

## MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: **A RESOLUTION ADOPTING A MANAGEMENT PLAN FOR USE OF PUBLIC LANDS BY INDIVIDUALS EXPERIENCING HOMELESSNESS**

DATE: December 7, 2022

### Background

At the October 24, 2022 City Council meeting the Council approved the draft proposal of the Management Plan for the Use of Public Land by Individuals Experiencing Homelessness (Management Plan) and requested staff to bring back the proposal prepared for codification. The attached Resolution is the first step in codifying the Management Plan.

The attached Resolution and recitals establish the policy for designating public land (parks and other City owned property, except streets) for camping by adopting the Management Plan for Use of Public Lands by Individuals Experiencing Homelessness. The camping designation is based on review of all City public lands and evaluation of lands to use for camping by individuals experiencing homelessness. The Management Plan has been expanded to include additional information and details about the specific properties to describe the process creating the levels and land for designation.

The subsequent Ordinance amending Chapters 9.28 and 12.24 of the City Code incorporates references to the adopted policy and amends code provisions to comply with the requirements of State law established by House Bill 3115.


The adoption of the Management Plan does not prohibit camping on public land but creates and describes the process for designating the specific places that camping can occur and when the camping can occur.

### Recommendation

That the City Council adopt the Resolution adopting a Management Plan for Use of Public Lands by Individuals Experiencing Homelessness.

### Cost

No Cost to adopt the Resolution. There will be sanitation costs for the designated camping areas, but that cost will be controlled compared to camping occurring throughout the community at a variety of parks which would likely be higher.



Richard Meyers, City Manager

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING A MANAGEMENT PLAN FOR USE OF PUBLIC LANDS  
BY INDIVIDUALS EXPERIENCING HOMELESSNESS

WHEREAS, the City of Cottage Grove finds that each community member of Cottage Grove is entitled to a basic level of dignity, respect, and wellness, regardless of whether they are housed or unhoused. It is the official policy of the City that its responses to homelessness will be undertaken in accordance with these principles; and

WHEREAS, the City Council acknowledges the lack of nightly shelter beds and housing currently available and recognizes the systemic lack of state and federal investment in shelter and public health services for those experiencing homelessness; and

WHEREAS, ORS 195.500 (formerly ORS 203.077) requires cities and counties to develop a policy that recognizes the social nature of the problem of camping on public property by individuals experiencing homelessness and implement the policy as developed, to ensure the most humane treatment of individuals experiencing homelessness while managing the uses of public property; and

WHEREAS, although recent one-time funds have been made available, the City generally does not receive significant or ongoing funding from the state or federal government to provide housing, mental health, physical health, or other wraparound services to persons experiencing homelessness; and

WHEREAS, the establishment of consistent state and federal funding sources and the development of partnerships with local and regional organizations and agencies will be essential to address the housing and homelessness crisis; and

WHEREAS, given this focus on increasing regional collaboration, services, shelter, and housing units to serve people experiencing homelessness in Cottage Grove, the City Council reaffirms its commitment to focus on steps that will increase safety, not criminalize poverty and homelessness; and

WHEREAS, the Mayor of Cottage Grove, Jeff Gowing, as the Oregon Mayors Association (OMA) President, created a taskforce of 25 Mayors from around the state that met from May 2022 to October 2022, to develop a response to homelessness that would help all communities statewide, regardless of size or locations, to address the issue. The OMA Homelessness Taskforce's plan to humanely and timely address the homelessness crisis in Oregon is a partnership between the State of Oregon and its 241 cities. This partnership will allow for the establishment and expansion of local, community-based responses that provide immediate shelter, needed services, and secure safety for unhoused Oregonians. During the 2023 Legislative session, the OMA plans to advance two budget proposals: (1) A budget package which provides direct allocation to cities for homelessness response and prevention services; and (2) A budget package that provides capital improvement funding for cities. OMA's proposal states that every city should receive funding equal to \$40 per resident, with a \$50,000 minimum, and requires that funds be used for homelessness response and prevention services. Under the requested allocation, Cottage Grove would receive \$429,160 for response and prevention services. The OMA proposal also requests \$8,000,000 in

capital funding for Cottage Grove to assist with the development of 30 to 60 units of very low to extremely low income housing; and

WHEREAS, in recognition of the impacts the COVID-19 pandemic had on people on the margins, and the increased instability resulting from the disruptions and public health crisis of COVID-19, the City used federal COVID Relief Funds (CRF) to: purchase a shower trailer, supplies and partner with a local non-profit to establish a weekly free shower program within the community; provide portable restrooms and handwash stations throughout the community; develop a site for the creation of a non-congregate warming shelter facility; and provide resource information about available restrooms, washing stations, and other services which support public health; and

WHEREAS, American Rescue Plan (ARPA) funds were used to: purchase property at 2205 Hwy 99 for an emergency Shelter facility; develop the site; and contract with a non-profit to operate the City's first year round low-barrier emergency shelter facility connecting individuals to health services, permanent housing, vocational training, case management and counseling. The City has also purchased a 1.5 acre nuisance property, removed the dangerous buildings and debris, prepared the property for future development, and is currently seeking partners and funding to develop a low-income multi-unit housing facility; and

WHEREAS, the City provides resources and referrals to service providers helping residents maintain or rehabilitate housing; and

WHEREAS, the City believes that part of its role as a government entity is to provide opportunities for non-profits, religious organizations, and other entities to provide both physical space and operators to house people living on the streets, in order to facilitate the transition to more permanent housing. Under HB 4212 and HB 2006, the City is required to approve siting of emergency shelters in Cottage Grove that comply with state law, which currently expires in July of 2023. On July 25, 2022, the City Council approved an Overnight Camping Program (CGMC 8.40) that allows property owners to provide limited overnight parking, camping, and access to sanitation facilities as emergency, temporary, or transitional shelter options for people experiencing homelessness; and

WHEREAS, although the City does not manage housing or shelter facilities or provide social services, the City does support nonprofit services with funding when it is available to support operations and other needs of service, shelter, and housing providers. The City has used funds to support local shelters and mobile outreach to help those living in unsanctioned camps to help people transition out of homelessness; and

WHEREAS, on October 24, 2022, the Council adopted Ordinance 3164, which amended Cottage Grove Municipal Code Title 10, Vehicles and Traffic, to confirm the ability individuals to sleep in legally parked vehicles on City streets, prevent the camping in vehicles within 200 feet of schools and daycare facilities, and prohibit the obstruction of City streets, including sidewalks, bike lanes and planting strips; and

WHEREAS, the City recognizes that temporary shelters, the Overnight Camping Program, and camping on City streets and public lands are not solutions to homelessness. The City is working to increase affordable housing supply as an ongoing strategy to address the symptoms of

homelessness. The City has adopted the Multi-Unit Property Tax Exemption program; the Housing Development Cost Assistance Program to assist non-profit or government agency sponsored housing projects; revised the Development Code to simplify Accessory Dwelling development; pre-approved free plans for Accessory Dwellings; acquired land to develop 30 to 60 affordable housing units; and has reduced barriers for development of “middle housing” through Development Code changes which would allow duplexes, triplexes, quadplexes, cottage clusters, and townhomes in more areas; and

WHEREAS, the intent of the City Council is to regulate camping in City streets and on City property only in the context of the work that has been done by the City, and will continue to occur at the City level, and the City remains committed to a comprehensive homelessness policy. It is the intent of the City to focus on public health and safety, including for the people who are taking shelter on the City’s streets through the Cottage Grove Traffic Ordinance (CGMC Title 10) and on City property through the Management Plan for Use of Public Lands by Individuals Experiencing Homelessness (Management Plan) proposed herein. The City Council is fully aware that these efforts are only minor aspects of an overall strategy for addressing the homelessness crisis and none will resolve homelessness or prevent sleeping or staying warm and dry outdoors on public property when a person has no other option; and

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the City of Cottage Grove Management Plan for Use of Public Lands by Individuals Experiencing Homelessness, as set forth in Exhibit A.

BE IT FURTHER RESOLVED that the City Council supports the plan proposed by the OMA Taskforce on Homelessness and the request for additional funds from the State. The City’s existing resources and staffing alone are inadequate to address the crisis and provide the services, shelter, and housing needed to support people moving out of homelessness.

BE IT FURTHER RESOLVED that the City will continue to monitor the number of unhoused individuals within the City, identify additional available resources, evaluate all allowed uses of City-owned property, modify designations under the Management Plan accordingly.

BE IT FURTHER RESOLVED that the City’s first response to people sheltering for survival on City streets or property will be to work with service providers and Lane County to connect people to services and resources before taking an enforcement approach, except when enforcement officials need to take action on code violations or enforce the criminal laws of the state, or in cases of exceptional emergency, such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

BE IT FURTHER RESOLVED that the City remains committed to supporting and continuing partnerships to provide additional resources for shelters, permanent supportive housing, and affordable housing. The City Council directs City staff to work with Lane County and other service organizations to address the immediate and longer-term needs of people in Cottage Grove who are experiencing homelessness and engage in collaborative work with regional partners to secure additional funding for services and ensure that those services reach those people in the greatest need.

BE IT FURTHER RESOLVED that the City remains committed to resolving camping and survival sheltering in public places by connecting people to services, shelter, and housing through building and strengthening connections and capacity with service providers. These services should be provided by trained service providers, who are not enforcement personnel, connecting people with the Lane County Coordinated Entry system, while understanding that more shelter beds, housing units, and trauma-informed treatment and supportive service options are needed. The City is committed to assisting in building and developing these resources and solutions through connections and partnerships with other agencies and service providers.

BE IT FURTHER RESOLVED that the City is committed to identifying additional areas to designate for camping, as needed, pursuant to the Management Plan, where people can camp safely with access to sanitation services.

BE IT FURTHER RESOLVED that the City will continue to collaborate with other agencies, service groups, landowners and service providers to seek funding or resources; develop partnerships; and create opportunities to improve case management, service connections, additional shelters, counseling, vocational training, and permanent housing.

BE IT FURTHER RESOLVED that the City will continue to partner with other local agencies to provide and distribute maps and information regarding the availability of local restrooms, washing stations, and other services to support public health, and will work to identify gaps in these resources.

BE IT FURTHER RESOLVED that the findings set forth in the recitals, above, are hereby adopted as support for this resolution and the Management Plan adopted herein.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 12<sup>TH</sup> DAY OF DECEMBER, 2022.

\_\_\_\_\_  
Jeffrey D. Gowing, Mayor

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Richard Meyers, City Manager

Dated: \_\_\_\_\_

## Exhibit A

### MANAGEMENT PLAN FOR USE OF PUBLIC LANDS BY INDIVIDUALS EXPERIENCING HOMELESSNESS

City staff has spent several hours reviewing lands owned and managed by the City to prepare the following plan to manage the use of public lands by those experiencing homelessness. The review of properties included an evaluation of the safety of the property, level of fire danger, existing uses, ability to monitor the site, proximity to services and improvements on the site. All public lands were evaluated and considered. The properties are listed but the designated camping location may not include the entire property. The term “camp” or “camping” used in this Management Plan means to pitch, use, or occupy camp materials or a camp for the purpose of occupancy, habitation, or sheltering for survival, and in such a way as will facilitate sleeping or storage of personal belongings, carrying on cooking activities, taking measures to keep protected from the elements including heat and cold, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep. A “camp” is a location where people camp or are camping.

The Hwy 99 Emergency Shelter site is operational. Currently, men, women and couples are residing at the shelter. As a part of the outreach, Carry It Forward conducted an assessment and determined whether individuals are eligible to access the shelter facility. The shelter is open only to Cottage Grove community members. Individuals with certain criminal convictions or backgrounds are also not eligible to go to the Emergency Shelter. The Hwy 99 Emergency Shelter may also be full on any given evening. Under the case law and statutes individuals that are ineligible to access the Emergency Shelter are still allowed to camp on public land if they cannot access the shelter. Additionally, any individual experiencing homelessness when the Emergency Shelter is full is still allowed to camp on public land.

This Management Plan is prepared to designate public lands that are available for camping. With the availability of the Emergency Shelter, Overnight Camping Program, and Street camping for vehicles, the City has established conditions on the use of other public lands for camping.

The Management Plan establishes three levels of use of the properties.

**Level 1:** The following sites were identified as the first sites to be used for camping. The sites would allow 24 hours/day access. The park hours would not apply to the park or portion of the park that is designated to allow camping. One site would be opened and available with additional site(s) opened as needed. Staff would, with the assistance of Carry It Forward or other organizations, monitor the users of the sites to determine if the individuals have needs that can be met while at the location and to monitor for compliance with rules. Park rules as established in Chapter 12.24 of the Cottage Grove Municipal Code will continue to apply.

Having specific locations that are designated for camping creates opportunities to provide assistance and services to those experiencing homelessness. It provides opportunities to determine the needs of the individuals and can increase the ability to coordinate efforts to find

sheltering for the individual. The camping locations also ensure that sanitary facilities are available for those individuals residing at the site. Most of the City of Cottage Grove public lands do not have those facilities available.

The Management Plan provides basic guidelines and parameters to consider when public lands are designated for camping. The sites identified below will be opened as space is needed.

#### Level 1 Sites Designated to allow camping:

**Former Warming Shelter site 224 North 12<sup>th</sup> Street.** The site is centrally located with easy access to transportation. No vehicle camping is allowed on the site. Camping would be allowed only inside the fence. The site has running water, electricity, port-a-potties, handwash stations and a garbage dumpster. The site is divided into 32 - 10' x 15' marked on the ground with separation between the sites. Access to the site would be available 24 hours a day. Public Safety and Public Works personnel can easily monitor the site.

**Douglas Property 443 North Douglas Ave.** The southern 100 foot portion of the property is fenced and camping be allowed within the fenced area. The site will open for camping when the need or as the North 12<sup>th</sup> site is nearing capacity. The site is divided into 42 - 10' x 15' camp spaces marked on the ground. The only services available on the site will be porta-a-potties, handwash stations and a garbage dumpster. Those items would not be placed on the property until the Warming Shelter site is nearing capacity. The site is also centrally located with relatively easy pedestrian access and limited parking. No vehicle camping is allowed on the site. The site has easy visibility for monitoring by both Public Safety staff as well as Public Works crews.

**Riverside Park.** The northernmost 250 feet of the park is designated for camping after the Douglas Avenue property nears capacity. There would be no fence but a clear delineation would be made for where camping would be allowed. The park hours would apply to this park until the site is opened for camping. The only services available on the site will be port-a-potties, handwash stations and trash cans. No camping would be allowed in the remaining 390 feet of the park. Park hours would apply to the remaining portion of the park.

If the Level 1 sites are nearing capacity, the City Manager, Police Chief and Public Works Director will evaluate the Level 2 sites and determine the next location to designate from the properties identified.

**Level 2:** The property or portion of the property designated for camping will be determined at the time of need. Special criteria or considerations for the sites are noted. The order of the list does not indicate any priority. Port-a-potties, handwash stations and trash cans will be placed prior to opening. Typically the entire property will not be designated for camping.

Row River Nature Park - Available for possible use November – April. The site is not maintained and during dry weather would present a significant risk of wildfire. Any area designated will also need to consider visibility and access. Location of designated camping areas must also consider the proximity the Row River and ponds within the property. During major storms flooding can occur. Accessibility may be difficult in portions of the property.

North Regional Park - Available for possible use November – April. The site is not maintained and during dry weather would present a significant risk of wildfire. Any area designated will also need to consider visibility and access. Location of designated camping areas must also consider the proximity the Coast Fork Willamette River and storm water detention ponds exist on the property. During major storms flooding can occur. Accessibility may be difficult in portions of the property.

Gateway Park – High accessibility and visibility on the site. Site is immediately adjacent to Gateway Avenue and close to Interstate 5 high traffic noise. Park is small and would not provide many camping spaces.

Silk Creek Park – Visibility is good to monitor the camping locations. Accessibility is good. Adjacent to Silk Creek and can have some flooding.

Whiteman Park – Building located on property is leased to the Cottage Grove Museum and located in residential neighborhood. Good accessibility and visibility. Any designation would need to provide separation from neighboring residences or Museum Building. Street parking is available.

City Hall Park – Open areas surrounding the City Hall building. Accessibility and visibility is good. Along the Coast Fork Willamette River, but flooding is not a problem. Parking is not immediately available.

Community Center Parking lot – The visibility and accessibility is good. Community Center usage has increased significantly since over previous years. Meeting spaces are being used daily and visitors to the building are regularly filling the parking lot.

Haskell Park – Visibility and accessibility is good. The park is along the Coast Fork Willamette River, however flooding is not typically a problem. No parking is available near the park.

Water Reclamation Facility (Wastewater Treatment Plant) and Water Treatment Plant – Sites are quite a distance from services and transportation facilities. Sites would be visible, accessibility may be difficult. Designated camping would have to be outside security fencing. The actual treatment and production facilities can be safety hazards.

**Level 3:** These locations are the last to be considered and would only be used in extreme situations. Park hours would apply to these parks (including the parking lots) unless a special



event permit is issued for an event. Many of these locations are specific-use parks or property, are property leased to another organization, have playground equipment, etc. No camping would be allowed at these sites unless an extreme condition existed. The specific property or portion of property opened for camping will be determined at the time of need

All-America City Square – Small park that is all hard surface and landscaping. Accessible and visible.

Bohemia Park – A 15 acre park that is visible and accessible. Playground for full range of children that is heavily used. Heavy use of reservations, events, concerts and activities in multiple places within the park. Portion of the park will be under construction through spring and summer 2023.

Chambers Bridge Park - The bridge is on the National Historic Register and camping in the bridge would not be allowed for fire danger. Grounds around the bridge are not flat and portions do get quite saturated with water during wet season. Along the Coast Fork Willamette River typically flooding is not an issue, although the old log pond can get quite high. Located in residential area and close to the High School.

Coiner Park – Playground for very young and young children in the park. Park is regularly reserved for parties and major community events. Sports courts for basketball, tennis and pickleball get very heavy use. Accessible and good visibility for portions of the park.

Fort Harrison Park – Smaller park with a playground for very young children and sports court, both are heavily used by residents in the neighborhood.

Kelly Field – developed competition baseball field for High School sports.

Masonic Park – leased to the Masonic Lodge for parking and events. Located some distance from services. Accessibility may be difficult. Visible site.

Row River Trail – Trail from Trailhead Park to Mosby Creek Trailhead. Property varies in width along the paved trail that is heavily used. Areas off paved trail consist of some hard surface, sloped ditches and old rock railroad ballast. Accessible but visibility on some portions is not good.

Skate Park – Hard surface park used by youth and young children.

Sunrise Ridge Park – Property has not been dedicated to the City yet – still under private ownership.

Stewart Orchard Park – Small park in residential neighborhood actively used by neighborhood youth. Small playground. Visible and accessible. Location is some distance from services.

Trailhead Park – Trailhead for heavily used Row River Trail. Covered pavilions in the park. Accessible and visible.

River Road Dog Park and Lulu's Dog Park – Dog parks - the entire park is contained within fence and is used by dogs to run off leash. Not a sanitary or safe location for camping when the Dog park is operating. River Road Dog park is under construction and should be opening early 2023.

Triangle Park – A very small triangle of land located on 4<sup>th</sup> Street across from the Middle School. Too small for use.

Westend Park – Small park that consists entirely of playground structure.

Willamette Greenway – Sensitive land along the Coast Fork Willamette River. All is within the floodway/floodplain. Greenway is primarily comprised of river bank property and vegetation.

Benny Hubbell Park – Very small park between Coast Fork Willamette River and Hwy 99. Currently the park contains very hidden areas that are an public safety concern.

Prospector Park – Adjacent to the Dr. Snapp house operated by the Prospectors and Goldiggers. Currently a school is operated out of the Snapp house and they use the park for programs. Located along the Coast Fork Willamette River. Small park. The pavilion replacement will be under construction in 2023.

Veteran Park – Very small park along the Coast Fork Willamette River.

Middlefield Golf Course – Land used by the golf course and bike/walking path. Large portions of the property is not visible. Located a distance from services. Property is irrigated with reclaimed water from the City wastewater system.

Downtown Parking lots – Parking lots in the Historic District downtown Cottage Grove. Businesses are not required to have parking lots in the downtown district, so the parking lots are heavily used. Hard surfaced. Accessible and visible.

Industrial park lots – Currently lots in the developed portion of the industrial park are under contract to be purchased. Lots in undeveloped area brush and contain wetlands to be mitigated/

Water Reservoir sites – These are sites that are high security, not accessible.

BMX Track – Currently under negotiation to lease the property to BMX organization to prepare a track and facilities for BMX events.

Telecommunication Hut Site (6<sup>th</sup> & Hwy 99, Monroe) – High security location. Immediately adjacent to active rail line. Small space with variety of underground telecommunication lines.

In all the levels above any designated camping site would be open 24 hour/day camping as defined. All designated camping locations are subject to change and campsites could be closed to camping after the notice.

When the City of Cottage Grove removes a camp or closes a location designated for camping it will provide a minimum 72-hour notice to everyone that would be affected by the move, except in cases of exceptional emergency or criminal activity, consistent with state law and City code requirements. Unless there is a public health or safety reason for emergency removal, service providers or other community resources will be notified in advance to be on hand for support and outreach ahead of time, consistent with State law.

All designated camp areas will be for temporary camping only. No vehicle or RV camping will be allowed in designated camping areas. Behavior in the designated camping areas must comply park rules as established in Chapter 12.24 of the Cottage Grove Municipal Code.

This Management Plan is subject to change as conditions, uses, weather and needs change. The City Council will be notified of any designations of camping areas in Level 2 and Level 3 properties. Movement of any property from one level to another level will be approved by the City Council.

The Management Plan does not prohibit camping on public land but creates a reasonable tool to manage the City of Cottage Grove's public spaces to meet their intended uses and to maintain health and safety for everyone in Cottage Grove.