



CITY OF ASTORIA

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MEMORANDUM

DATE: JULY 18, 2022

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: REVIEW AND DISCUSSION OF DRAFT CAMPING ORDINANCE IN RELATION TO PLACE

DISCUSSION / ANALYSIS:

The Oregon Legislature passed House Bill 3115 (HB 3115) in 2021 requiring cities to adopt or modify any unlawful camping ordinances to address such requirements as the “Time, Place & Manner” where homeless individuals can sleep, rest and keep warm and dry. Specifically, any language that requires enforcement of unlawful camping shall be objectively reasonable as to the “Time” (specific period when sleeping or camping is permitted), the “Place” (identifying locations within the city where camping is permitted during the “Time” stated), and the “Manner” (what items are allowed such as a sleeping bag, tent, etc.).

On June 20, 2022, Council approved amendments to Astoria Code sections 5.002, 5.900, 5.924 & 5.925 adopting new language to address the requirements of HB 3115, as well as the 9th Circuit Court of Appeals decision in Martin v. Boise related to homeless individuals sleeping on public property. The recent Code amendments approved by Council addressed the “Time” and the “Manner” portions of the “Time, Place and Manner” requirements of HB 3115. The question of “Place” was not addressed at that time to ensure sufficient opportunity to obtain additional community input before a detailed proposal was considered by Council.

Since the June meeting, staff has been developing draft ordinance language to address “Place”. The proposed language provides guidance to individuals experiencing homelessness as to where they can lawfully rest or sleep. The draft ordinance identifies locations where sleeping or resting is not permitted, identifies public property where resting or sleeping is allowed, and also addresses opportunities, with conditions, for owners of certain non-residential properties to allow for camping. Under the draft ordinance, the following locations would be deemed unlawful for camping:

- All public parks;
- Sidewalks where a clear, continuous width to less than six feet cannot be maintained while camping is occurring;
- All city-owned or maintained parking lots;
- Areas underneath roadways or bridges that are not open to the public;
- Areas within ten feet of building entrances or exits, including stairs;
- All publicly owned or maintained restrooms; and

- Areas and rights-of-way located within certain residential zones.

The draft ordinance addressing “Place”, as well as an illustrative, draft map of the City identifying areas that are available to homeless individuals for sleeping and camping is attached to this memorandum. The map is available on the City’s website and in print form and will be provided for illustration purposes only as the City Code will be the official document identifying available camping locations. Also, at such time that an ordinance is adopted by Council, staff plans to develop an informative, tri-fold brochure that will be available to the public and will be distributed through our social service partners and the APD Community Resource Officer.

In summary, the proposals address areas where homeless individuals can sleep or camp on public property. The proposal also addresses limited opportunities and conditions whereby camping could be allowed, with written permission of the owner, on certain classes of private property, such as parking lots associated with religious institutions, non-profit entities, and vacant or unoccupied commercial or industrial real property. Restrictions would place limitations on the number of individuals that may camp or sleep, and a requirement for the provision of sanitary facilities, garbage disposal services and storage area for personal property. Safeguards will be included in the language to revoke permissions in the event of Code violations or nuisance.

RECOMMENDATION:

The draft amendments to City of Astoria Code are for Council review only. No action is being requested. With direction from Council, staff would prepare refinements to the draft ordinance and would return, at a later date, with a final draft ordinance for Council review and consideration.

BY: GEOFF SPALDING, SPECIAL PROJECT MANAGER

ATTACHMENTS:

[Camping -Place- Language Draft.pdf](#)

[Camping Sites July11 2022 DRAFT.pdf](#)