

LM
4-14-2023



**ROSEBURG CITY COUNCIL
WORK STUDY AGENDA
APRIL 17, 2023**

**City Hall Council Chambers
900 SE Douglas Avenue, Roseburg, Oregon 97470**

Public Access:

City website at <https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

Facebook Live at www.Facebook.com/CityofRoseburg

6:30 p.m.

1. CALL TO ORDER – Mayor Larry Rich

2. ROLL CALL

Shelley Briggs Loosley
Kylee Rummel

David Mohr
Patrice Sipos

Ellen Porter
Ruth Smith

Brian Prawitz
Andrea Zielinski

3. COUNCIL MATTERS

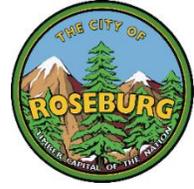
A. Time, Place and Manner

4. ADJOURNMENT

***** AMERICANS WITH DISABILITIES ACT NOTICE *****

Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470-3397 (Phone 541-492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



TIME, PLACE AND MANNER REGULATIONS

Meeting Date: April 17, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Discussion Item
Staff Contact: Nikki Messenger, CM
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

The City has until June 30, 2023 to adopt ordinances regulating time, place and manner as it relates to camping on public property. Staff has been working with the City Attorney on drafting potential regulations for Council consideration. This agenda item is intended to inform the Council and for the Council to provide feedback prior to moving on to next steps.

ANALYSIS

The legal landscape regarding camping in public spaces is based on case law (specific to the Ninth Circuit) and Oregon-specific legislation passed in 2021.

- Eighth Amendment to the US Constitution
 - The underlying concept behind the 9th Circuit Court's decisions –
 - Prohibits the state from punishing an involuntary act or condition if it is an unavoidable consequence of one's status of being.
- Martin v. Boise (2018)
 - Prohibits the imposition of **criminal** penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter...
- Blake v. Grants Pass (2020)/Johnson v. Grants Pass (Appeal decision 2022)
 - Prohibits **civil or criminal** penalties on sitting, sleeping, lying....
 - Expands to allow persons experiencing homelessness who must sleep outside to take minimal measures to keep warm and dry while sleeping.
- HB 3115 (2021)
 - Requires any city law regulating acts of sitting, sleeping, lying or keeping warm and dry outside on public property must be "objectively reasonable" based on the totality of the circumstances. Local governments must update ordinances by July 1, 2023.

- HB 3124 (2021)
 - Codifies how cities must provide notice and store property when removing established campsites on public property.

Cities are allowed to impose citywide prohibitions against persons sitting, sleeping, or lying in public, if the city has a shelter that is accessible to the person experiencing homelessness against whom the prohibition is being enforced. Even if a city lacks enough shelter space to accommodate the specific person experiencing homelessness against whom the prohibition is being enforced, it is still allowed to limit sitting, sleeping, and lying in public places through reasonable restrictions on the time, place and manner of these acts (“where, when, and how”). What constitutes a “reasonable” time, place and manner restriction is often difficult to define.

House Bill 3115 requires any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness. What is objectively reasonable may look different in different communities. The bill retains cities’ ability to enact reasonable time, place and manner regulations, aiming to preserve the ability of cities to manage public spaces effectively for the benefit of the entire community.

The City published a survey to gather input from all community stakeholders regarding appropriate time, place and manner considerations. The survey ran through March 10 with 5,391 people participating. The survey results are attached. The following is a synopsis of the results.

- About 2/3 of the respondents live in the City of Roseburg. About 48% either work or own a business in Roseburg. And 28.5% visit Roseburg frequently.
- Just under 99% of respondents believe homelessness is a problem in Roseburg.
- Just under 60% of respondents know someone who has experienced homelessness.
- Just under 1% (0.93) of respondents are currently experiencing homelessness.
- 93.5% are fairly or very concerned about camping on public property downtown.
- 94.7% are fairly or very concerned about camping in city parks.
- 89.94% are fairly or very concerned about camping in remaining city areas.
- When asked which of the following factors the city should consider when evaluating potential locations to allow overnight camping the following factors rated highest based on the strongly agree/somewhat agree rankings:

<u>Factor</u>	<u>% Strongly or somewhat agree</u>
Sanitary considerations	93.63

Public Safety	92.95
Proximity to schools/childcare facilities	90.53
Proximity to environmentally sensitive areas	87.41
Proximity to pedestrian areas	86.45
Proximity to commercial areas	80.35
Proximity to shelters/social services	76.03
Parking impacts	74.30
Impacts to low-income residents	71.67

- When asked which factors should receive the most consideration for an overnight camping policy

<u>Factor</u>	<u>% in top 3</u>
Environmental Impacts	63.74%
Compatibility with nearby uses	57.63%
Hours camping is allowed	55.88%
Duration of stay	50.51%
Proximity to services	33.03%
Access to buildings/sidewalks	29.22%
Access to public parking lots	14.69%

- When asked how they feel about camping on private property in Roseburg
 - Non-residential zones
 - 23.47% support or somewhat support
 - 60.31% oppose or somewhat oppose
 - Residential zones
 - 9.24% support or somewhat support
 - 83.28% oppose or somewhat oppose
- When asked about camping on public property being restricted between the hours of 8 pm to 8 am
 - 38.44% strongly approve or approve
 - 43.72% disapprove or strongly disapprove
- When asked to rank each location's suitability as a space to allow overnight camping in the city

	<i>(Highest 3 %)</i>	<i>(Lowest 3 %)</i>
	<u>Suitable</u>	<u>Not Suitable</u>
Downtown	5.89	58.52
Residential neighborhoods	2.07	49.20
Retail areas	2.49	45.02
Parks & trails	25.16	37.39
Forested/Env. Sensitive	14.51	35.04
Rights of way	8.42	19.15

Parking lots	36.89	28.43
Office/commercial areas	37.46	14.07
Transit areas	52.55	4.21
Industrial areas	55.57	3.86
City/government owned property	61.26	4.98

Based on the survey results, input from staff regarding impacts of camps on the parks system, input from neighbors impacted by camps, and damage experienced in certain environmentally sensitive areas, staff has been working with the City Attorney to formulate the basis for potential time, place and manner regulations.

To clarify how the regulations work together.....

- Place restrictions will mean camping will be prohibited in certain areas 24/7/365 unless a special permit is issued.
- Time restrictions will regulate the time period(s) that camping is allowed *in the areas that are not prohibited*.
- Manner restrictions will regulate the manner in which camping can occur *in the areas that are not prohibited during the times that are not prohibited*.

In theory, upon adoption, camping in a prohibited place will be a violation and may constitute Criminal Trespass 2. Camping in a non-prohibited place outside of the allowed time period or in violation of the manner regulations will be violations of the ordinance.

Time

Time regulations can be handled one of two ways.

- Camping is restricted during certain hours. An example is between 8 am and 8 pm.
- Camping is limited to a certain number of continuous hours. For example, no more than 24 hours in the same location.

With either regulation, camping outside of the time limits would be a violation. The more complex issue is determining when a camp becomes an “established camp,” which requires the City to provide a 72-hour notice prior to removing the camp. Exceptions could be included in the ordinance for severe weather, to respond to a specific individual’s disability, or where appropriate to facilitate case management or behavioral health services.

Place

The following are the place restrictions currently being considered.

- In or adjacent to any residentially zoned or residentially used properties.
- Anywhere between the Umpqua River Path and the South Umpqua River in that portion of the path east of Interstate 5 to the confluence of Deer Creek and the South Umpqua River.
- Anywhere between the multi-use path and the South Umpqua River between Douglas Avenue and Flint Street.
- Within 100 feet of the high-water mark of any waterway excluding that portion of the South Umpqua River discussed above.
- Within 10 feet of any multi-use path.
- Anywhere on Airport Property.
- Any place where camping, a camp, or camp materials create a physical impediment to emergency or nonemergency ingress, egress or access to property, whether private or public, or on public sidewalks or other public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
- Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
- Within 1,000 feet of a school or daycare facility.
- Immediately adjacent to any city owned buildings.
- The Stewart Park natural area, aka the duck pond, and the detention ponds associated with Stewart Park.
- Sport complexes including any sports fields and adjacent structures.
- Any city owned properties leased to others, including but not limited to the Roseburg Area Chamber of Commerce building, Umpqua Valley Arts Center, Betty Long Unruh Theater, Umpqua United building, and the adjacent grounds and parking areas.
- Any park sites or areas for which park use permits have been issued.
- Anywhere on water reservoir sites.

- Any location that is determined by the Fire Chief, Fire Marshal, or designee to constitute an elevated threat of fire danger.

Manner

- Camps may not obstruct sidewalks, clear vision, fire hydrants, City or other public utility infrastructure, or otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage.
- Camps must be limited to 100 square feet.
- No structures are allowed to be built or erected. Free standing tents and similar portable items used for shelter are not structures for purposes of this section.
- Attaching anything to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, or buildings is prohibited.
- All camp materials and personal property must be contained within the tent or tent like structure except for one mobility device (bike, wheelchair, etc.) per person may be stored outside.
- Storage of personal property such as vehicle tires, bicycles or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, lumber, or other items or materials is prohibited, other than what is related to camping, sleeping, or keeping warm and dry.
- Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.
- Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by the Roseburg Fire Department are prohibited.
- Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.
- Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.

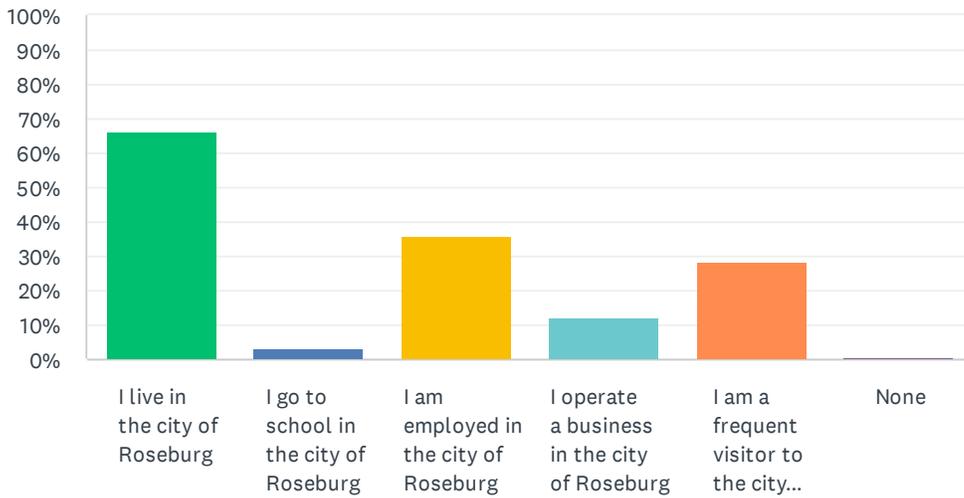
- Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.
- All animals must be leashed or crated at all times.
- All noise ordinances must be abided by.

NEXT STEPS

Staff is seeking input from the Council regarding the proposed regulations. Staff will then work with the City Attorney to complete the draft ordinance language for the Homeless Commission and Council consideration.

Q1 What is your relationship to the city of Roseburg?

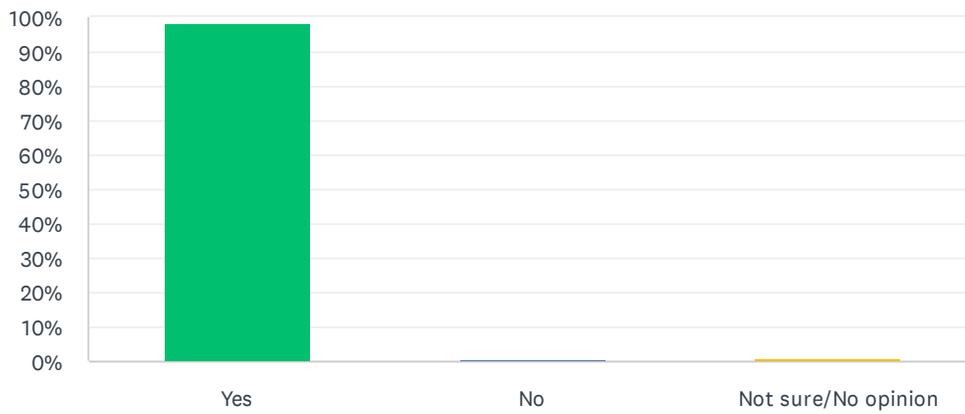
Answered: 5,383 Skipped: 8



ANSWER CHOICES	RESPONSES	
I live in the city of Roseburg	66.34%	3,571
I go to school in the city of Roseburg	2.90%	156
I am employed in the city of Roseburg	35.78%	1,926
I operate a business in the city of Roseburg	12.21%	657
I am a frequent visitor to the city of Roseburg	28.50%	1,534
None	0.35%	19
Total Respondents: 5,383		

Q2 Do you believe homelessness is a problem in the city of Roseburg?

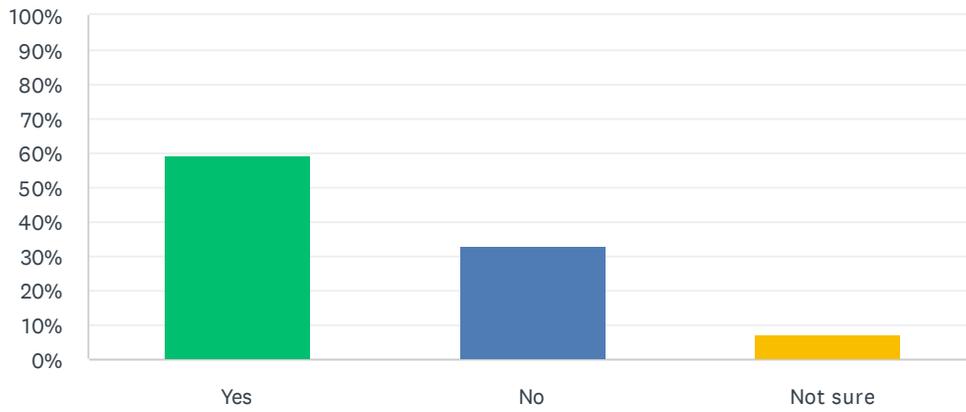
Answered: 5,381 Skipped: 10



ANSWER CHOICES	RESPONSES	
Yes	98.23%	5,286
No	0.71%	38
Not sure/No opinion	1.06%	57
TOTAL		5,381

Q3 Do you know someone who has experienced homelessness?

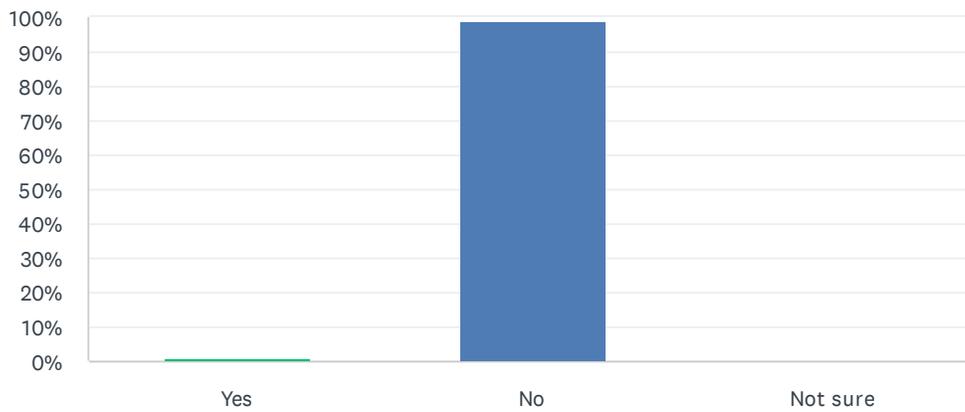
Answered: 5,380 Skipped: 11



ANSWER CHOICES	RESPONSES	
Yes	59.63%	3,208
No	32.99%	1,775
Not sure	7.38%	397
TOTAL		5,380

Q4 Are you currently experiencing homelessness?

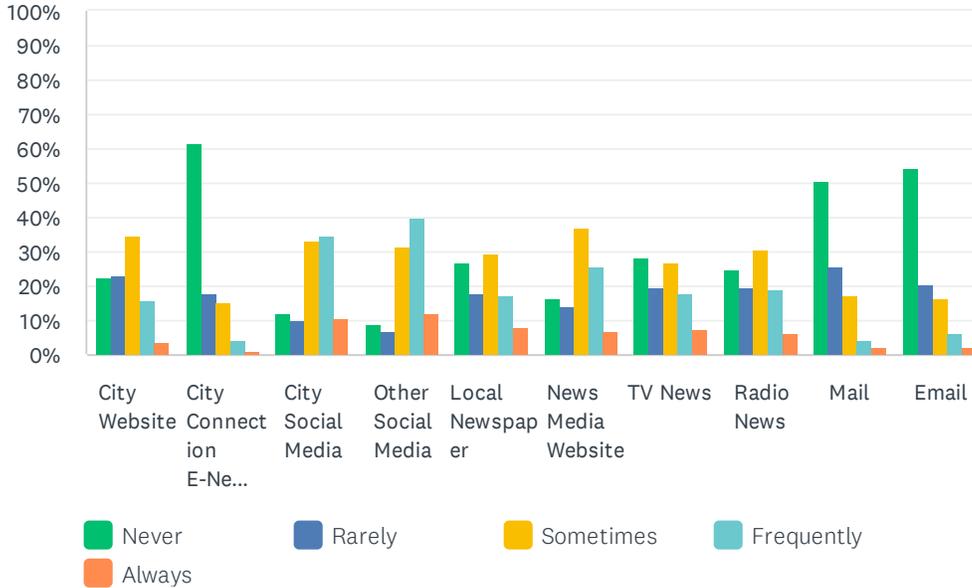
Answered: 5,380 Skipped: 11



ANSWER CHOICES	RESPONSES	
Yes	0.93%	50
No	98.85%	5,318
Not sure	0.22%	12
TOTAL		5,380

Q5 How do you typically stay informed about City of Roseburg projects of interest to you?

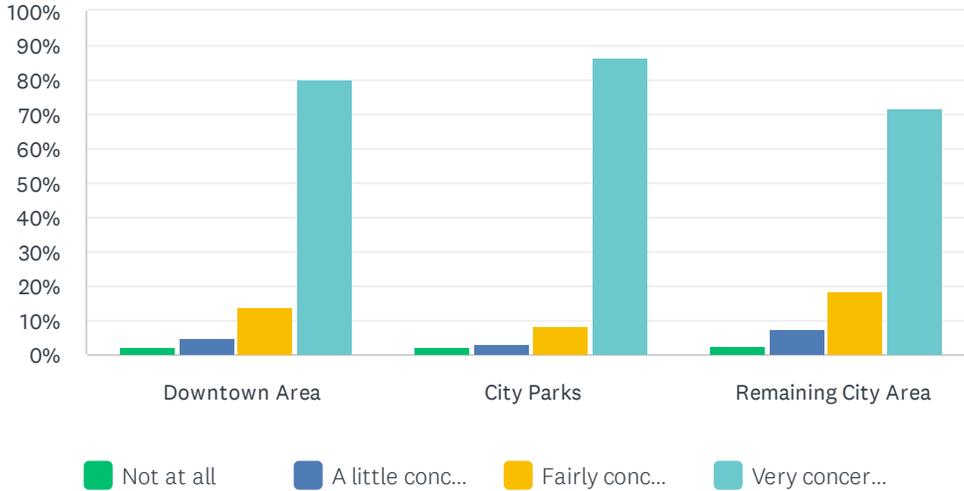
Answered: 5,379 Skipped: 12



	NEVER	RARELY	SOMETIMES	FREQUENTLY	ALWAYS	TOTAL	WEIGHTED AVERAGE
City Website	22.89% 1,180	23.20% 1,196	34.49% 1,778	15.98% 824	3.43% 177	5,155	2.54
City Connection E-Newsletter	61.81% 3,100	17.65% 885	15.17% 761	4.27% 214	1.10% 55	5,015	1.65
City Social Media	12.01% 619	9.74% 502	33.05% 1,703	34.54% 1,780	10.65% 549	5,153	3.22
Other Social Media	9.09% 468	7.05% 363	31.41% 1,617	40.13% 2,066	12.32% 634	5,148	3.40
Local Newspaper	26.86% 1,400	18.15% 946	29.48% 1,537	17.38% 906	8.13% 424	5,213	2.62
News Media Website	16.14% 830	14.10% 725	36.89% 1,897	25.98% 1,336	6.88% 354	5,142	2.93
TV News	28.60% 1,482	19.42% 1,006	26.66% 1,381	18.01% 933	7.32% 379	5,181	2.56
Radio News	24.91% 1,283	19.42% 1,000	30.64% 1,578	18.97% 977	6.06% 312	5,150	2.62
Mail	50.49% 2,546	25.94% 1,308	17.53% 884	4.10% 207	1.94% 98	5,043	1.81
Email	54.45% 2,759	20.39% 1,033	16.50% 836	6.30% 319	2.37% 120	5,067	1.82

Q6 How concerned are you about people camping on public property in the city of Roseburg?

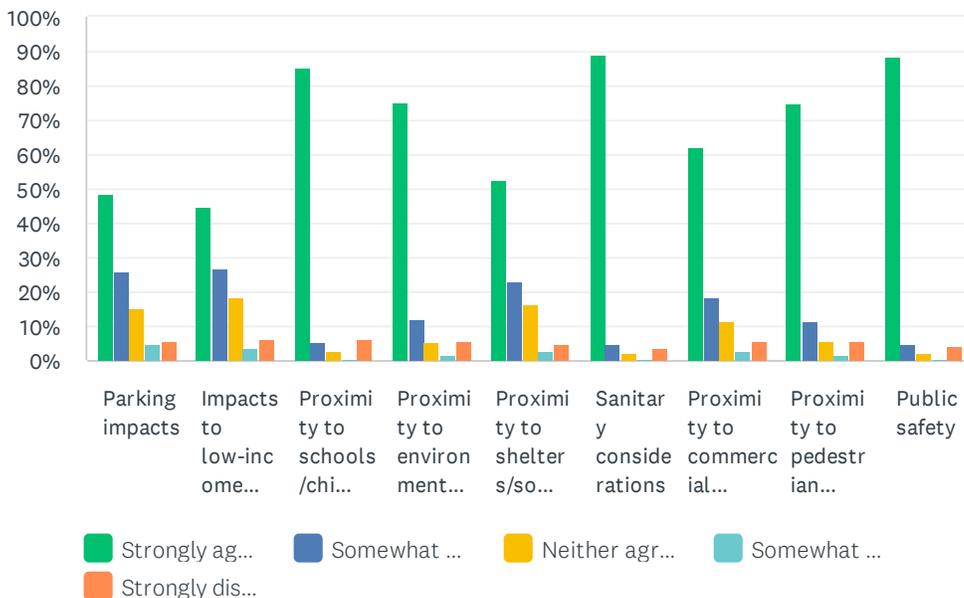
Answered: 5,384 Skipped: 7



	NOT AT ALL	A LITTLE CONCERNED	FAIRLY CONCERNED	VERY CONCERNED	TOTAL	WEIGHTED AVERAGE
Downtown Area	1.99% 107	4.50% 242	13.65% 734	79.86% 4,294	5,377	3.71
City Parks	2.33% 125	2.98% 160	8.62% 463	86.08% 4,626	5,374	3.78
Remaining City Area	2.82% 151	7.25% 389	18.48% 991	71.46% 3,833	5,364	3.59

Q7 Which of the following factors should the City of Roseburg consider when evaluating potential locations to allow overnight camping?

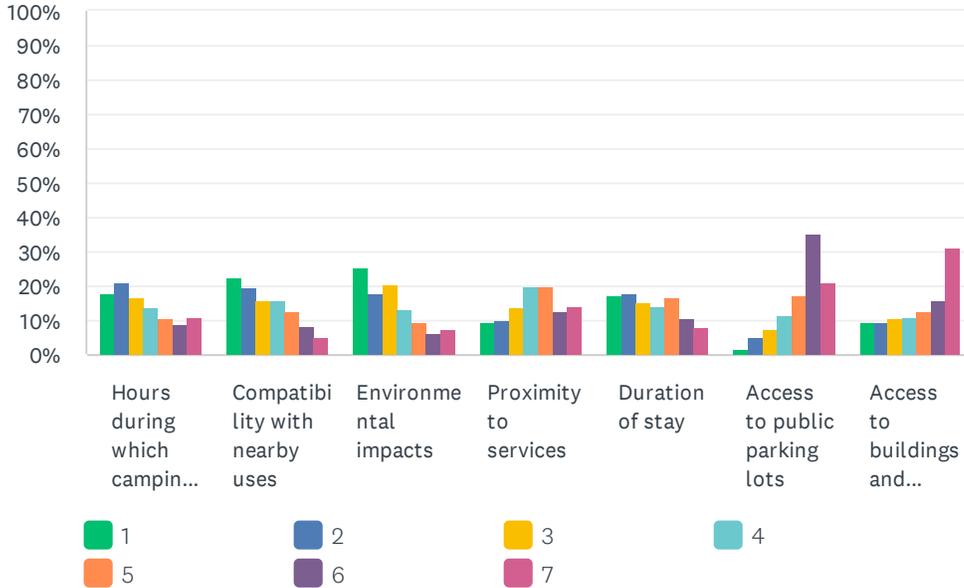
Answered: 5,377 Skipped: 14



	STRONGLY AGREE	SOMEWHAT AGREE	NEITHER AGREE NOR DISAGREE	SOMEWHAT DISAGREE	STRONGLY DISAGREE	TOTAL
Parking impacts	48.56% 2,575	25.74% 1,365	15.22% 807	4.54% 241	5.94% 315	5,303
Impacts to low-income residents	44.67% 2,351	27.00% 1,421	18.41% 969	3.82% 201	6.10% 321	5,263
Proximity to schools/childcare facilities	85.26% 4,577	5.27% 283	2.40% 129	0.71% 38	6.35% 341	5,368
Proximity to environmentally sensitive areas	75.36% 4,028	12.05% 644	5.28% 282	1.61% 86	5.71% 305	5,345
Proximity to shelters/social services	52.69% 2,799	23.34% 1,240	16.55% 879	2.79% 148	4.63% 246	5,312
Sanitary considerations	89.01% 4,762	4.62% 247	1.94% 104	0.64% 34	3.79% 203	5,350
Proximity to commercial areas	62.04% 3,300	18.31% 974	11.39% 606	2.59% 138	5.66% 301	5,319
Proximity to pedestrian areas	74.61% 3,984	11.84% 632	5.96% 318	1.65% 88	5.96% 318	5,340
Public safety	88.44% 4,722	4.51% 241	2.23% 119	0.66% 35	4.16% 222	5,339

Q8 With #1 being most important, which factors should receive the most consideration for an overnight camping policy?

Answered: 5,290 Skipped: 101

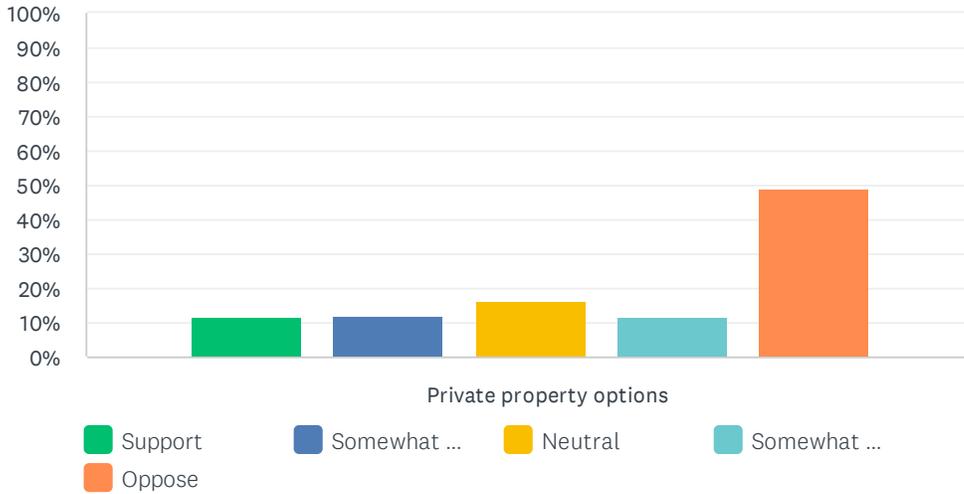


	1	2	3	4	5	6	7	TOTAL	SCORE
Hours during which camping is allowed	17.80% 898	21.07% 1,063	17.01% 858	13.60% 686	10.65% 537	8.92% 450	10.94% 552	5,044	4.51
Compatibility with nearby uses	22.76% 1,155	19.26% 977	15.61% 792	15.67% 795	12.61% 640	8.65% 439	5.44% 276	5,074	4.76
Environmental impacts	25.42% 1,296	17.73% 904	20.59% 1,050	13.26% 676	9.22% 470	6.24% 318	7.55% 385	5,099	4.88
Proximity to services	9.53% 482	9.94% 503	13.56% 686	19.85% 1,004	20.12% 1,018	12.67% 641	14.33% 725	5,059	3.74
Duration of stay	17.20% 876	18.11% 922	15.20% 774	14.12% 719	16.71% 851	10.53% 536	8.13% 414	5,092	4.41
Access to public parking lots	1.66% 84	5.47% 277	7.56% 383	11.79% 597	17.34% 878	35.32% 1,788	20.86% 1,056	5,063	2.73
Access to buildings and sidewalks	9.32% 480	9.24% 476	10.66% 549	11.24% 579	12.41% 639	16.04% 826	31.09% 1,601	5,150	3.19

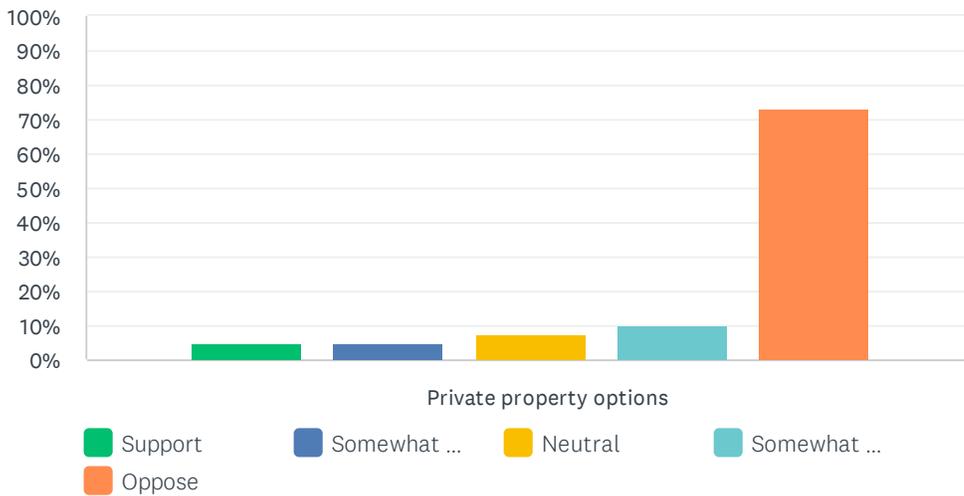
Q9 How do you feel about camping on private property in the City of Roseburg?

Answered: 5,259 Skipped: 132

Non-Residential Zones



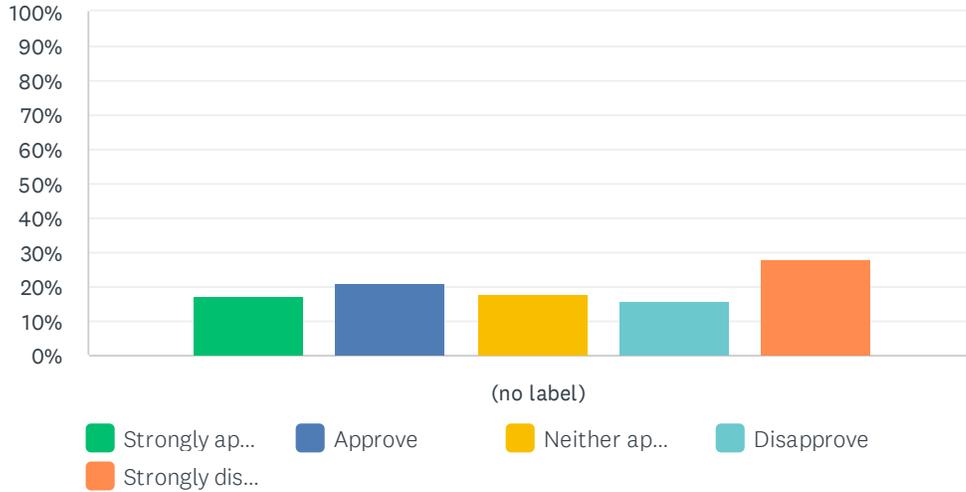
Residential Zones



Non-Residential Zones						
	SUPPORT	SOMEWHAT SUPPORT	NEUTRAL	SOMEWHAT OPPOSE	OPPOSE	TOTAL
Private property options	11.45% 601	12.02% 631	16.21% 851	11.60% 609	48.71% 2,557	5,249
Residential Zones						
	SUPPORT	SOMEWHAT SUPPORT	NEUTRAL	SOMEWHAT OPPOSE	OPPOSE	TOTAL
Private property options	4.58% 213	4.66% 217	7.48% 348	9.97% 464	73.31% 3,411	4,653

Q10 How do you feel about camping on public property in the city of Roseburg being restricted to between the hours of 8:00 p.m. and 8:00 a.m.?

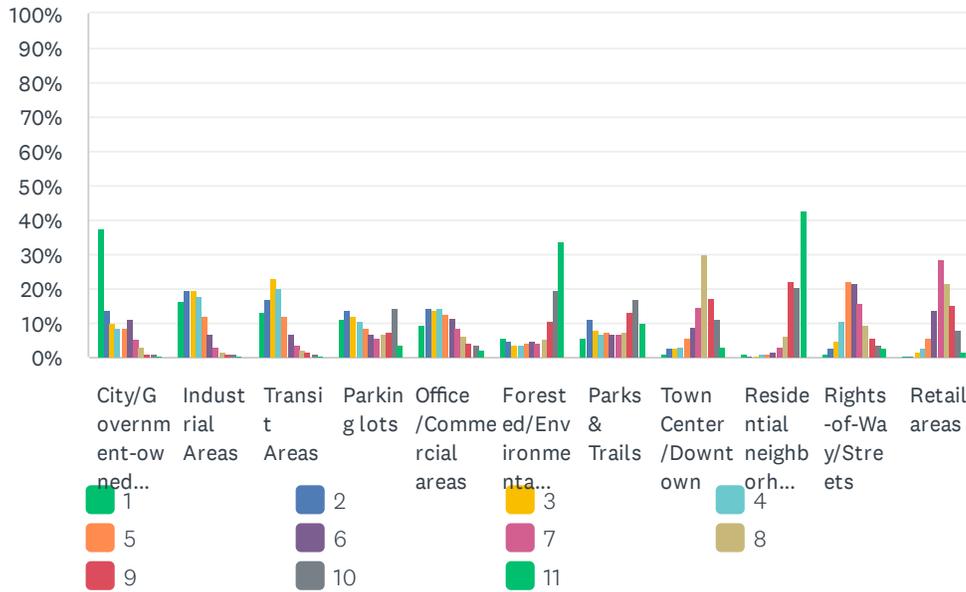
Answered: 5,310 Skipped: 81



	STRONGLY APPROVE	APPROVE	NEITHER APPROVE NOR DISAPPROVE	DISAPPROVE	STRONGLY DISAPPROVE	TOTAL	WEIGHTED AVERAGE
(no label)	17.44% 926	21.00% 1,115	17.83% 947	15.89% 844	27.83% 1,478	5,310	3.16

Q11 With #1 being the best alternative, rank each location's suitability as a space to allow overnight camping (as required by Oregon laws) in the city of Roseburg?

Answered: 5,172 Skipped: 219



	1	2	3	4	5	6	7	8	9	10
City/Government-owned property	37.39% 1,869	13.87% 693	10.00% 500	8.64% 432	8.16% 408	10.94% 547	5.26% 263	2.96% 148	1.20% 60	0.82% 41
Industrial Areas	16.56% 815	19.65% 967	19.36% 953	17.96% 884	12.27% 604	6.64% 327	3.25% 160	1.83% 90	1.14% 56	0.89% 44
Transit Areas	12.92% 632	16.66% 815	22.97% 1,124	19.80% 969	12.26% 600	6.76% 331	3.90% 191	2.02% 99	1.37% 67	0.82% 40
Parking lots	11.03% 543	13.79% 679	12.07% 594	10.36% 510	8.31% 409	6.99% 344	5.55% 273	6.85% 337	7.52% 370	14.06% 692
Office/Commercial areas	9.63% 464	14.03% 676	13.80% 665	14.11% 680	12.74% 614	11.33% 546	8.22% 396	6.10% 294	4.17% 201	3.80% 183
Forested/Environmentally sensitive areas	5.96% 293	4.64% 228	3.91% 192	3.78% 186	3.97% 195	4.54% 223	4.39% 216	5.45% 268	10.35% 509	19.24% 946
Parks & Trails	5.73% 278	11.29% 548	8.14% 395	7.04% 342	7.21% 350	6.61% 321	6.84% 332	7.19% 349	13.12% 637	17.08% 829
Town Center/Downtown	1.07% 52	2.41% 117	2.41% 117	3.34% 162	5.57% 270	8.70% 422	14.95% 725	30.08% 1,459	17.54% 851	10.90% 529
Residential neighborhoods	1.07% 52	0.49% 24	0.51% 25	0.84% 41	0.96% 47	1.48% 72	2.95% 144	6.35% 310	22.29% 1,088	20.57% 1,004
Rights-of-Way/Streets	0.91% 44	2.74% 132	4.77% 230	10.55% 509	22.15% 1,069	21.67% 1,046	15.67% 756	9.55% 461	5.70% 275	3.90% 188
Retail areas	0.27% 13	0.56% 27	1.66% 80	2.86% 138	6.04% 292	13.43% 649	28.62% 1,383	21.61% 1,044	15.44% 746	7.97% 385