



CITY OF BEND

Interim Policy on Camping and Parking in City Rights-of-Way Near Shelters



TITLE: Interim Policy on Camping and Parking in City Rights-of-Way Near Shelters

POLICY NO.: ADM 2022-4

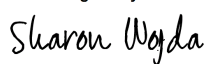
Interim Policy on Camping and Parking in City Rights-of-Way Near Shelters

Policy No. 2022-4

Bend Code Chapter 1.30.005 provides for ‘City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.’ All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The following policy conforms to the above stated standards.


Authorized by City Manager:

DocuSigned by:


 For Eric King
 City Manager

Dated: 6/24/2022

Reviewed by Legal Counsel:

DocuSigned by:


 For Mary Winters
 City Attorney

Dated: 6/24/2022

City of Bend
City Manager Administrative Policy



I. Findings

A. The Bend Municipal Code, chapter 6.10.000, gives the City Manager the authority to make initial decisions relating to the exercise of the power of the road authority within the City of Bend. This policy comes following City Council direction on June 15, 2022.

B. According to the 2022 Point in Time Count published by the Continuum of Care for Central Oregon, the Homeless Leadership Coalition, at least 785 individuals are homeless in Bend, and at least 1,286 individuals are homeless in Central Oregon. In 2015, there were 594 people counted as homeless in Central Oregon, an increase of over 200% in 7 years. 79% of those counted in 2022 are unsheltered, meaning living in a place not meant for human habitation (i.e. car, outside, on street or public lands, in abandoned building, etc.). There are approximately 280 shelter beds in Bend.

C. The City of Bend is partnering with other local jurisdictions to create a collaborative office to address homelessness, through HB 4123 adopted by the Oregon legislature in 2021, and is purchasing property and funding shelter operations through grants received from the federal and state governments and other funding.

D. The high rate of unsheltered homeless and the number of shelter beds means that some people experiencing homelessness live in vehicles, or in makeshift campsites, in the City's rights-of-way, and on other publicly owned or managed land within and outside of City limits, including land owned or managed by the Oregon Department of Transportation, Deschutes County, the Bureau of Land Management, and the United States Forest Service. The City has witnessed a significant increase in, and has received numerous reports of, individuals living in vehicles and establishing makeshift campsites in the right-of-way, particularly as other agencies issue notices and remove people camping on their land.

E. The City has adopted Bend Municipal Code ordinances that allow private property to be made available for overnight parking and temporary transitional accommodations in movable structures or vehicles, and has adopted Bend Development Code changes that specify rules for development of permanent and temporary shelters on private property. Several shelters and temporary parking locations have been established on private property under these rules. Shelters and temporary parking locations have rules and programs in which people staying at the property must abide by and can participate in. While many people living in the City's rights-of-way receive and participate in services offered by shelters and other service providers, others do not wish to engage.

F. The Bend Municipal Code does not generally ban camping in the right-of-way, but does regulate erecting structures and obstructing the right-of-way, and does not allow parking in one location for more than three business days at a time. The City Manager adopted, and subsequently updated, an administrative policy in April 2021 setting out guidelines for how the City will respond to and provide notice of removal

City of Bend
City Manager Administrative Policy



to campsites established in the right-of-way.

G. Public rights-of-way are not generally designed or intended for overnight use in the same way as a recreational camp site. People living in makeshift camps in the right-of-way and in vehicles often lack access to safe and sanitary restrooms and trash receptacles, resulting in unsanitary conditions from improper disposal of human waste and trash.

H. It is the obligation of the City to keep its rights-of-way clean and available for public use, and to protect public health, safety, and access, and it is the policy of the Bend City Council to support the programs and services offered by shelter providers.

I. The City Council has directed staff to begin developing a code proposal that will regulate camping in the City's rights-of-way, with reasonable time, place, and manner restrictions on camping. One of these potential regulations is a restriction on camping on public rights-of-way near established shelter locations. This public process will take months before a code may be presented to Council for consideration.

J. In or around June 2022, the Oregon Department of Transportation (ODOT) notified the City it would be removing a number of campsites from its property within the City, and the City learned the United States Forest Service had issued notices that camping would no longer be permitted on its property south of the City, where it is known many people are camping or living in vehicles. The City declared NE 2nd Ave north of Greenwood Ave an Unsafe Campsite, pursuant to policy ADM 2021-1, and also is coordinating with the ODOT and Deschutes County on construction access to roads in the City's jurisdiction, including Hunnell Road and Clausen Road, where many people are camping or living in vehicles.

K. The combination of these events causes the City to anticipate growing numbers of people camping or living in vehicles on public rights-of-way within the City limits, before the City can adopt permanent time, place, and manner rules regulating camping in the rights-of-way. The City has seen and anticipates a continued increase in camping in vehicles and in the rights-of-way as a result of these actions and the reality of the levels of unsheltered homelessness in the area.

L. Temporary response measures pursuant to the authority granted by Title 3 (Rights-of-Way and City Property) and Title 6 (Vehicles, Traffic, and Parking) of the Bend Code are needed within Bend to mitigate the adverse impacts of unmanaged camping, particularly around established shelter programs working to help people into permanent housing, until the City Council can consider permanent regulations.

M. Shelter providers have communicated with the City that it is difficult for them to run successful programs and support individuals seeking to leave homelessness when people who are not engaged in the program are setting up camps and living in vehicles in the area surrounding the established shelter programs. The City and service providers are likely to see more success in responding to homelessness and helping people find permanent housing if camping and overnight parking are restricted around

City of Bend
City Manager Administrative Policy



shelter facilities. This dynamic is heightened by the potential for increases in unsanctioned camping on City roads with the closure of camps on other public land surrounding the City.

N. Establishing areas around shelter facilities in which camping is prohibited at all hours and all days will assist in mitigating adverse impacts to established shelter programs and individuals engaged in those programs, as well as mitigating adverse impacts to surrounding businesses and other users of the rights-of-way, for the reasons described in Finding M. Around the City's only low-barrier emergency shelter, located at 275 NE 2nd Street, additional restrictions on overnight parking will further assist in mitigating these adverse impacts. The City does not have the enforcement resources to prohibit overnight parking around other shelters or locations at this time, and chooses to focus parking restrictions at the only emergency, low-barrier shelter available on a walk-up basis. The City is working toward code changes to be adopted by Council that will address and regulate camping, and potentially overnight or other use of vehicles for habitation, in the City's rights-of-way, and the provisions of this Policy are likely to be considered as part of that process.

II. Policy:

1. No person shall install or construct or wholly or partially reserve or obstruct City rights-of-way, including sidewalk, vehicle lane, parking space, or bike lane, with any personal property or materials, including tents, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or other temporary structures or sleeping materials, within 500' from any of the following:
 - A location approved as a Safe Parking site under Bend Code 5.70,
 - A shelter approved under the Bend Development Code as temporary housing or shelter use,
 - A shelter approved under HB 4212, HB 2006, or HB 3261, or
 - Any other location that provides shelter, safe sleeping, or safe parking to homeless persons, or that serves as a homeless services navigation center.
2. No person shall park any vehicle between the hours of 8 p.m. to 7 a.m., or install or construct or wholly or partially reserve or obstruct City rights-of-way, including sidewalk, vehicle lane, parking space, bike lane, landscape strip, or any other portion of the right-of-way whether improved or unimproved, with any personal property or materials to establish or create a campsite or sleeping site, including tents, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or other temporary structures or sleeping materials, within 1000' of the City's emergency shelter at 275 NE 2nd Street, but bound by the geographic barriers of the US-97/Parkway to the west and 3rd Street to the east, generally described as follows:

City of Bend
City Manager Administrative Policy



- NE 2nd Street between NE Burnside Ave and NE Franklin Ave
 - NE Emerson Ave from its western terminus east of US-97/Parkway to NE 3rd Street
 - NE Dekalb Ave from its western terminus east of US-97/Parkway to NE 3rd Street
 - NE Burnside Ave from NE 2nd Street to NE 3rd Street
 - SE Scott Street from the US-97/Parkway overpass to SE 3rd Street
 - SE Aune Street from the US-97/Parkway overpass to SE Scott Street
3. Staff are instructed to post signage as appropriate, monitor these locations, and when necessary issue 72-hour notices to move and store any personal property collected following removal, if camping is found to be occurring in violation of Section II.1. or II.2. of this Policy, consistent with City Policy ADM 2021-1. A 72-hour notice to move is not required when there are grounds for law enforcement officials to believe that illegal activity, other than camping, is occurring on the campsite or in the immediate vicinity of the campsite, or the property that comprises the campsite is being used or is intended to be used to commit or facilitate the commission of otherwise illegal activity; or in the event of an exceptional emergency, such as when there is immediate danger to human life or safety.
 4. Staff are instructed to post signage and enforce the no-parking provisions of Section II.2. of this policy, consistent with Bend Code 6.20.005.
 5. This declaration does not change or alter any other enforcement authority of City staff or Police Officers.
 6. This policy will expire June 30, 2023, unless extended or sooner terminated, or on the date that an ordinance on camping in the right-of-way adopted by the City Council becomes effective.

Certificate Of Completion

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Document Pages: 6	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Kayla Duddy
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	710 NW Wall st.
	Bend, OR 97703
	kduddy@bendoregon.gov
	IP Address: 98.142.36.35


Record Tracking

Status: Original	Holder: Kayla Duddy	Location: DocuSign
6/24/2022 2:39:03 PM	kduddy@bendoregon.gov	

Signer Events

Ian Leitheiser
 ileitheiser@bendoregon.gov
 Asisstant City Attorney
 Security Level: Email, Account Authentication (None)

Signature

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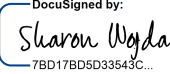
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 Company Name: City of Bend CMO

Sharon Wojda
 swojda@bendoregon.gov
 Chief Financial Officer
 Security Level: Email, Account Authentication (None)

DocuSigned by:

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 Using IP Address: 98.142.36.35

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Electronic Record and Signature Disclosure:

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 Company Name: City of Bend CMO

In Person Signer Events	Signature	Timestamp
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Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

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Completed	Security Checked	6/24/2022 3:55:43 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

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Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you may be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below. Paper copies may also be requested from City by contacting Procurement.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

Notices and disclosures may be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we may provide electronically to you through the DocuSign system required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. You can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact the City:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To advise the City of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at dgalanaugh@bendoregon.gov and in the body of such request you must state: your previous email address, your new email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to dgalanaugh@bendoregon.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number.

To withdraw your consent with the City

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to dgalanaugh@bendoregon.gov and in the body of such request you must state your email, full name, mailing address, and telephone number.

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here:
<https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- You can access and read this Electronic Record and Signature Disclosure; and**
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and**
- Until or unless you notify the City as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by the City during the course of your relationship with the City.**