


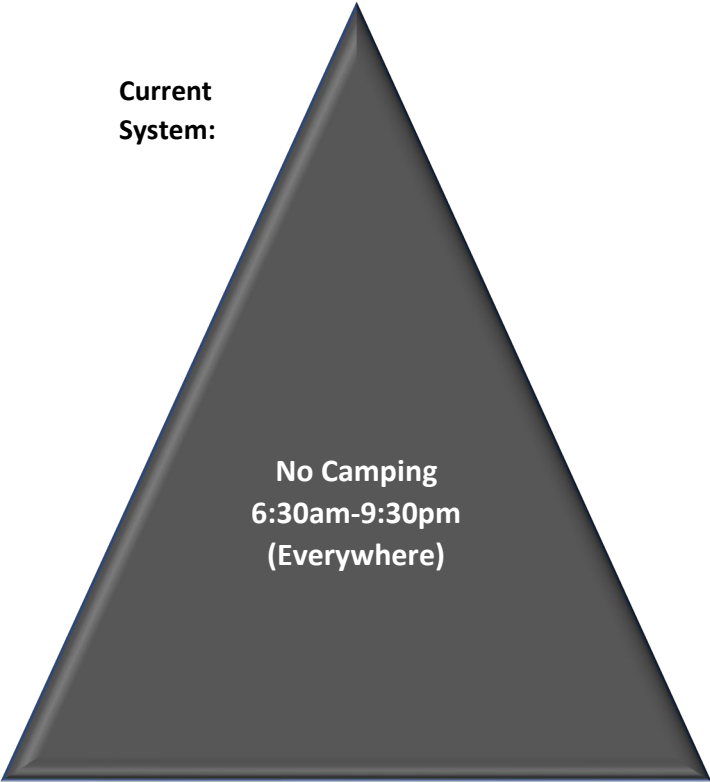
City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995
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DATE: August 16, 2021
TO: Mayor and City Council
CC: Eric Holmes, City Manager
FROM: Jonathan Young, City Attorney 
RE: Supportive Campsite Pilot Program – Update

OVERVIEW

On August 2, 2021, City Council participated in a Workshop on the establishment of a Supportive Campsite Pilot Program. To implement such a program, Staff has recommended that the City revise [VMC 8.22 "Camping"](#) from a system in which camping is criminalized everywhere from 6:30am-9:30pm; to one that seeks to address a variety of competing interests by (a) legalizing camping within Supportive Campsites, (b) prohibiting camping 24/7/365 in certain 'camping impact areas' to include ecologically sensitive areas, (c) allowing camping at night throughout most of the City, and (d) establishing an exemption for nighttime workers:

**Current
System:**

A dark gray pyramid representing the current system.

No Camping
6:30am-9:30pm
(Everywhere)

**Proposed
System:**

A pyramid divided into four colored sections representing the proposed system: blue at the top, dark gray in the middle, green at the bottom-left, and black at the bottom-right.

a. Supportive
Campsite Pilot
Program

c. No Camping
6:30a-9:30pm
(Most Places)

b. Ecologically
Sensitive Area
No Camping
24/7/365

d. Nighttime
Worker
Exemption

SUPPORTIVE CAMPSITE PILOT PROGRAM: NOTEWORTHY DETAILS



Placement of Supportive Campsites: On August 2, 2021, City Council endorsed the following policy-level guidelines. City Staff should evaluate whether the following criteria can be met when deciding whether to approve placement of Supportive Campsites in a specific location:

- Disperse equitably throughout the City
- Comply with all applicable SEPA requirements
- Ensure ADA accessibility* to and within camps
- Locate within 0.5 miles of public transit
- Avoid areas of economic vulnerability

***ADA Accessibility:** In establishing a Supportive Campsite Pilot Program, the City will be working to ensure accessibility to users with varied physical abilities consistent with the United States Access Board's [Accessibility Standards for Outdoor Areas](#). Specific points of interest: (a) Paved and/or blacktopped surfaces are not required, but the surface must "remain firm and stable." (b) Grading requirements will be dictated by the surface material. (For example, when the surface is "constructed of asphalt, concrete, or boards, the slope of the floor surface must be no steeper than 1:48 (2 percent) in any direction, regardless of the type of access provided (e.g., sloped entry or transfer access). When the floor surface is constructed of materials other than asphalt, concrete, or boards, slopes no steeper than 1:20 (5 percent) are allowed when necessary for drainage.") Additionally, (c) these accessibility standards also address access to features located within Supportive Campsites such as access to waterspouts, toilets, shower facilities, tent pads, and tent platforms.

Administrative Site Selection: Staff selection of Supportive Campsite locations would be based on two existing administrative mechanism found in the Vancouver Municipal Code:

- Right-of-way use permits issued by the Public Works Department. ([Chapter 11.60 VMC](#)).
- Temporary Use Permits issued by the Planning Official. ([Chapter 20.885 VMC](#)).

Title 20 VMC allows the Planning Official to approve 'temporary uses' in any of the following zoning districts: R-2, R-4, R-6, R-9, R-18, R-22, R-30, R-35, CC, CG, CPX, CX, WX, MX, RGX. At Council's August 2, 2021 Workshop Council there was not complete consensus as to which zones would best accommodate Supportive Campsites. **Staff recommends** that Council afford Staff the latitude to locate Supportive Campsites within any of the above districts for purposes of the instant pilot program.

Physical Construction: Per Council's direction, Staff will supply City-purchased tents at Supportive Campsites and use available setbacks from property lines to mitigate impacts to surrounding areas.

Location Maps: At City Council's August 2, 2021 Workshop, Staff was requested to compile overlay maps depicting the various siting criteria discussed. Two maps accompany this memorandum: one depicting criteria for Staff to use in evaluating placement of Supportive Campsites; the other depicting proposed Camping Impact Areas (where camping would be illegal 24/7/365).

Themed Camps: At City Council's August 2, 2021 Workshop, Council observed that there is an important government objective to form Themed Supportive Campsites for:

- ✓ Single Occupant Female (VPD data)
- ✓ Families with Minor Children (Jamie Spinelli's field survey)

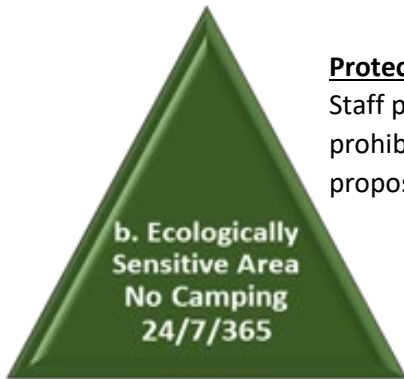
Should Council wish to recommend additional themed campsites, Staff would value this feedback when these materials are presented under Manager Communications on August 16th. To address Councilmembers' questions from the August 2 Workshop and assist Council in its deliberations, VPD has compiled the following information based on an analysis of reported crimes against the homeless over a 30-month period, beginning January 1, 2019 and ending June 30, 2021:

- Racial demographics of individuals experiencing homelessness who are victims of crimes:

RACE	COUNT	%
American Indian or Alaska Native	5	1%
Asian	4	1%
Black or African American	53	10%
Native Hawaiian or Other Pacific Islander	3	1%
Unknown	39	8%
White	410	81%
Grand Total	505	100%

- Age demographics: 18 seniors, or 2.63%, were the victims of crimes. (Assuming "senior" is age 65 or older at time of incident.)
- Individuals with disabilities and veterans: VPD's record management system does not have a structured field for disability or veteran status.
- Gender Identity and Expression: Officers are recording sex (different from gender identity) in the appropriate data element for sex. They have the option to select "male," "female," "non-binary," or "unknown." This field tends to correspond with sex assignment at birth and/or state id/driver's license information. Additionally, officers now have the ability to record a person's preferred pronouns in free text form (he/him, she/her, they/them) in a discrete data element. This is a new addition to Mark43 as of November 2020. To date, this option has been seldom used, but VPD is collecting the data when the officer codes it and deems its recording appropriate/pertinent.

VPD estimates that the numbers above underrepresent the true population of individuals experiencing homelessness. VPD is aware that crime is underreported to police and this underreporting is likely heightened among vulnerable populations as trust in the police is generally lower within them. Moving forward, it is possible that a survey of individuals experiencing homelessness would provide a more accurate data and allow the City to better gauge the needs of the community.



Protection of Ecologically Sensitive Areas: At City Council's August 2, 2021 Workshop, Staff proposed designating specific Camping Impact Areas in which camping would be prohibited 24/7/365. In consultation with the City's Environmental Health Specialists, proposed areas were as follows:

- Within one thousand feet (1000') of City-approved Supportive Campsites.
- City wastewater, water station and stormwater facility properties; and
- Two hundred feet (200')** buffer from: Columbia River, Vancouver Lake, Burton Channel, Peterson Channel, Fisher's Creek, Burnt Bridge Creek.

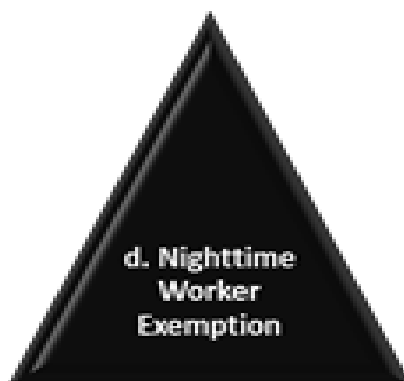
Legally, when selecting which areas to designate as Camping Impact Areas, it is important to remember that violations of this aspect of the City's Camping Ordinance will constitute a misdemeanor. Under Ninth Circuit precedent, the City cannot criminalize camping in all places, at all times, unless there is adequate access to temporary shelter. ([Martin v. Boise](#)). As a corollary to this holding, cities may impose 24-hour daily prohibitions against unlawful camping "in particular locations." However, these locations should be no broader than necessary and Council should ensure that adequate public space remains for nighttime camping throughout the rest of the City.

** The proposed 200' buffer is consistent with backcountry guidelines for disposal of human waste. (The [Leave No Trace Center](#) provides guidance for backcountry hikers indicating that disposal of human waste should never occur closer than 200' or 70 paces from water sources.) Alternatively, Council could impose a buffer that varies in relation to the area protected, for instance, by using the critical area protection buffers supplied in [Chapter 20.740 VMC](#). While a single fixed distance (e.g., 200') may be easier for staff to administer than a variable one, either approach would be Constitutionally defensible.

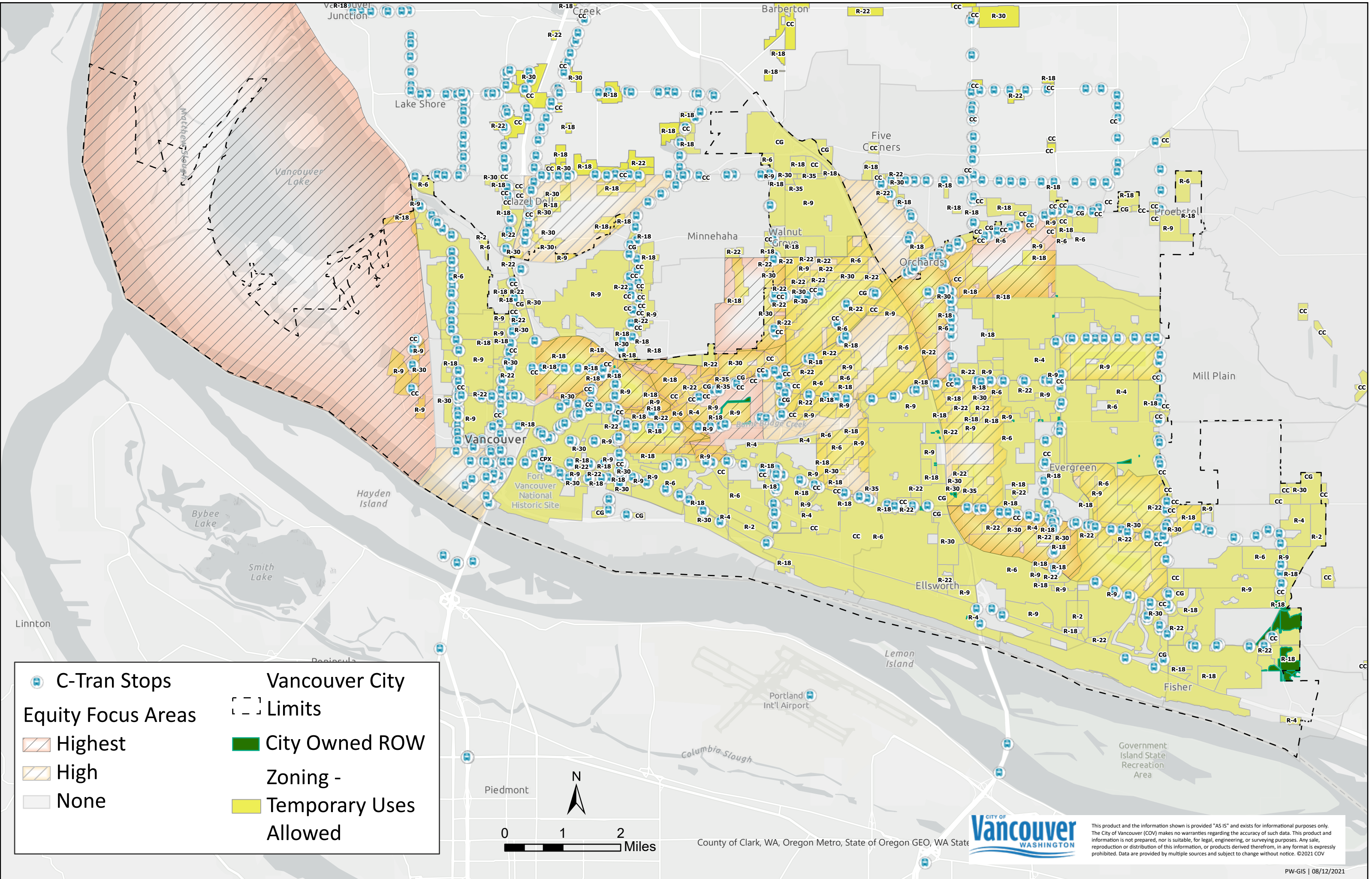
Camping (remains) illegal most places 6:30am-9:30pm: an important nuance to the proposed revisions to the City's camping ordinance ([Chapter 8.22 VMC](#)) is that camping will continue to be illegal within most parts of the City from 6:30am-9:30pm. However, there are three (3) exceptions:

- a. Within Supportive Campsites, camping is allowed 24/7/365;
- b. Within Camping Impact Areas, camping is prohibited 24/7/365; and

Pursuant to a Nighttime Worker Exception. (See "d." below). All areas where camping is allowed 24/7/365 (for Supportive Campsites) or prohibited 24/7/365 (in Camping Impact Areas) will be clearly marked with appropriate signage to ensure that our community is afforded notice of what is allowed, and what is prohibited.



Nighttime Worker Exception: As an exception from the normal (6:30am-9:30pm) prohibition on daytime camping, City Staff has proposed the addition of an exemption process for individuals who produce satisfactory evidence of nighttime employment to the City Manager or designee. Staff understands that Council is supportive of this proposal.



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Camping Impact Areas

Sewer Station

Water Station

Burnt Bridge

Creek

Burton Channel

Fisher Creek

Peterson Channel

1000ft Buffer

Sample

Columbia River

Vancouver Lake

Vancouver City

Limits

US Feet 1,000

0 1 2 Miles

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PW-GIS | 08/12/2021

[Supportive Campsites Possibilities \(arcgis.com\)](#)

<https://cityofvancouver.maps.arcgis.com/apps/View/index.html?appid=839bb1ad65dc44b1911e311f308685b9>