

MEMORANDUM



CITY OF BEND

From: Eric King, City Manager
Re: Unsafe Campsite determination under ADM 2021-1
at NE 2nd St from NE Greenwood to NE Franklin
Date: 10/10/2022

I am designating the area of established campsites in the area of NE 2nd St from NE Franklin Ave. to NE Greenwood Ave. an Unsafe Campsite. Attached to this declaration is a memorandum regarding the area from Chief of Police Mike Krantz, including an assessment matrix and addendum of code enforcement and other City staff actions. It is estimated there are presently approximately eleven (11) campsites at this location, which have required significant management efforts from City staff over the past months. Management efforts have not significantly alleviated public health and safety concerns and the level of effort by City staff is not sustainable or an efficient use of resources. Based on the conditions listed in the attached assessment, I find the location is being used as an established campsite in a manner that poses a threat to public health and safety to people camping, the general public, and other users of the right-of-way, and is having the greatest impact on public health and safety, including for those individuals residing or camping there. The totality of circumstances on NE 2nd St from NE Franklin Ave. to NE Greenwood Ave. as described above, has created a threat to public health, safety, and the environment.

Based on this determination, I direct staff to consider steps and actions under the administrative policy ADM2021-1 that may be necessary to preserve the health and safety of the public and people camping at the location. Based on the recommendations of staff I will direct some or all of the actions authorized under ADM2021-1 to reduce the threat to public health, safety, and the environment, up to and including closure of the area and notice that all campsites within the closed area must be removed. City action following this determination will be dependent on other legal places for people to sleep, including available shelter capacity for those individuals who may be displaced, and guidance from staff and coordination with service providers about safe and effective ways to manage campsites and reduce threats to public safety at the location.

Further staff actions will include advance notice to service providers as described in ADM2021-1, offer of shelter beds and resources to individuals at the location prior to and during any closures or removal of property, as well as an offer of assistance with moving any belongings, either by City staff or contractors, or through coordination with service providers, storage of personal property not removed by individuals, and notice of how individuals may claim removed property.

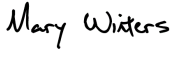
10/10/2022

Date: _____

DocuSigned by:

Eric King, City Manager

Approved as to form:

DocuSigned by:

Mary Winters
City Attorney

M E M O R A N D U M

Date: Thursday, October 06, 2022

To: City Manager Eric King

From: Chief Mike Krantz



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Subject: Assessment - City of Bend Admin rule 21-001 Campsite Assessment – area of NE 2nd Street / NE Greenwood Ave to NE Franklin Ave, both sides of the street.

This is an assessment regarding established campsites in the area of NE 2nd Street from NE Greenwood Avenue to NE Franklin Avenue.

The Police Department, the City Manager's Office, and the Bend City Council have received information from community members and business owners that there is an ongoing safety and health concern regarding the presence of an established campsite that has grown to cover both the West and East sides of NE 2nd Street. The information has alleged that recently the activity that has been occurring at or near these established campsites has been growing, particularly over the last 30 to 60 days.

Due to several community concerns regarding activity at this established campsite and reports that the activity impacts overall community health, safety, and livability in this area due to the campsite's presence, an assessment was conducted on September 22, 2022. Additionally, this information has been updated between September 22, 2022, and October 6, 2022. This assessment was completed under the specifics outlined in City of Bend Administrative Rule 2021-001 Management and Removal of Established Campsites in City Rights-of-ways. The assessment score was a total of 64 out of a possible 90 total measurement points.

Between August 22, 2022, and today October 6, 2022, structures have been erected that continue to block access to public rights-of-ways, including walkways, and frequently encroach on public streets used for vehicle traffic. The City has continued to engage in ongoing efforts to assist in managing the campsite by providing ongoing cleanup and trash services to remedy the ongoing accumulation of trash. This ongoing management by the City of Bend is expensive and not sustainable. The efforts made to this point have resulted in no change from the people at the campsite to manage their own trash and biohazard disposals. The City of Bend has cleaned over 10,000 pounds of trash from this identified area since August 22, 2022.

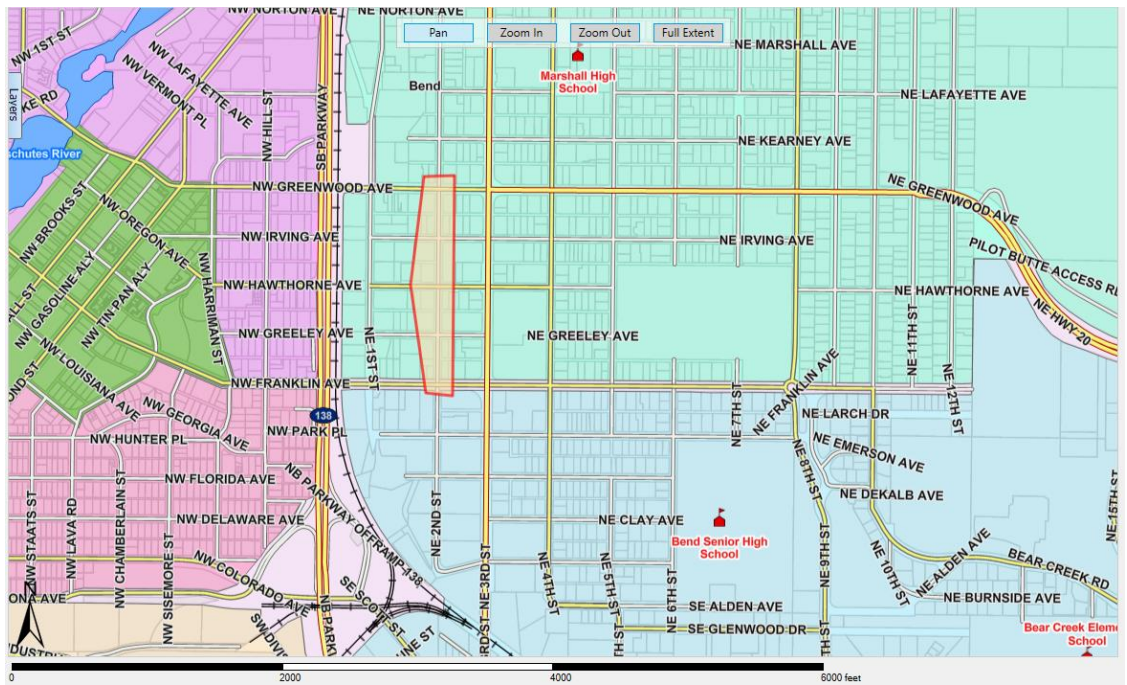
There has been little overall compliance from the residents of these campsites to previous City postings as required under Admin rule 2021-001.

In the specifically identified area, previous to campsites, there were between 0 and 8 calls for service to the police per month. After establishing campsites in this area, the calls for service increased to approximately 40+ per month prior to August 2022. However, this identified area between August 22, 2022, to September 22, 2022 (30 days) has received over 121 calls for service. Forty-nine of those calls were self-initiated by police officers required to patrol this area because of the high volume of police services being requested in the area, and 72 were community-driven calls for police and public safety needs. Additionally, between September 22, 2022, and today, October 6, 2022, there have been an additional four (4) calls for service. This amount of police calls for service to such a small geographic area indicates an overall negative community impact on public health, safety, and livability. Additionally, the demand for police services in this small area is not sustainable for our Police Departments' patrol resources. This demand hampers our ability to provide service in other areas of the City as required.

Based on this assessment and the clear indication that the campsite is impacting overall community safety, health, and wellness, I recommend that this campsite be declared unsafe per City of Bend Admin Rule 2021-001. It is a reasonable conclusion that overall community safety, health, and livability will be improved if this specific unmanaged and unsanctioned campsite is removed.

I do not believe this campsite meets immediate removal criteria but would meet the rule in allowing for a 2-week notice prior to 72-hour notice to vacate.

This map is the measurement area for the activity used in the assessment. This geographic area depicted is what is referred to as 2nd / Kearney in this assessment.



Please see attached Addendum 1 for Admin rule 2021-01 criteria matrix and

Bend ADM 2021-001 : Bend Unsafe Campsite Assessment								NE 2nd Street - from NE Franklin Ave to NE Greenwood Avenue	
Criteria		0	1	2	3	4	5	Total	
1	Camp structures encroaching on travel lanes.					4		4	Concerns for safety of campers and other roadways users from passing vehicles: Misc. trash, bikes, shopping carts, associated with the camp are left in the roadway and the city is in a constant state of clean-up of trash on a weekly basis with reminders and notices to structures violating the clear vision area of intersections as well as passable space for pedestrians.
2	Increasing amounts of trash and debris in right-of-way.					4		4	Whether trash and debris are spreading to nearby property other than the right-of-way. Whether attempts and trash management have been successful: For the year 2022 starting 01/10/22, the City of Bend has spent \$36,853.75 on clean-up for 2nd St. Over the past 30 days, weekly clean-up efforts for 2nd St. have totaled \$4,692.75, with a total disposal of over 10,000 pounds of trash/debris. It should be noted that weekly clean-ups are required as a maintenance, but does not solve the ongoing issue with unsafe accumulation of trash/garbage/debris. Clean-ups are temporary and trash/debris returns within days. The cost for maintaining trash removal is not sustainable and efforts are failing.
3	Amount and seriousness of violence and/or crime reported and observed by Bend Police.						5	5	From August 22, 2022 through September 22, 2022; 121 calls for service were documented, nine arrests were noted. Numerous calls for service include disputes, unwanted (trespass) complaints, thefts, domestics, warrants, and other calls for service. Additionally from September 22, 2022 through October 6, 2022 there have been
4	Environmental Impact						5	5	Including public urination and defecation, manner of disposal of human waste, and open burning. Over past 30 days but reports of instances of urination and defecation have occurred. During site visit on September 22, 2022, located over a dozen areas with human feces and soiled toilet paper, soiled areas where urination occurs excessively, and several hypodermic needles thrown on ground in community spaces. The smell of urine and feces in these areas has stretched out into the streets and neighboring businesses. Several business owners reported that they are forced to clean their properties daily to remove human feces, soiled paper, and needles.
5	Interactions and Altercations with others in the area						5	5	There are numerous disputes and unwanted calls over the past month, including business owners finding subjects on their property. Reports of homeless individuals entering business property and the business owners calling the police to have them removed and trespassed. Four arrests were made over the past 30 days for Criminal Trespass.
6	Calls for Service						5	5	Number and severity of calls for service received by Bend PD, Transportation and Mobility, and other City Departments. 121 calls for service over last 30 days. This is more than the prior two months combined. July 2022 through August 2022 had 51 calls for service. June 2022 through July 2022 had 44 calls for service. Trend of calls continuing to increase, despite repeated efforts on the city's part to clean the area and enforce the removal of those tents/debris blocking clear view or an area for passable foot traffic.
7	Whether campsites are located in rights-of-ways near sensitive areas.	0						0	Sensitive areas include in rights-of-ways near or used to access nearby school, daycare, play ground, or other property providing service to children; whether campers in the right-of-way threaten or pose a danger to children. There are no child facilities in the immediate area. There have been numerous incidents and ongoing blockages of sidewalks in the impacted area. They have been at times and intermittent 100% blocked not allowing access on sidewalks for full community use. Additionally, ongoing blockages of clear view issues at all intersections and driveways have required City intervention several times, however issues are ongoing. Property is frequently erected in the roadways that have to continually be addressed and removed by City employees.
8	Construction or erected unpermitted structures in the right-of-way without a permit.				3			3	Constructing without a permit in violation of BC 3.40.005; and the danger posed by the structures. There are 11 identified individual structures erected in the identified area in public rights-of-ways. None of these structures have necessary required permits for construction of structures in the rights-of-ways. Access to allow passage and necessary pedestrian, bicycle, other users and community members with ADA needs to access these public rights-of-ways continually need to be monitored and noticed for removal on a weekly basis or the debris and trash becomes significant points of blockage. These issues have been corrected several times by providing notice to campers but continual notices and reminders are constant.
9	Violation of BC 5.30.005 Fire Regulation	0						0	No documented fire reports in the last 30 days.

10	Violation of BC 5.15 alcoholic liquor.				4				4	One citation was issued for alcohol violations in the last 30 days in this area. However, there have been some observations of open alcohol use in this area. Although lack of criminal/violation citations, reported and observed various open container violations ongoing, as well as debris from alcohol containers.	
11	Violation of BC 5.35.015 Public defecation or urination							5	5	Several reports from community members of public defecation or urination. Several business owners reported that they are forced to clean their properties daily to remove human feces, soiled paper, and needles. No citations issued in this area in the last 30 days. However, as this camp grows and the residents have no access to facilities, the expectation is that will require ongoing review and evaluation. Observed numerous areas being used as open urinal/toilet areas, visible human feces and used toilet paper near and around assessed area, including on adjacent private properties.	
12	Citation or Arrest for crimes listed in BC 5.40.015, Major infractions.							5	5	Evaluation period there were nine arrests made for criminal offenses; four Criminal Trespass, two warrants, one Criminal Mischief II, one Disorderly Conduct, and one PCS-Methamphetamine. In addition, two citations were issued for marijuana use in public and one citation was issued for possession of heroin.	
13	Violation of BC 5.40.085 Trespass to Vehicle	0							0	None documented in last 30 days.	
14	Presence of activities that could subject private property to citation as a chronic nuisance, listed at BC 5.45.005.A							4	4	There have been various criminal citations and violations issued for activities that could subject private property owners to chronic nuisance ordinance. See citations/arrest/violations info.	
15	Violation of BC 6.15.010 Obstructing Public ways							5	5	There are various times that various campsites move property into the public way, obstructing passersby from using this space. This is an ongoing issue and only is corrected for a short time after being posted and requested to move items. Reoccurs almost immediately. Active re-posting, City trash clean-ups, and reminders to continue to keep it clear are required on a daily basis.	
16	Presence of a nuisance affecting public health described in BC 13.45.005							5	5	Significant accumulation of debris, garbage and other material. City contractors continue to remove trash and debris on a weekly basis as outlined above. However high presence of human feces/urine in area, strong odor of urine in area and presence of soiled toilet paper. Used syringes in the area on the ground, available for anyone to come across. Rotting garbage presence as well.	
17	Obstruction of public way under BC 6.15.010							5	5	Whether vehicles parked and/or structures unlawfully erected in the right-of-way block or limit access for vehicles and pedestrians, and/or whether or not the vehicles or structures constitute an obstruction of public way. As of September 22, 2022, approximately 11 campsite structures were erected in right of way.	
18	Violation of other Statutes or City Codes Provisions	0							0	Violation of other Statutes or City Code provisions the City Manager deems relevant to the health and safety of those camping in the right-of-way and other members of the public.	
		Total							64		