June 17- Pendleton
  - Material needed by 5/14
- Sept 16- Madras or Bend
  - Material needed by 8/13

Contact:
Katie Gauthier, Legislative and Policy Coordinator, 503-947-8625, Katie.gauthier@oregon.gov
CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: 1/6/2020

Originating Dept: PWDS

Subject: Social Security Bar Access Lease Agreement

Financial Impact: The City would receive $1 per year for the next 50 years

Background/Discussion: Illegal activities at Social Security Bar coupled with complaints from adjacent residents have been ongoing for years. A new round of staff discussion about what to do with the City owned portion of land which includes the access to Social Security Bar has emerged. The new discussion includes a long term lease of the City owned property to the County for development.

The property is within the Urban Growth Boundary, but would need a County zone change to accommodate an RV park or campground (currently zoned Public Facilities). Another development concept discussed in the past is a day-use area for picnicking with restrooms and parking.

Curry County Parks Director Josh Hopkins discussed with County Commissioners at a workshop on August 8, 2018 his interest in the development of the 1.6 acres of City-owned property at Social Security Bar. Commissioners directed Josh to prepare a proposal to present to the City of Brookings. Staff brought the subject of Social Security Bar back to a City Council Workshop on October 1, 2018. Council was open to the concept of the County developing the property but expressed interest in a long term lease in lieu of selling the property to the County.

On August 12, 2019 the County provided a proposal to manage the City owned Social Security Bar access. The Council requested that Josh Hopkins (Curry County Parks Director) take the proposal back to the County and prepare a lease agreement that addresses the following concerns.

- The length of the agreement
- Ensuring that public access to the gravel bar will not be hindered
- Access to the area in the case of requiring an emergency water source.

These areas have been addressed in sections 2, 3 and 5 of the attached proposed agreement. Staff has concerns about Section 5 discussing access to emergency water sources.

Attachment(s):

a. Lease Agreement Proposal
GROUND LEASE

DATE: January ___, 2020

PARTIES: Curry County, a Political Subdivision of the State of Oregon, Lessee and City of Brookings, Oregon, a Municipal Corporation, Lessor

RECITALS: 1) Lessor is the owner of land described on the attached Exhibit “A”. This land shall hereinafter be referred to as “the Premises”.

2) The Premises consist of 1.6 acres currently configured as bare ground which includes an access point to the gravel bar along the Chetco River.

3) Lessee wishes to utilize the premises as an access point to the Chetco River for public use with plans of development for recreational camping facilities.

Section 1. Agreement to Lease
Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the premises on the terms and conditions set forth below:

Section 2. Term
The term of this lease shall begin on January ___, 2020 and shall continue for fifty (50) years until December 31, 2069 unless it is terminated sooner as provided in this lease. The lease may be renewed for another 50-year period upon agreement between the parties.

Section 3. Reviews
Every ten (10) years in which this lease is in effect there shall be an annual review of the provisions herein as well as an inspection of the Premises. If Lessor determines within this review that provisions of this lease are not being complied with, Lessor shall give Lessee notice within 30 days of the review and Lessee shall have a reasonable time in which to come into compliance.

Section 4. Rent
Basic rent shall be the sum of $1.00 per year. Lessee shall pay this amount on or before January 15, of each year the lease is in effect beginning in 2020.

Section 5. Use of the Premises
Lessee may use the premises for public parking and access, recreational camping facility and/or other uses allowed within zoning restrictions. Lessee is free to make any necessary alterations to the Premises in order to carry out the goal of developing a recreational camping facility.

Lessee will not hinder public access to the gravel bar located adjacent to the Premises.

Lessee acknowledges that Lessor’s emergency water source is located on the Premises. If an emergency should occur in which Lessor cannot access its current water source, the Premises may be evaluated to determine whether it is appropriate for Lessor to locate a rainwater catch system thereon pursuant to the Brookings Water Master Plan. Lessee will work with Lessor in such event with the goal of mitigating any disturbance of Lessee’s development of the Premises. If the Premises must be used as an emergency water
source and Lessee’s developments are disturbed, Lessor will reimburse the cost of the development to Lessee or pay to replace the development(s) Lessee created.

Section 5. Taxes and Assessments
Lessee shall pay before delinquency all real and personal property taxes, general and special assessments, and other charges of each description levied on or assessed against the premises.

Section 6. Costs of Development – Maintenance
a) Except as otherwise provided in this section, Lessee shall be responsible for all costs associated with the development of the premises into a recreational camping facility.
b) Lessee shall maintain the premises in good condition and repair during the duration of this lease.

Section 7. Ownership of the Improvements
All improvements constructed on the Premises by Lessee shall be owned by Lessee until expiration or sooner termination of this lease. All improvements located on the Premises at the expiration or sooner termination of this lease shall become the property of Lessor, free and clear of all claims of Lessee or anyone claiming under Lessee, and Lessee shall indemnify and defend Lessor against all liability and loss arising from such claims. Nothing in this paragraph 7 shall alter other provisions of this lease.

Section 8. Assignment; Subletting; Financing
a) Lessee shall not assign or otherwise transfer Lessees’ interest in the lease or the estate created by this lease.
b) Lessee shall not sublet all or any part of the Premises or other improvements on the premises.
c) The parties understand that the Premises shall be used for a recreational camping facility, public parking and any other allowed use under the applicable zoning regulations.
d) Lessee may not subject the leasehold estate and the improvements, if any, to one or more mortgages or other liens as security for a loan or loans or other obligations of Lessee.

Section 9. Insurance
Lessee shall procure at its own expense and continuously maintain during the term of this lease a comprehensive general liability policy with a minimum coverage of $500,000.00 per occurrence, or such large amount as to insure total coverage for potential liability should the limits under the Tort Claims Act be amended. The insurance shall be in a form sufficient to protect Lessor and Lessee against claims from third persons for personal injury, death, or property damage arising from the use, occupancy, or condition of the premises or improvements on the premises. Lessee shall name Lessor as an additional insured.
Certificates of Insurance will be proved to Lessor upon request.

Section 10. Cross-Indemnification
Subject to the limited of the Oregon Tort Claims Act, each party agrees to defend, indemnify and hold harmless the other party, its officers, employees, agents and representatives from claims for damages by third parties arising out of the parties’ conduct described herein. Provided that the foregoing provision shall not be construed to make Lessee responsible for loss, damage, liability or expense resulting from injuries to third parties solely caused by any act or omission, or the negligence of Lessor.
Section 11. Remedies on Default

Should Lessee default on its obligations under the Lease, Lessor may give Lessee written notice of the default. Should Lessee fail to cure the stated default within 30 days, Lessor may terminate the Lease.

Section 12. Surrender and Termination

a) Upon expiration of the Lease term, Lessee shall surrender possession of the Premises to Lessor, including all improvements located on the Premises, in good condition. All property that Lessee is required to surrender shall all become Lessor’s property at the date of the expiration of the lease.

b) Failure by Lessee to vacate the Premises at the time specified in this lease shall not constitute a renewal or extension or give Lessee any rights in or to the Premises or any improvements. Upon such a holdover, Lessee shall defend and indemnify Lessor from all liability and expense resulting from the failure or delay of Lessee to timely surrender the Premises including, without limitation, claims made by any succeeding tenant founded on or resulting from Lessee’s failure to so surrender.

c) Lessee may surrender the Premises to Lessor, and except as provided in paragraphs 10 and 13(c), shall have no further obligation under this lease by giving Lessor 30 days’ notice of Lessee’s intent to terminate the lease and vacate the Premises.

Section 13. Condemnation

In the case of eminent domain, of all or a portion of the Premises, this lease shall automatically terminate unless it still has land available for reasonable use by Lessee in such case the lease shall remain in full force and effect as to the remaining property. Lessee shall have the right, however, to claim and recover from the condemning authority compensation for any loss to Lessee’s leasehold estate and the Lessee’s moving expenses and for the interruption of or damage to Lessee’s business.


a) Waiver by either party of strict performance of any provision or term of this lease shall not be a waiver of or prejudice the party’s right to require strict performance of the same provision or any other provision.

b) All notices under this lease shall be effective on the earlier of actual receipt or two days after deposit as registered or certified mail, return receipt requested, postage prepaid and addressed to Lessor or Lessee at the addresses stated below, or to such other address as either party may specify by notice to the other party:

LESSOR: City of Brookings

LESSEE: Curry County, A Political Subdivision of the State of Oregon
94235 Moore Street, Suite 122
Gold Beach, OR 97444

If suit or action is instituted in connection with any claim or controversy under this lease, the prevailing party shall be entitled to recover costs and reasonable attorney fees.

c) The invalidity or illegality of any provision of this lease shall not affect the remainder of the lease.

d) This lease and the party’s rights under it shall be construed and regulated by the laws of the State of Oregon.
LESSEE:  CURRY COUNTY BOARD OF COMMISSIONERS

_______________________________________  
Christopher Paasch, Chair  Date

_______________________________________  
Sue Gold, Vice Chair  Date

_______________________________________  
Court Boice, Commissioner  Date

State of Oregon  )
    ) ss
County of Curry  )

Acknowledged before me this ___day of __________________, ________, by
___________________________________________________.

__________________________________ ___  
Notary Public for Oregon
My Commission Exp:____________________

LESSOR:  CITY OF BROOKINGS

_______________________________________  
Janell K. Howard, City Manager  Date

State of Oregon  )
    ) ss
County of Curry  )

Acknowledged before me this ___day of __________________, ________, by
___________________________________________________.

__________________________________ ___  
Notary Public for Oregon
My Commission Exp:____________________

Approved as to Form:

__________________________________ ___  
John Huttl
Curry County Counsel
Chetco River Social Security Bar Proposal

Josh Hopkins, Curry County Parks Director
7/24/2019

In order to maintain a safe and sanitary experience that recreationist of all ages can enjoy, Curry County is pursuing land transfer options for the City of Brookings owned Social Security Bar Access Point along the Chetco River near Brookings Oregon.
Proposal Contents

- Executive Summary ........................................... page 1
- Curry County's Goal for the Social Security Bar ........ 2
- Proposed Use Map ............................................. 3
- Tax Lot Map .................................................... 4
- Current Signage ................................................. 5
- Permanent Recreational Campground at Access Point ... 6
- Cost/Revenue Summary ....................................... 7
- Letters of Support ............................................. 8-9
Executive Summary

The Social Security Bar is located on the North Bank of the Chetco River approximately 4 miles from Highway 101. The City of Brookings owns the 1.6 acre access point, and the Department of State Lands (DSL) owns the connected gravel bar. The gravel bar is enjoyed by many outdoor recreationalists like fishermen, boaters, and swimmers.

For years residents living around the Social Security Bar have voiced concerns about public nuisances that take place year round on the property. Illegal dumping, illegal fires, camping, late night partying, and off-road vehicle use have upset and at times overshadowed the peaceful recreational activities of the day. The City of Brookings has had several workshops on what to do to correct these actions. Over the years numerous ideas like gates, installing a camp host, and cameras have been reviewed. During a May, 2015 Workshop a letter with a petition signed by 35 citizens from the area was presented detailing the issues and requesting a gate.

Complicating the issue is deciding whose jurisdiction enforcement falls to for the area. The access is owned by the City of Brookings, but does not lie within city limits. While it is within the County limits, the Bar is State owned, and sometimes has to wait for Oregon State Police to respond. While combined law enforcement will respond to these areas, the nuisance calls are often after dark when Officers are not readily available. In these cases, as there are no eyes and ears on the property to take down license plates and vehicle descriptions, the people dumping trash and running off-road vehicles all hours of the night often do so without consequence.

In order to continue the conversation on how to best address the concerns of the public, and preserve the recreational beauty of the area, Curry County held a Board of Commissioner (BOC) Workshop in August 2018. Parks Director, Josh Hopkins, presented an idea to the BOC of working with the City of Brookings to gain ownership of the access point to develop a campground facility on and proposed leasing the DSL gravel bar. The City of Brookings had a follow-up City Council Workshop in October 2018 confirming they were interested in exploring this possibility. Curry County had another Workshop in April 2019 where the BOC gave a consensus to work on a proposal for this project. County Parks sent a proposal for a lease option to DSL; a DSL representative has reported the Agency is in favor of a long term lease.

Curry County is proposing an ownership transfer, wherein the City of Brookings donates the access point property to Curry County with the following restrictions. Place a recreational restriction in the deal wherein if Curry County attempts to use the property for a non-recreational purpose, ownership returns to the City. Create a roads width easement from N. Bank Chetco River Rd to the gravel bar property line.

Curry County will provide an onsite camp host to help maintain and enforce County Park Regulations, trash service, sanitary restroom facilities, and actively work towards building a campground on the access point. Providing an onsite camp host with the ability to accurately report instances of illegal dumping, fires, parties, and off-road vehicles is expected to quickly curve these actions. This type of governmental teamwork restores the public trust in its government organization’s ability to collaborate and protect the recreational lands placed aside for their enjoyment. The main goal is to provide a safe and sanitary experience that recreationist of all ages can enjoy.
Curry County’s Goals for the Social Security Bar

Insure and maintain public access

Create and maintain a public facility that promotes safe and sanitary outdoor recreational activities

Stop illegal dumping

Stop and regulate current illegal camping

Stop illegal campfires, late night partying, and the public nuisances the area is known for
Proposed Property Use Maps for County Management

Above- The property area of interest is the City owned Social Security Bar Access Point; its boundary is marked by the red box. The blue lined area is the DSL owned parcel the County is pursuing a lease of for Dry RV.

Above- Closer view of proposed Day Use Only Area (1) and RV Camping Area (2), separated by orange line. Having a Day Use Only section will help insure public access, and cause less impact on neighbors as the dry RV camping will be away from their view. The yellow dash line represents the proposed City of Brookings easement area. The easement adds an additional layer of protection to insure the public’s unblocked access to the area.
Tax Map

The City of Brookings access point is Taxlot number 503, Map Taxlot 4013-34 -00503-00, property ID R25575, approximately 1.6 acres in size. The County is proposing this property be donated for use of a recreational facility. The County will be actively developing a permanent public campground on the access point. Donating the property for a project that will create and expand on the public's recreational opportunities, shows not only great intergovernmental cooperation, but reassures the public's trust in the jurisdictions who are managing their lands.
Signage

Below is the current signage at Social Security Bar. After an agreement is finalized with the City of Brookings, Curry County Parks would update the verbiage stating something similar to “Curry County Parks Presents, DSL’s Social Security Bar Day Use and Campground.” We would clearly list the camping season May 31st-December 31st, and the relevant rules and regulations on the sign. Additionally the County would create a separate interpretive sign explaining the history of the Social Security Bar, and highlight the cooperative nature between the different governmental agencies that facilitated its creation as a recreational facility for the public’s enjoyment.
Permanent Recreational Campground at Access Point

Below is an example of what kind of campground could be built on the City of Brookings owned access point that Curry County is purposing be donated. This is only an example, and the County would look to limit the spaces built to possibly 12 campsites. A proposed time frame would be as follows: Year one; establish a camp host site at the access point, trash services, temporary restroom facilities, and charge for dry recreation vehicle bar camping. Year two; have designs and Master Development Plan for campground created. Year three; establish permanent restroom facilities at access point. Year five; establish and build camping facilities on the access point.
Estimated Annual Cost Summary

Year Round Camp Host- $3600.00/yr

1 cubic yard trash weekly- $143.95/mo, expected for June-Sept, then 4 cubic yard as needed at $145 per call. $1200.00/yr

Temporary sani-cans bi-weekly- Standard $90/mo, during peak season would want at least two of each. $1440.00/yr

Camp Host Septic- $98 pumps or possibly purchase 250gal holding tank. $890.00/yr

Janitorial Supplies- $300.00/yr

Current total estimate- $7430.00/yr

Comparable Estimated Revenue

Currently gravel bar camping is allowed at three Forestry Campgrounds approximately 10 miles up the Chetco River from the Social Security Bar. Below is a yearly revenue table, not taking into account large fire years.

<table>
<thead>
<tr>
<th>Gold Beach Ranger District Bar Camping:</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redwood</td>
<td>$10,567</td>
<td>$12,005.50</td>
<td>$7,743.00</td>
<td>$8,651.50</td>
</tr>
<tr>
<td>Miller</td>
<td>$3,994.73</td>
<td>$3,735</td>
<td>$4,257.75</td>
<td>$6,230.30</td>
</tr>
<tr>
<td>Nook</td>
<td>$6,227.90</td>
<td>$6,079</td>
<td>$6,185.68</td>
<td>$8,596</td>
</tr>
<tr>
<td>Total</td>
<td>$20,789.63</td>
<td>$21,819.50</td>
<td>$18,186.43</td>
<td>$23,477.80</td>
</tr>
</tbody>
</table>

As the Social Security Bar is larger, has a better location, and will have a longer season, this facility is expected to generate more revenue than the comparables listed. Allowing for seasonal dry RV camping on a section of the bar is essential. It allows the revenue collected to be available for offsetting the operational cost, and funds the development of a permanent campground on the City owned access point the County is interested in gaining ownership of.
To Whom it may Concern,

I am writing you to express my support to rid the neighbors of the noise abuse and countless parties motorcycles driving 90 miles an hour, homelessness and feces, needles, nails, garbage fires and countless other problems we have endured for years.

The response from all involved has always been to point the finger at each other and say it's nobody's fault.

Countless sleepless nights calling the curry county sheriff's dept. to be told there is nothing they can do. No sheriff or state police available.

I'm thrilled to hear an answer finally! Something to benefit everyone the county putting a park in, campground, and a park host. This is a wonderful idea. The land will be treasured and cared for the way it should be. Land this beautiful should not be trampled and treated like garbage it should be respected and viewed as a treasure given to us to use and to leave in the same condition if not better.

Please understand I am not an environmentalist I have lived here since 1972 on the Chetco and believe change is good when it better things a campground would give us a chance for peace and other people visiting more opportunities for places to camp and enjoy are lovely river. This is a golden idea that is a win win.

Sincerely,

Teresa Rice (Rush)
To: Curry County Parks Department
From: Gordon and Olga Nielsen

This letter is in support of the development and maintenance of a campground on the Social Security Bar. We feel that this would be a major improvement to the area.

We moved to Brookings several years ago because of the location and the beauty of the area. Before we moved, we had visited multiple times and enjoyed all of the tourist attractions and campgrounds in Curry County. We were impressed with the cleanliness of the facilities. We ended up buying a home and business above the Social Security Bar. Shortly after we moved, we were very disappointed to find out that this area was used as a partying place and dumping ground by irresponsible individuals. The sheriff’s department is currently in charge of patrolling the ramp and the Bar. We realize that they are short staffed and cannot give the Social Security Bar the attention that is needed. Something, however, needs to be done about the dumping, littering, and crime on the river. It seems as if developing this area into a campground with a camp host to watch over things is the solution.

We would like to describe more specifics about some of the things that are taking place on the ramp and the Bar. First of all, things such as an old HVAC unit the size of a refrigerator has been dumped on the west end of the Bar and an old broken dryer has been dumped in the bushes on the east end of the Bar. Also, as we are writing this letter, another two bags of yard trash were added to the four that we found two days ago. Yard maintenance trash is dumped on the river bar constantly. This is in addition to the regular garbage we are picking up and throwing away with our own trash. We routinely find McDonalds dishes, cups, fishing lines with hooks on them, paper, boxes, beer cans, plastic bottles and broken pieces of glass. Very often groups of people come to the river at night and stay there screaming, playing very loud music way beyond the time they are allowed to be there. They also start fires relatively close to the brush even during “no fire” seasons. We find many of these fires still burning in the morning when we walk our dog. RVs and trailers as well as cars stay on the Bar overnight even though it is not legally allowed.

In conclusion, we believe that if the County would consider setting up a campground on the territory of the Social Security Bar, it would change the above mentioned dynamics instantly. It would not only clean the place up and preserve its natural attraction for tourists and for the residents, but it would also discourage the illegal activity that is taking place in the area. Besides the other advantages listed above, this could be a good source of revenue for the County. Our desire is to make Brookings a better and more attractive place which will bring benefit to everyone involved.

Thank you for your consideration of this matter.

Sincerely,
Gordon and Olga Nielsen.

Owners of Steevens Storage
98744 N.Bank Chetco River Rd.
Brookings, OR 97415
Phone number (541)469-2853
CITY OF BROOKINGS
COUNCIL WORKSHOP REPORT

Meeting Date: January 6, 2020

Originating Dept: PW/DS

Subject: Land Development Code Revisions - Accessory Dwelling Unit

Background/Discussion: On August 8, 2019, Governor Brown signed HB 2001, which established that off-street parking and owner-occupancy requirements are not “reasonable local regulations relating to siting and design.” This means that, even if a local development code requires off-street parking and owner-occupancy, as of January 1, 2020, local jurisdictions may not mandate off-street parking spaces for ADUs nor require a property owner to live in either a primary or accessory dwelling. The law provides an exception for ADUs that are used as vacation rentals, which may be mandated to provide off-street parking or have owner occupancy requirements.

ADU requirements within HB 2001 affects cities with a population greater than 2,500 and counties with a population greater than 15,000 (and jurisdictions of any size that seek to allow more housing choices within urban growth boundaries). Affected cities must update codes effective January 1, 2020.

The City of Brookings Land Development Code currently has provisions for ADU’s within Chapter 17.180 Workforce Housing. The code as it reads now requires revision.

Proposed revisions:

Chapter 17.180 Workforce Housing

17.180.040 Accessory dwelling unit.

C. **Deleted** Only the property owner may apply for an ADU. The property owner must occupy the primary dwelling as their primary residence. A “primary residence” shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes, or with other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies the primary dwelling. A deed restriction shall be recorded and a copy provided to the city declaring the accessory dwelling unit status of the subject property.

F. **Deleted** One off-street parking space shall be provided for the ADU in addition to the two off-street parking spaces required for the primary dwelling pursuant to Chapter 17.92 BMC.

Attachments:
   a. HB 2001 Section by Section Summary
HB 2001 Section-by-Section Summary

SECTION 1: Placement of new requirement in statute

Places section 2 in ORS 197

SECTION 2: Middle housing inclusion mandate

Section 2(1) Definitions:

- “cottage cluster”: 4 or more detached units per acre with a 900 sq. feet footprint and shared courtyard
- “Middle Housing”: duplexes, triplexes, quadplexes, cottage clusters and townhouses
- “Townhouses”: row of 2 or more attached units with at least one common wall between units, each on individual lots/parcels

Sections 2(2) – 2(4) Requirements:

- Section 2(2) Cities outside Metro with populations 25,000 or more and cities within Metro with populations of 1,000 (per section 2(4)) or more must allow development of:
  - All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings AND
  - A duplex on every lot or parcel zoned for residential use that allows single-family dwellings
- Section 2(3) Cities outside Metro with populations more than 10,000 and less than 25,000 shall allow the development of:
  - A duplex on each lot or parcel zoned for residential use that allow for development of detached single-family dwelling
  - These cities may also allow other middle housing types in these areas
- Section 2(4) The areas that are not impacts are:
  - Lands not in a UGB
  - Unincorporated lands without sufficient urban services (ORS 195.065)
  - Lands not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses OR
  - Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land’s potential for planned urban development

Section 2(5) Permitted regulatory options

- Can regulate siting & design
  - These regulations cannot individually or cumulatively discourage development of all middle housing types permitted in the area through unreasonable costs or delay
- Can regulate to comply with “protective measures adopted pursuant to statewide land use planning goals”
- Can permit middle housing in areas not included in requirement
- Can allow single-family dwelling units to be built

SECTION 3: Timing and Enforcement for compliance with mandates
Section 3(1) Timing

- Cities included under section 2(2) must complete their comprehensive plan revision implementing section 2 by June 30, 2022
- Cities included under section 2(3) must complete their comprehensive plan revision implementing section 2 by June 30, 2021

Section 3(2) DLCD Model

DLCD shall develop a model middle housing code by December 31, 2020

Section 3(3) Enforcement

If city does not update their comprehensive plan by the deadlines set in section 3(1), the model ordinance developed under section 3(2) shall be directly applied until revisions are adopted

Section 3(4) Incentives

Cities shall consider ways to increase the affordability of middle housing through ordinances/policies that include, but are not limited to:

- Waiving/deferring system development charges
- Adopting or amending criteria for property taxes AND
- Assessing a construction excise tax

Section 3(5) Transportation system plan update

Actions taken under section 2 does not require the city to consider whether the amendments significantly affect an existing or planned transportation facility

SECTION 4: Extension for underserviced areas

Sections 4(1) – 4(2) Extension

DLCD can grant an extension for completion of the requirements under Section 2 for specific areas within the city if:

the city has identified water, sewer, storm drainage or transportation service that are either significantly deficient or are expected to be significantly deficient before December 31, 2023

the city has a plan of action to remedy the deficiency in the services approved by the department

extension cannot exceed the period of time by which the city plans for remedy

Section 4(3) Areas not under extension

Areas not provided an extension must apply the change in comp plan adopted under section 2 or the model code under section 3 if they do not have a local update in place

Section 4(4) – 4(6) Process

Deadline for filing
• Cities included under section 2(2) must file by June 30, 2021
• Cities included under section 2(3) must file by December 31, 2020

Deadline for decision

• DLCD must rule on an extension for cities under section 2(2) within 120 days of receipt of a complete application
• DLCD must rule on an extension for cities under section 2(3) within 90 days of receipt of a complete application

Form & Substance of application

• DLCD shall create an application for extension by rule and may include rules regarding:
  o Defining the affect areas
  o Calculating the deficiencies of water, sewer, storm drainage or transportation services
  o Service deficiency levels required to qualify
  o Components and timing of a remediation plan to qualify
  o Standards for evaluating applications AND
  o Establishing deadlines and components for approval of the plan of action

SECTION 5: Housing Capacity Calculations and Actions

Amendments to ORS 197.296 (Buildable lands capacity analysis for residential land in Metro and cities over 25,000 in population)

• Adds language to requirement of tasks the local government must complete during periodic review or legislative review of the comp plan/regional framework related to a UGB and applying the housing goal under ORS 197.296(3)(b):
  o cities/Metro conduct analysis of existing and projected housing need by type
  o in accordance with all factors under ORS 197.303

• Amends language related to the applicable data to be used to determine housing capacity under ORS 197.296(5):
  o Deletes application of section to determination of housing need
  o Amends reference from section (3) of ORS 197.296 to refer to section (3)(a) of ORS 197.296
  o Changes the period of data to be consider to data collected since the last review or six years, whichever is greater
  o Adds data to be considered:
    • (C) Market factors that may substantially impact future urban residential development; and
  o Deletes the following data from consideration:
    • (C) Demographic and population trends
    • (D) Economic trends and cycles;
  o Changes the exception for using a wider geographic area or longer time period by deleting the reference to “for economic cycles and trends” under ORS 197.296(5)(b) and applies to all data considered
• Amends requirements for addressing a finding that need is greater than capacity under ORS 197.296(6)
  o Changes language under ORS 197.296(6) to allow a city to take action under one or both (instead of “more” in current statute)
  o Amends option related to updating its comprehensive plan, regional framework plan, functional plan or land use regulation under ORS 197.296(6)(b)
    ▪ Deletes requirement that the local government monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or
    ▪ Adds requirement that the local government adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.
  o Deletes option of a combination of the actions under paragraphs (a) and (b) under ORS 197.269(c), which is allowed by the language change in the section (6) language
  o Defines “authorized density”
    ▪ (c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.
• Amends ORS 197.269(7) to use the housing need analysis conducted under ORS 197.296(3)(b)
• Amends ORS 197.269(8)(b) to require the monitoring of actions taken under ORS 197.296(6) and (7) following the adoption of these actions. (timing is currently not specified)
• Amends ORS 197.269(9) add requirement that the local government adoption actions under ORS 197.296(6) and (7) shall ensure that land zoned for needed housing is ... and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period.

SECTION 6: Needed housing definition

Amends ORS 197.303 (defining needed housing)

• Expands the sections of the ORS to which the definition applies to ORS 197.295 to 197.314
• Adds a new subsection (2)-(4):
  o (2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the
following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

- (a) Household sizes;
- (b) Household demographics in terms of age, gender, race or other established demographic category;
- (c) Household incomes;
- (d) Vacancy rates; and
- (e) Housing costs.

o (3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

o (4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

o Renumbers current subsections (2) & (3) to (5) & (6)

SECTION 7: ADU regulation amendment

Amends ORS 197.312 as amended in 2018 to require the inclusion of ADUs on lots that allow single-family dwellings

- Add a limits on “reasonable local regulations”:
  - (8) “Reasonable local regulations relating to siting and design” does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

- Clarifies ability to regulate short term rentals:
  - (6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

SECTION 8: Severely rent burden community requirements

Amends the laws adopted in 2018 related to requirements for cities with a population greater than 10,000 that are severely rent burdened for reporting and meeting requirements

- Deletes section (1)(c):
  - (c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.

- Adds new units of housing required for reporting:
  - (g) Accessory dwelling units.
(h) Regulated affordable accessory dwelling units.

Units of middle housing, as defined in section 2 of this 2019 Act.

(j) Regulated affordable units of middle housing.

SECTION 9: Conversion building code process

Amends ORS 455.610 to allow for local options for conversion of single-family units into duplexes, triplexes or quadplexes

Adds the following requirements:

- (8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

- (9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.
  - (b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:
    - (A) A written explanation of the basis for the denial; and
    - (B) A statement that describes the applicant’s appeal rights under subsection (10) of this section.

- (10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:
  - (A) Is other than a judicial proceeding in a court of law; and
  - (B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

- (b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

- (c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

- (11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10: Report relating reducing costs

Adds requirement that the Department of Consumer and Business Services create a report on reducing the costs and administrative barriers to development

Adds the following reporting requirement
• It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

• The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11: Technical placement of statute

Places section 12 in ORS 94.550 to 94.783 (Relating to planned communities and their governing documents)

SECTION 12: Planned Unit Development governing documents

Any provision in a governing document of a planned unit development created after this bill goes into effect that preempts the development of middle housing is unenforceable.

  • Adds provision to ORS 94:
    o A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

SECTION 13: Deed restrictions

Adds provisions to the law:

  • A provision in a recorded instrument affecting real property is not enforceable if:
    o (1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:
      ▪ (a) Middle housing, as defined in section 2 of this 2019 Act; or
      ▪ (b) An accessory dwelling unit allowed under ORS 197.312 (5); and
    o (2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14: Operative Date

Sets an operative date of January 1, 2020 for section 1, 5-9, and 12-13. Allows DLCD and DCBS to take action necessary to meet the duties assigned in the bill prior to January 1, 2020.

SECTION 15: Technical Assistance

Provides $3.5 million for DLCD to provide as technical assistance to local jurisdictions subject to requirements of the bill. Prioritizes funds to cities with limited planning staff or that commit to early implementation.

SECTION 16: Emergency Clause

The bill goes into effect upon passage and signing into law.
Subject: Code Revisions for Homeless Resources Update

Background/Discussion:
At the December 2018 workshop, Council directed staff to consult with Lane Council of Governments (LCOG) to evaluate various options to revise the Land Development Code to include services for homelessness as a use. Code revisions could allow for temporary (seasonal) housing options for homeless individuals and families. Staff received attached correspondence from LCOG.

Staff is seeking direction from Council on how to proceed with options presented by LCOG.

Attachments:

a. LCOG Memo, “Homelessness Summary”, August 12, 2019
b. City of Coos Bay, Chapter 8.45 “Temporary Lodging Facility” Ordinance
c. City of Eugene, Ordinance adopting “Dusk to Dawn” permitted overnight sleeping pilot program.
TO: Tony Baron, Public Works & Development Services, City of Brookings

FROM: Anne Davies, Principal Attorney, Lane Council of Governments

RE: Homelessness Summary

DATE: August 12, 2019

Issue to be Addressed

The City of Brookings is looking to investigate options and opportunities for dealing with homelessness in the City. The City seeks to adopt ordinances either specifically or generally aimed at providing solutions for unhoused individuals and for easing the pressures the unhoused population imposes on the City and its other residents.

Legal Landscape

Homelessness has been increasing steadily throughout the state and the nation in the past decade or so. It is an issue that began in the larger cities, but which is now prevalent in even the smallest Oregon cities. Because the issue has grown so rapidly, most cities do not have the resources or legal regulatory landscape in place to effectively address the issues that arise. That said, because larger cities have been struggling with these issues for a while longer than cities like Brookings, there are strategies that have been successful in other jurisdictions that Brookings can look to for guidance.

Martin v. City of Boise

About a year ago, the Ninth Circuit Court of Appeals issued a decision, Martin v. City of Boise, that arguably changed the landscape of the possible laws that local jurisdictions could use to regulate where homeless people sleep. Simply put, the media covered this decision as deciding that “cities cannot criminalize homelessness.” That is a broad, vague statement that does not provide much guidance to a city attempting to regulate activities of unhoused individuals. The specific facts of the case are important for a complete understanding of what the case did and did not say.

Facts

The City of Boise has an ordinance that imposes criminal sanctions on individuals sleeping in public places. There are a number of homeless shelters in the City that provide beds for homeless individuals. Some of the shelters were affiliated with religious institutions and had certain religious requirements that were unacceptable to certain individuals. The shelter(s) that had no religious affiliation were often fully occupied. The Court held that, where an individual essentially has no option but to sleep outside in a public place, criminalizing the act of sleeping
outside is unconstitutional (i.e., violates the US Constitution’s prohibition on Cruel and Unusual Punishment).

What the decision does not say

The decision is specifically aimed at regulations that impose criminal, as opposed to civil, sanctions. Further it does not address the situation where there is shelter space available to the individual, but the individual chooses to not to avail themselves of that resource. The Court also stated that ALL regulations imposing criminal sanctions are not necessarily illegal. “Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. . . . So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures.”

Front End Solutions

One way the cities can deal with the issue of increased homelessness is to regulate the activities of those individuals. However, another approach is to attempt to minimize the number of homeless individuals who find the need to sleep and occupy public places in the first place. Some of these solutions implicate zoning issues, and some do not.

Car Camping

Some jurisdictions allow a certain number of vehicles to be parked and used for sleeping on properties owned by religious institutions, businesses or a public entity. Sanitary and garbage services at these sites are usually required.

Temporary Lodging Facilities

The City of Coos Bay and others have adopted a “Temporary Lodging Facility” ordinance. A temporary lodging facility includes buildings or land for parking vehicles on a temporary basis. A copy of the Coos Bay ordinance is attached to this memo.

Designated Rest Stops

This solution allows up to approximately 20 people to camp in tents of Conestoga huts at a site designated by the City Council. There is generally an operator on site and affiliated resources to assist residents in finding permanent shelter

Camping on Private Properties

Some cities allow private citizens to open up their yards for a certain number of homeless people or families.

Tiny home villages

All sorts of approved villages are being sited in communities around the country. They often consist of small bungalows, Conestoga huts, or tiny houses for sleeping with community infrastructure such as showers, restrooms, kitchen, laundry, and communal space. Others have tiny units that are self-contained with kitchenettes and bathrooms in each unit. These villages often have rules and regulations and some type of oversight and management elements.
ORDINANCE NO. +++

AN ORDINANCE ADDING SECTION 8.45 TO THE COOS BAY MUNICIPAL CODE RELATED TO TEMPORARY LODGING FACILITY REGULATIONS.

Section 1. The proposed regulations are to be filed with this ordinance in the Office of the City Recorder, City of Coos Bay as found in "Exhibit 2" and include the following:

A. A variety of definitions specific to the new regulations (Section 8.45.020);

B. An authorization process requiring parties interested in establishing indoor and outdoor temporary lodging facility to engage with city staff in advance of an application, notification of nearby owners of property regarding temporary lodging proposals, and the City process to take action on temporary shelter permits. Additional requirements include specificity that temporary shelters are subject to sanitary, security, ingress/egress and management criteria (Sections 8.45.030-.040);

C. Standards and Requirements for shelter operation (Sections 8.45.050);

D. Direction on modification and revocation of authorization to operate a Temporary Lodging facility (Sections 8.45.50-.055);

E. Statement of protection and liability as the responsibility of the Temporary Lodging facility (Section 8.45.060);

F. Periodic and Annual review requirements (Section 8.45.065);

G. Penalty for violation of the requirements (8.45.070).

Section 2. Notice of time and place of the City Council hearing was provided on June 7, 2019 by posting notice on the bulletin boards in the City Hall of the City of Coos Bay and the Coos Bay Library. The notices were posted in a conspicuous place where they could be easily read.

Section 3. Notice was published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon on June 12, 2019, as shown on attached Exhibit 1.

Section 4. On June 18, 2019, July 2, 2019, and July 16, 2019, the City Council held duly noticed public hearings in the Coos Bay City Council chambers located at 500 Central Avenue in Coos Bay during the hour of 7:00 p.m. when all persons had an opportunity to appear and object to the subject addition to the addition of section 8.45 to the Coos Bay Municipal Code.

Section 5. After careful consideration of all evidence and testimony presented during the public hearing, the City Council found that the public interest would not be prejudiced by the proposed addition of section CBMC 8.45 as outlined in "Exhibit 2".

Section 6. The City Council hereby adopts the regulations outlined in "Exhibit 2".

Section 7. Noticing of the subject amendments is consistent with ORS 271.110 and CBMC section 17.130.120.
Section 8. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this _______ day of July 2019 by the following vote:

Yes:
No:
Absent:

Joe Benetti  
Mayor of the City of Coos Bay  
Coos County, Oregon  

ATTEST:

Nichole Rutherford  
City Recorder of the City of Coos Bay  
Coos County, Oregon
AFFIDAVIT OF PUBLICATION

The World
Lee Ensminger - Coos County
350 Commercial Ave. Coos Bay, OR 97420
P.O. Box 1840, Coos Bay, OR 97420
STATE OF OREGON - COUNTY OF COOS

City of Coos Bay
Attn: Finance
500 Central Avenue
Coos Bay, Oregon 97420

REFERENCE: 60005035 / 20147718

I, Kelly L. Swingle, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE WORLD, a newspaper of general circulation published at Coos Bay, Oregon, in the aforesaid county and state, that I know from my personal knowledge that the Notice of Public Hearing, copy of which hereto annexed, was published in the entire issue of said newspaper one time(s) in the following issue(s):

PUBLISHED: June 12th, 2019

TOTAL COST: $ 59.66

Legal Clerk, Kelly L. Swingle, subscribed and sworn before the 12th day of June 2019

[Signature]
Notary Public of Oregon - My Commission expires

Coos Bay Temporary Lodging Facilities Ordinance ### – Page 3
EXHIBIT 2

Chapter 8.45
Temporary Lodging Facilities

Sections
8.45.010  Applicability
8.45.020  Intent
8.45.030  Definitions
8.45.035  Facility location and Permit requirement
8.45.040  Authorization Process and Permitting
8.45.045  Standards and Requirements for Operation
8.45.050  Modifications to Permit
8.45.055  Permit Revocation
8.45.060  Protection and Liability
8.45.065  Periodic and Annual Review

8.45.010  Applicability.

This Chapter applies to all Temporary Lodging Facilities as defined in Chapter 8.45.030 established after ++, 2019. Existing Temporary Lodging Facilities established prior to adoption of this Chapter shall continue to operate under the conditions of approvals and permits granted by the City, all other applicable provisions of the Municipal Code, and any limitations and requirements imposed as a condition of funding.

8.45.020  Intent.

The City recognizes the value and benefit of temporary housing and services until permanent housing can be realized. It is the intent of Chapter 8.45 to create a process and standards for the establishment of Temporary Lodging Facilities to address individual and family temporary shelter needs.

8.45.030  Definitions.

For the purposes of CBMC Title 8 Section 8.45 the following mean:

Building: A walled and roofed structure above ground.

Building Official: The Coos Bay Building Official or his/her designee.

Fire Chief: The Coos Bay Fire Chief or his/her designee.

City Engineer: The Coos Bay City Engineer or his/her designee.

City Manager: The Coos Bay City Manager or his/her designee.

Director: Public Works and Community Development Director or his/her designee.

Guests: Homeless individuals and families in need of temporary shelter.
Lodging Facility Operator: Any noncommercial entity or entities working together to meet the standards and criteria specified by this chapter to provide temporary lodging at no cost.

Noncommercial: Not engaging in commerce or making a profit.

Property Owner: Temporary Lodging Facility site property owner.

Structure: A building or any piece of work joined together in some definite manner, which requires location on the ground or is attached to something located on the ground.

Temporary: 30 consecutive days and 90 days in a single calendar year.

Temporary Lodging Facility: A building, buildings or area of land for parking vehicles on private property for family and/or individual for temporary and noncommercial (less than 30 consecutive or 90 days per family or individual in a single calendar year) overnight accommodations for families and/or individuals transitioning to a long-term housing solution. An indoor lodging facility meeting City fire and life safety requirements may offer beds, meals, shower, laundry or other amenities within a structure of a Lodging Facility Operator subject to an annual inspection by the City for life/safety code compliance and compliance with Coos County Health Department Requirements. Outdoor lodging facilities are parking lots to provide parking for vehicles to be used as shelter on a temporary basis.

Temporary Lodging Facility Permit: A permit issued by the City to provide temporary shelter for families and/or individuals.

Vehicle: A car, truck or recreational vehicle 1) of one hundred square feet or less; 2) occupied by no more than two (2) persons per car or truck and no more than four (4) persons per recreational vehicle; 3) hold current DMV registration; 4) be operational and capable of moving within a 4-hour notice on its own power; and 5) have four (4) working tires.

8.45.035 Facility location and Permit requirement

Temporary Lodging Facilities are permitted on private property with City authorization of either an Indoor or Outdoor Temporary Lodging Facilities Permit. No more than one Temporary Lodging Facilities Permit may be secured for any facility.

8.45.040 Authorization Process and Permitting

1) Indoor Temporary Lodging Facility.

A. Prior to submittal of an application for an Indoor Temporary Lodging Facility Permit, (Permit) the Property Owner and Lodging Facility Operator shall engage in a pre-application conference with the City Building Official, Fire Chief and Director and provide a draft Facility proposal with a site plan, floor plan and management plan consistent with the requirements of 8.45.040(1B). Additionally, the Property Owner will provide the Building Official and Fire Chief access to the proposed Facility for an on-site inspection to assess the structures layout and compliance with Building Code requirements. Within ten (10) working days of the pre-application meeting, the Building Official will provide a written assessment of the proposed Facility to the Property Owner relative to compliance with Building Code requirements.
B. An application to the Director can be submitted following the pre-application conference noted in 8.45.040(1A). The Indoor Temporary Lodging Facility Permit application shall include information consistent with Section 8.45.045(A) and the following:

1. A floor plan identifying:
   a. the location and square feet of sleeping and gathering area,
   b. smoke/fire detection and carbon monoxide detectors,
   c. restroom amenities, including location and number of sanitation fixtures,
   d. the route guests would use to exit or enter the proposed sleeping and gathering areas, and the area in square feet proposed for sleeping and gathering.

2. A site plan identifying parking location for guest parking on-site.

3. A Facility Management Plan addressing:
   a. The number of individuals to be served.
   b. Eligibility criteria, enforcement rules, and procedures for disruptive guests.
   c. Number and responsibilities of on-site Lodging Facility Operator staff, training standards, copy of the facilities insurance policy naming the City as an additional insured party, management procedures, security procedures and a primary and secondary contact person.
   d. Refuse collection.
   e. Security procedures.
   f. Compliance with Coos County Health Department requirements.
   g. The requirements of 8.45.045(A)
   h. An emergency contact phone number and any additional information requested by the Director.

4. Insurance. The Temporary Lodging Operator will maintain in force and effect a policy of general liability insurance with limits of not less than one million dollars. A copy of the certificate of insurance shall be provided to the City prior to issuance of a Temporary Lodging Facility permit.

2) Outdoor Temporary Lodging Facility.

A. Prior to submittal of an application for an outdoor Temporary Lodging Facility Permit, the property owner and Lodging Facility Operator shall engage in pre-application conference with the City Engineer and Director and provide a draft Facility proposal to allow on-site vehicle parking for the purpose of sleeping accommodations. Also provided will be a site plan and management plan consistent with the requirements of 8.45.040(2B). Additionally, the property owner will provide the City Engineer access to the proposed Facility, so s/he may evaluate the parking lot design and site ingress/egress. Within ten (10) working days of the pre-application meeting, the Director will provide the Property Owner with a written assessment of the proposed facility.

B. An application for a Temporary Lodging Facility Permit can be submitted to the Director following the pre-application conference noted in 8.45.040(2A). The Outdoor Temporary Lodging Facility Permit application shall include:

1. A site plan identifying compliance with Section 8.45.045 (B) and the following:
a. Location and distances to residential properties, public transportation, and location of designated overnight parking spaces.

b. The permitted locations for an amount pre-determined by the property owner during the permitting process with a maximum of 5 recreational vehicles, automobile or truck parking unless otherwise authorized by the City Police Chief and Fire Chief.

c. ADA Restroom amenities, including location and number of sanitation fixtures,

d. Property ingress and egress,

e. Property lighting.

f. Trash and recycling facilities.

2. A Facility Management Plan addressing:

a. The number of individuals to be served.

b. Eligibility criteria, enforcement rules, and procedures for disruptive guests.

c. Number and responsibilities of on-site Lodging Facility Operator staff, training standards, other management procedures, and a primary and secondary contact person.

d. Refuse collection.

e. Security procedures.

f. Any additional information requested by the Director.

g. The requirements of 8.45.045(B)

h. An emergency contact phone number and any additional information requested by the Director.

3. **Insurance and Bonding.** The Temporary Lodging Operator will maintain in force and effect general liability insurance with a limit of not less than one million dollars and a $10,000 Restoration bond in the event City clean-up is required. A copy of the certificate of insurance and the bond instrument shall be provided to the City prior to issuance of a Temporary Lodging Facility permit.

3) Action on the Temporary Lodging Facility Permit application

A. Within ten working days of the receipt of a complete application for a Temporary Lodging Facility Permit, the Director will notify all owners and occupants within a 500-foot radius of the proposed Facility site that an application has been received and is available for ten (10) working days for public review and comment. At the end of the ten working day period, the Director shall consider public comments and compliance with this Chapter and formulate a recommendation for the City Manager's action.

B. The City Manager, upon considering the recommendation of the Director and the requirements of this Chapter, shall act upon the Temporary Lodging Facility Permit within ten (10) working days. To authorize a Temporary Lodging Facility, Permit the City Manager must find that the Facility proposal 1) meets the requirements of Section 8.45.045, 2) will be compatible with the use of adjacent properties, and 3) will not constitute a nuisance or a threat to the public welfare.

C. The City Manager will notify owners and occupants within 500 feet of the proposed Facility site of his/her decision with advisement that the decision can be appealed to the City Council within ten (10) working days of his/her decision date. If the Temporary Facility Permit is authorized, a copy of the Permit will be included in the notification to
owners and occupants. If the Temporary Facility Permit is denied, reasons for the denial will be included in the notification.

D. Should the City Manager's decision be appealed, the City shall, within ten (10) working days of the receipt of the appeal, notify all owners and occupants within a 500-foot radius of the proposed Facility site that an appeal has been filed and the date of the appeal public hearing. The City Council, in a public hearing shall affirm, modify or reverse the revocation within thirty (30) days of the date of the appeal of the City Manager's decision.

8.45.045 Standards and Requirements for Operation.

A. Indoor Facilities

1. No Indoor Temporary Lodging Facility (Indoor Facility) shall be located within 500 feet of another Lodging Facility, kindergarten through 12th grade curriculum school or, child care center, or park as measured from the closest property line.

2. Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided. When abutting a residentially-zoned property all areas for Indoor Facility activities and uses, including but not limited to waiting and intake, personal storage, facility storage, and recreation, shall be located indoors.

3. The Lodging Facility Operator will provide on-site management services and security for the guests and staff during all open hours of the Indoor Facility.

4. The Indoor Facility shall comply with city and state health and safety codes.

5. Maximum occupancy for overnight guests shall be determined by the Building Official and Fire Chief.

6. For Indoor Facilities, one parking space for every three guests shall be provided on site. One (1) space per employee on the largest shift shall also be provided. A covered and secured area for bicycle parking shall be provided for use by staff and guests commensurate with demonstrated need.

7. On-site management by the Lodging Facility Operator shall be provided at all times the Indoor Facility is in operation and at least one hour prior to and after Indoor Facility operation hours.

8. Exterior lighting on pedestrian walkways and parking areas on the Indoor Facility premises are required. All lighting shall be stationary, directed away from adjacent properties and public right-of-way, and of an intensity compatible with the neighborhood.

B. Outdoor Facilities

1. No Outdoor Temporary Lodging Facility (Outdoor Facility) shall be located within 500 feet of another Outdoor Temporary Lodging Facility, kindergarten through 12th grade curriculum school, child care center, residential area or park as measured from the closest property line of the proposed Outdoor Facility.
2. The number of overnight vehicles at the Outdoor Facility shall not exceed five (5); unless otherwise authorized by the Chief of Police and the Fire Chief with requirements for additional garbage disposal and toilet facilities.

3. Sleeping outside a vehicle at the Outdoor Facility is not permitted.

4. Vehicles shall be located on paved areas only.

5. Restroom accommodations shall be made available for individual use.

6. Garbage disposal services shall be provided.

8.45.50 Modifications to Permit.

After receipt of a Temporary Lodging Facility Permit, the Lodging Facilities Operator may request modifications to the Permit upon application to the City Manager. Modifications must meet the intent of this chapter and may not conflict with the Facility occupancy and parking requirements nor be in conflict with the health, safety and welfare of the citizens of Coos Bay. Section 8.45.040(3) requirements for neighboring property notification and appeals shall be applied to modification requests.

8.45.055 Permit Revocation.

The Temporary Lodging Facility Permit may be revoked by the City Manager if:

A. The requirements of the Permit are violated.
B. The Facility Operator violates any applicable federal, state or City law, ordinance, rule, guideline or agreement.
C. The Facility activity is determined to be incompatible the quiet enjoyment, health, safety or welfare of adjacent properties or the well-being of the surrounding area and/or the Coos Bay community.

To revoke a Permit, the City Manager will notify all owners and occupants within a 500-foot radius of the Facility site that revocation of the Permit is under consideration for ten (10) working days period for public comment. At the end of the ten working day period, the City Manager shall reach a decision on the action to be taken related to the Permit.

The City Manager will notify owners and occupants within 500 feet of the proposed Facility site of his/her decision and reasons regarding the revocation and that his/her decision can be appealed to the City Council within ten (10) working days of his/her decision date.

The City Council shall, if the City Manager’s decision is appealed, affirm, modify or reverse the City Manager’s action regarding the revocation within thirty (30) days of an appeal. Permit revocation appeals are subject to Section 8.45.040 requirements for neighboring property notification.

8.45.60 Protection and Liability.

Nothing in this section creates any duty on the part of the City or its agents to ensure property or persons protection regarding the authorized Temporary Lodging Facility.
8.45.065 Periodic and Annual Review.

Periodic review – The City may periodically review a Lodging Facility Operator Permit and its related facility.

Annual Review - The Lodging Facility Operator shall annually submit to the Director an assessment of the Temporary Lodging Facility operation over the prior year, including the number of Facility guests served.

8.45.070 Penalty

A violation of any provision of this chapter is punishable by a fine not to exceed $500. However, if there is a violation of any provision identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in the state law. Each day a violation continues constitutes a separate offense.
PERMITTED OVERNIGHT SLEEPING (CAMPING)

The City of Eugene allows for overnight sleeping (camping) in certain situations with the property owners’ permission. The requirements are set out in Chapter 4 of the Eugene Code (EC) beginning at EC 4.816. The Eugene Code is available online at www.eugene-or.gov/citycode.

Where is camping allowed?

Parking Lots People may sleep overnight in a vehicle, camper, trailer, tent, or Conestoga hut in a parking lot of a religious organization, business, or public entity as long as there is an occupied structure on site. The property owner may grant permission for up to 6 vehicles used for sleeping at any one time.

Residential Zones No more than one family may sleep overnight in the backyard or in a vehicle, camper, or trailer parked in the driveway of a single family dwelling. Permission of the tenant, as well as the property owner, is required. Only one tent or camping shelter is allowed in the backyard and must be at least five feet from any property line. A “family” means people related by blood or marriage, or no more than two unrelated adults.

Vacant Lots People may sleep overnight in a vehicle, camper, or trailer on a paved or graveled surface located on a vacant or unoccupied lot. The city may require the camping site to be part of a supervised program operated by the city or its agent. The property owner may grant permission for up to 6 vehicles used for sleeping at any one time.

Are there any other regulations I should be aware of?

Yes, a property owner that allows people to sleep overnight on a property must provide the following:

- Sanitary facilities;
- Garbage disposal services;
- Storage area for campers to store any personal items, so the items are not visible from any public street.

Also, the property owner CANNOT require payment of any fee, rent, or other monetary charge for overnight sleeping.

The City has the right to revoke permission for overnight sleeping if such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare.

If you have any questions please check with Code Compliance staff at 541-682-5819 or codecompliance@ci.eugene.or.us.

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.

www.eugene-or.gov/bps

Planning & Development
99 W. 10th Avenue, Eugene, OR 97401
P 541.682.5086 * F 541.682.5593

Form #LU-245
Updated: November 2018
Eugene’s Rest Stop Pilot Program

What is a rest stop?
A rest stop is a designated area within city limits where up to 20 people are allowed to sleep in tents or Conestoga Huts. Unless for security or health reasons, residents vacate the site during the day and a limited number of visitors are permitted during designated hours. There are currently five rest stops in Eugene that provide temporary, safe, legal places for people who are experiencing homelessness to sleep at night. Each site is approved by the Eugene City Council. The City then enters into an agreement with a nonprofit organization to manage the rest stops, and the program must be periodically renewed by the City Council.

How are sites selected?
The City tries its best to find workable rest stop sites that minimize impacts to neighbors and sensitive areas. Sites are not located in developed parks, environmentally sensitive areas, or in close proximity to residential neighborhoods or schools. The land must be suitable to camping and have road access. Central locations with access to public transportation and services are preferable. These conditions make it very challenging to site a rest stop. We will continue to try to balance the needs and views of all community members when selecting sites.

Who pays for the rest stops?
The cost of establishing and operating each rest stop is paid for and managed by a nonprofit organization. The land is currently provided by the City of Eugene and the Eugene Mission.

Who operates the rest stops?
Two local organizations are responsible for day to day oversight of the rest stops:

Who stays at rest stops?
Individuals 18 or over who are experiencing homelessness are eligible to apply for a space at a rest stop. Applicants are screened to determine if they are a good fit. Rest stops are intended to be a temporary respite, and the managing nonprofit works to connect residents with support and resources to help them move toward a more sustainable housing solution.

How are rest stops kept healthy and safe?
Residents sign agreements to abide by rest stop rules and an onsite manager provides supervision. Best practices for water, handling and preparing food, cooking and cleaning, heating, waste management and illness prevention are followed. There is zero tolerance for violent behavior or alcohol and drug use onsite. Children must be supervised and are prohibited from staying overnight. Portable restrooms and trash collection are provided. Residents are expected to keep the site tidy, refrain from disruptive behavior and be good neighbors. The sites are also fenced to control access and promote safety.

Why is the City allowing rest stops?
There is simply not enough affordable shelter for the high numbers of people who are experiencing homelessness in our area. The rest stop concept is being piloted as an option to help alleviate this need. Residents report that having a secure and safe place to sleep is crucial as they work to access services and find long-term, stable housing.

To view a video about the Rest Stop program, visit eugene-or.gov/reststops.
COUNCIL ORDINANCE NO. 20559

COUNCIL BILL 5149

AN ORDINANCE ADOPTING THE "DUSK TO DAWN" PERMITTED OVERNIGHT SLEEPING PILOT PROGRAM AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ADOPTED: November 23, 2015

SIGNED: November 24, 2015

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: Immediate
ORDINANCE NO. 20559

AN ORDINANCE ADOPTING THE "DUSK TO DAWN" PERMITTED OVERNIGHT SLEEPING PILOT PROGRAM AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. In order to create additional sleeping options for people who are homeless, a pilot program ("the Dusk to Dawn program") expanding the permitted overnight sleeping provisions should be established allowing homeless persons to sleep overnight on City approved sites between the hours of 4:30 p.m. and 7:30 a.m.

B. The Dusk to Dawn program should remain in effect until March 31, 2016. The termination date of this program coincides with the current sunset date of the Rest Stop program, and will allow the City to monitor the program to determine whether it should be made permanent, revised or abandoned.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are adopted as the Dusk to Dawn program and shall sunset and be repealed on March 31, 2016, unless extended or made permanent by future Council action:

Dusk to Dawn Permitted Overnight Sleeping Pilot Program. Notwithstanding section 4.815 of the Eugene Code, 1971, 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 circumstances:

1. 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.

2. 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.

3. 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.
Section 2. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary in order to provide additional places for people to camp.

Passed by the City Council this 23rd day of November, 2015.

Approved by the Mayor this 24 day of Nov., 2015

Beth Jorent City Recorder

Kitty Piliy Mayor
ADMINISTRATIVE ORDER NO. 53-17-03-F
of the
City Manager

ADOPTION OF PERMANENT RULES AND REGULATIONS FOR THE REST STOP AND DUSK TO DAWN OVERNIGHT SLEEPING PROGRAMS.

The City Manager of the City of Eugene finds that:

A. Section 2.019 of the Eugene Code, 1971 (EC) authorizes the City Manager to adopt rules for administration of provisions of the Eugene Code.

B. On September 25, 2013, the City Council adopted Ordinance No. 20517 which established a temporary permitted overnight sleeping (“Rest Stop”) Pilot Program allowing persons to sleep overnight at approved City locations until March 31, 2014. The Rest Stop Program has since been amended by Ordinance No. 20547, and the sunset date extended, most recently by Ordinance No. 20563.

C. On November 26, 2013, I issued Administrative Order No. 53-13-13 establishing temporary regulations to implement the Rest Stop Pilot Program until March 31, 2014. The regulations have since been amended by Admin Order No. 53-14-03, and the sunset date extended, most recently by Administrative Order No. 53-16-12.

D. On November 23, 2015, the City Council adopted Ordinance No. 20559 which established a temporary permitted overnight sleeping ("Dusk to Dawn") Pilot Program allowing persons to sleep overnight between specified hours at approved City locations until March 31, 2016. The Dusk to Dawn Program has since been amended and sunset date extended, most recently by Ordinance No. 20563.

E. On December 16, 2015, I issued Administrative Order No. 53-15-18 establishing temporary regulations to implement the Dusk to Dawn Pilot Program. The regulations have since been amended by Admin Order 53-16-06, and the sunset date extended, most recently by Administrative Order No. 53-16-13.

F. On February 27, 2017, Council adopted Ordinance No. 20576 repealing the sunset date of the Rest Stop Program and Dusk to Dawn Program which were set to expire on March 31, 2017.

G. Due to Council’s repeal of the sunset date of the Rest Stop Program and Dusk to Dawn Program, on March 3, 2017, I issued Administrative Order No. 53-17-03 proposing to adopt the temporary Rest Stop and Dusk to Dawn Program Rules and Regulations as permanent Rules.

H. Notice of the proposed Rule adoption was given by making copies of the Notice that was attached as Exhibit A to Administrative Order No. 53-17-03 available to any person who
had requested such notice and by publication of the Notice in the Register Guard newspaper on March 7, 8, 9, 10 and 11, 2017. Copies of the Notice were also provided to the Mayor and City Councilors, and to persons operating Rest Stop and Dusk to Dawn sites. The Notice provided that written comments be submitted within 15 days of the first date of publication of the Notice. No comments were received within the time or in the manner provided in the Notice.

**BASED UPON** the above findings and the findings in Administrative Order No. 53-17-03, and pursuant to the authority contained in Section 2.019 of the Eugene Code, 1971, effective March 31, 2017, the Rest Stop Program and Dusk to Dawn Program Rules and Regulations are adopted to provide as follows:

**PERMITTED OVERNIGHT SLEEPING PROGRAM**
**RULES AND REGULATIONS**

I. **REST STOP PROGRAM**

A. **Rest Stop - Property Provider/Site Manager Responsibilities:**

1. The property provider/operator shall designate a site manager who shall be responsible for providing supervision when provider is not present. Designation of a site manager does not relieve the property provider/operator of responsibility to ensure compliance with the Contract and these regulations.

2. A contract shall be executed providing for one or more portable toilets with weekly cleaning, and weekly trash/recycling pick up.

3. The property provider/site manager shall maintain a roster of individuals who are authorized to be at the property.

4. The property provider/site manager shall ensure that guests and visitors comply with all provisions of these rules, the site agreement, and provisions adopted by City Council.

B. **Rest Stop - Guest Responsibilities:**

1. The following activities/items are prohibited from the property:
   - Alcohol; illegal drugs
   - Weapons
   - Illegal activity
   - Open flames, unless approved by the Fire Marshal.
   - Loud music or other disruptive noise
   - Overnight visitors
   - Physical violence, intimidating or threatening behavior or language while on or in the vicinity of the property; damage or harm to the property or property in the surrounding area.

Administrative Order - Page 2 of 5
Engage in behavior on or near the property that may negatively affect the peace and enjoyment of the property and surrounding property for other overnight sleepers or for neighbors.
Children, except children who are accompanied by a parent or guardian during daytime hours.

2. Only tents are permitted on the property, unless specifically approved in writing by the City Manager or the Manager’s designee.

3. The provider, guests and visitors shall comply with all applicable provisions of federal, state and local laws, including the requirements of the fire code.

4. Guests shall keep personal property in the permitted tent.

5. Visitors are allowed only between 9 a.m. and 9 p.m. and are not permitted to bring animals onto the property. Guests shall be responsible for the behavior of visitors while on the property, and visitors shall adhere to all of the obligations of guests under these regulations. Not more than 20 people, counting both guests and visitors, may be on the property between 9 a.m. and 9 p.m.

6. Guests shall be selected by the property provider and may stay on the property until the provider revokes that permission. If permission to remain on the property is revoked, the guest(s) must immediately remove themselves and their property or risk citation for trespassing, having their vehicle towed, at the owner’s expense, and their property disposed of.

7. Guests shall deposit all garbage in waste receptacles provided by the property provider/site manager or transport it off site and dispose of it lawfully, and shall keep the area where they are sleeping clean.

8. Guests shall use bathroom facilities provided by the property provider/site manager, or available to the public off-site.

II. **DUSK TO DAWN PROGRAM**

A. **Dusk to Dawn - Property Provider/Site Manager Responsibilities:**

1. A property provider/site manager will be designated who shall be responsible for providing supervision during site operating hours.

2. Site will be occupied no earlier than 4:30 p.m. and no later than 7:30 a.m. in a 24 hour period. The City Manager, may adjust site operating hours upon considering, among other things, the seasonal sunset. However, the City Manager may not adjust operating hours such that sites are open earlier than 4:30 p.m. or later than 7:30 a.m.
3. Personal property will be stored in compliance with criteria set by the property provider/site manager and must be taken with guests when they vacate the site each day.

4. Provide one or more portable toilets with weekly cleaning, and weekly trash/recycling pick up.

5. Keep the site and surrounding property free from accumulation of trash or items left behind by guests.

6. Maintain a current roster of individuals who are authorized to be at the property ("guests").

7. Shall open a site only after the City Manager has provided written authorization allowing the site to open. The written authorization shall include the number of people permitted to use the site, and any other regulations applicable to the specific site.

8. Make sure that the number of people at the site(s) between 4:30 p.m. and 7:30 a.m. does not exceed the number of people permitted by the City Manager’s written authorization.

9. Ensure that guests comply with all provisions of these regulations and provisions adopted by City Council.

10. All applicable provisions of federal, state and local laws will be complied with, including the requirements of the fire code.

B. Dusk to Dawn - Guest Responsibilities:

1. The following activities/items are prohibited from the property:
   - Alcohol; illegal drugs
   - Weapons
   - Illegal activity
   - Open flames, unless approved by the Fire Marshal.
   - Loud music or other disruptive noise
   - Overnight visitors
   - Physical violence, intimidating or threatening behavior or language while on or in the vicinity of the property; damage or harm to the property or property in the surrounding area.
   - Behavior on or near the property that may negatively affect the peace and enjoyment of the property and surrounding property for other overnight sleepers or for neighbors.
   - Children.

2. Compliance with all applicable provisions of federal, state and local laws, including the requirements of the fire code.
3. Guests shall be selected by the property provider/site manager and may stay on the property until the property provider/site manager revokes that permission. If permission to remain on the property is revoked, the guest(s) must immediately remove themselves and their property or risk citation for trespassing, having their vehicle towed, at the owner's expense, and their property disposed of.

4. Guests shall deposit all garbage in waste receptacles provided by the property provider/site manager or transport it off site and dispose of it lawfully, and shall keep the area where they are sleeping clean.

5. Guests shall use bathroom facilities provided by the property provider/site manager, or available to the public off-site.

6. Guests must comply with any additional rules or regulations not covered here but established by the property provider/site manager.

C. Dusk to Dawn - Closure of Site by the City Manager.

The City Manager may close a site at any time upon determining that allowing camping at a site would create or continue dangerous conditions or a threat to the public health, safety or welfare, or if the property provider/site manager fails to comply with these regulations or the provisions adopted by the City Council.

Dated this 27th day of March, 2017.

Jon R. Ruiz
City Manager