



AGENDA COVER MEMO

Memorandum Date: July 19, 2024

Agenda Date: August 6, 2024

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division (LMD)

PRESENTED BY: Rachel Serslev, Senior Planner

AGENDA ITEM TITLE: ORDINANCE 24-07 / In the Matter of Amending Lane Code Chapter 11 to Incorporate an Allowance for Permitted Overnight Sleeping within the Urban Growth Boundary of Eugene, and to Amend Lane Code 11.120 to be Consistent with State Law; and Adopting a Savings and Severability Clause (509-PA24-05406).

I. MOTION

AUGUST 6, 2024 (First Reading and setting the public hearing)

- 1) Move to approve the first reading and set the second reading and public hearing for August 20, 2024.

AUGUST 20, 2024 (Second Reading and Public Hearing)

- 1) Move to approve the second reading, close the public hearing, and adopt Ordinance No. 24-07 as presented.

OR

- 2) Move to approve the second reading, close the public hearing, and set a third reading for September 17, 2024, to continue deliberations on Ordinance No. 24-07.

OR

- 3) Move to approve the second reading and set a third reading and continued hearing for September 17, 2024 (time certain).

II. AGENDA ITEM SUMMARY

The proposal before the Board of County Commissioners (the Board) is an amendment to Lane Code Chapter 11 initiated by the Land Management Division (LMD) in response to a Board assignment to adopt an allowance for permitted overnight sleeping within the Urban Growth Boundary (UGB) of Eugene.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

At the October 25, 2022, Board of Commissioners Meeting, LMD staff presented on code variance options for allowing occupied recreational vehicles (RVs) on properties within the UGB of Eugene, but outside of the Eugene City Limits. Per staff's analysis for the October 25th meeting, a variance option does not exist for allowing an occupied RV, and a variance does not appear to be the proper land use action to allow such a use. Provided this information, the Board directed staff to investigate what options are available for allowing emergency overnight sleeping within the UGBs of Eugene and Springfield.

On April 4, 2023, staff returned to the Board with options for allowing overnight sleeping within the UGBs of Eugene and Springfield. Staff researched the options available for permitted overnight sleeping within the UGBs and determined that a Lane Code amendment was an option for allowing camping within the Eugene UGB, and that no action needed to be taken to allow overnight sleeping within the Springfield UGB. The Board provided direction for staff to begin work on a code amendment to allow overnight sleeping within the Eugene UGB.

B. Policy Issues

Any policy considerations are discussed below under **III. F. Analysis.**

C. Board Goals

This agenda item is to allow emergency overnight sleeping within the Eugene UGB. The purpose of this request is to provide temporary housing options for individuals experiencing a housing or shelter emergency.

This item relates to Lane County Strategic Plan Priorities/Goals for a Safe, Healthy County and Vibrant Communities. Objectives of these priorities/goals are to address homelessness and affordable housing. By exploring options for additional emergency overnight sleeping options in Eugene's UGB, the Board is addressing these objectives.

D. Financial and/or Resource Considerations

Sufficient resources have been made available as part of LMD's long range planning

program to complete this effort in the timeliest manner possible.

E. Health Implications

The Board is considering Lane Code amendments to allow emergency overnight sleeping in Eugene's UGB. This code amendment may increase shelter options for individuals experiencing houselessness. This issue is closely linked to community health provided the positive effect that available and secure sleeping accommodations have on human health and well-being.

F. Analysis

The Board directed staff to explore short and long-term options for emergency overnight sleeping in the UGBs of Eugene and Springfield. Staff determined that no action was necessary for lands within the Springfield UGB, but that a Lane Code amendment is necessary to allow overnight sleeping within Eugene's UGB because of differing enforcement policies in the City of Springfield and City of Eugene. The Board directed staff to pursue the necessary Lane Code amendments to allow camping on private property within Eugene's UGB.

Staff is proposing amendments to Lane Code Chapter 11, "Buildings," which contains standards for siting manufactured homes, recreational vehicles, and tents, where possible on lands outside of the UGB. A new section is proposed for "Permitted Overnight Sleeping within the Eugene Urban Growth Boundary." The proposed code mirrors Eugene's camping regulations (Eugene Code 4.816) as closely as possible. The code language and enabling Ordinance clarify that the camping regulations will be administered by the City of Eugene per the intergovernmental agreement that gives the City authority to regulate building and land use regulations with the urbanizable area.

With these amendments, staff is also proposing housekeeping amendments to Lane Code 11.120 to be consistent with state law, which has changed since that code was initially adopted. In 2021, Oregon Revised Statute (ORS) 195.520 replaced ORS 203.082.

The amendments as described are provided as **Attachment 1, Exhibit A** of this memo.

G. Alternatives/Options

Option 1. Move to approve the second reading, close the public hearing, and adopt Ordinance No. 24-07 as presented.

Option 2. Move to approve the second reading, close the public hearing, and set a third reading for September 17, 2024, to continue deliberations on Ordinance No. 24-07.

Option 3. Move to approve the second reading and set a third reading and continued hearing for September 17, 2024 (time certain).

IV. RECOMMENDATION

Staff recommends **Option 1.**

V. TIMING/IMPLEMENTATION

If approved and not appealed, the amendments will become effective 30 days after passing of the enabling ordinance.

VI. FOLLOW-UP

As of the writing of this memo, staff have confirmed that the City of Springfield continues to waive enforcement of occupied recreational vehicles that comply with the City's guidelines. Staff will provide future updates to the Board if the City of Springfield takes any action on this topic that would also necessitate action by the County.

VII. ATTACHMENTS

1. Ordinance No. 23-07 (2 page) with:

Exhibit A: Lane Code Chapter 11.120 and 11.125 (11 pages)

**Legislative version of code amendments provided after Exhibit A*

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 24-07

IN THE MATTER OF AMENDING LANE CODE CHAPTER 11 TO INCORPORATE AN ALLOWANCE FOR PERMITTED OVERNIGHT SLEEPING WITHIN THE URBAN GROWTH BOUNDARY OF EUGENE, AND TO AMEND LANE CODE 11.120 TO BE CONSISTENT WITH STATE LAW; AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE (509-PA24-05406).

WHEREAS, the Board of County Commissioners have directed staff to make amendments to Lane Code Chapter 11 to allow overnight sleeping within the urban growth boundary of Eugene; and

WHEREAS, staff have identified necessary amendments to Lane Code 11.120 to be consistent with state law; and

WHEREAS, the Board held a duly noticed public hearing on August 20, 2024, and after considering the public comments, testimony, and staff report, the Board is now ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. Lane Code 11.125 is hereby added to Lane Code Chapter 11 as depicted in **Exhibit A**, and Lane Code 11.120 is hereby amended by making the deletions and additions as depicted in **Exhibit A** of this Ordinance, which is attached and incorporated by this reference.
2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.
3. Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

4. Ordinances, Lane Code sections, and regulations amended by this Ordinance remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution, or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance, code section, or regulation prior to the effective date of this Ordinance.

ENACTED this ____ day of _____ 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

Lane Code
CHAPTER 11 CONTENTS

11.120	Criteria for Issuance.
11.125	Permitted Overnight Sleeping within the Eugene Urban Growth Boundary

11.120 Criteria for Issuance.

Manufactured homes must be used only for single-family residential purposes. Recreational vehicles must be used only for temporary recreational, medical hardship, or emergency use, in accordance with provisions of LC 11.120(3) below.

- (1) **Manufactured Home, Permanent.** Permanent manufactured home sites may be maintained where permitted by LC Chapter 10, "Zoning," and in authorized manufactured home parks.
 - (a) The site and location of a permanent manufactured home must meet area frontage, access, setback and other pertinent requirements of LC Chapters 10, 13 and 15.
 - (b) The manufactured home must be served by a sewage disposal system approved by the Land Management Division's Sanitation Program.
 - (c) Minimum elevations may be established for manufactured homes being installed in floodplain areas. New installations will not be approved in floodways.
 - (d) Construction and installation of plumbing, gas piping, electrical equipment and wiring must comply with all laws and administrative rules of the State of Oregon.
 - (e) Foundations, tie-downs, over-the-top ties and skirting must comply with applicable Federal, State, and local rules and regulations.
- (2) **Temporary Manufactured Home or Recreational Vehicle.** Upon receiving satisfactory evidence that a hardship exists within a family in that a family member is suffering either physical or mental impairment, infirmity, or is otherwise disabled and must be near another family member to receive adequate care, a Temporary Manufactured Home Permit may be issued, subject to the following.
 - (a) All initial permits will expire on December 31 of the year following original Permit issuance. Permit renewals will be valid for a two-year period or until the hardship ceases, whichever occurs first.
 - (b) The manufactured home must be connected to a sewage system serving an existing dwelling or manufactured home on the same lot, said system to meet requirements of DEQ for personal hardship connections.
 - (c) Satisfactory evidence of family member disability must be in the form of a written communication from the disabled person's physician, therapist, or other professional counselor.
 - (d) For the purposes of issuing a Temporary Permit, the location of a manufactured home on a lot will not be considered a separate dwelling site and the lot area, frontage, and access requirements of LC Chapters 10, 13, and 15 will not apply. Setbacks must be in accordance with LC 15.095, "Building Setback Line Chart."
 - (e) Temporary manufactured home hardship permits will, in addition to the requirements of this subsection, be subject to all regulations set forth in LC Chapter 11(1)(b)(c)(d)(e).
 - (f) For the purpose of this subsection, the temporary manufactured home may be used by the family member providing care and the person receiving care may reside in the principal dwelling.
- (3) **Recreational Vehicle Permits.** A six-month permit may be issued for a recreational vehicle to be connected to an existing sewage disposal system for temporary emergency use, subject to (3)(a) through (d) below. The nature of the emergency must be submitted in writing and must accompany the application. Acceptance of the request will be at the discretion of the delegee of the Director of the Land Management Division. Requests for additional six-month periods must be resubmitted as new applications.
 - (a) The recreational vehicle must observe setback requirements of LC Chapter 15 and applicable DEQ regulations.

- (b) When permitted, only one recreational vehicle must be connected to a system serving an existing dwelling, unless the property receives approval as a recreational vehicle park.
- (c) Recreational vehicles connected to a system in an approved recreational vehicle park are exempt from permit requirements of this subsection.
- (d) The County may revoke a temporary recreational vehicle permit if the placement or occupancy of the recreational vehicle:
 - (i) Is in violation of DEQ regulations; or
 - (ii) Appears to create a nuisance, such as by the:
 - (1) Accumulation, proliferation, or dispersal of trash, debris, or personal possessions; or
 - (2) Constitutes an unlawful activity; or
 - (3) Creates a disturbance. *Reference LC 6.450.550 or LC 6.225.010.*
- (4) Notwithstanding other subsections of this chapter, a self-contained recreational vehicle unit or tent used periodically for recreational purposes does not require a permit approval unless the unit that is located on the property is in use for more than 14 consecutive days for one period within a 365 day cycle and a maximum of 30 days in the same 365 day cycle. The owner may not charge any fee, rent or other monetary charge for overnight sleeping.
 - (a) The County may revoke permissions under the above exception LC 11.120(4) if either the placement or the period of occupation exceeds these specified periods or if the use:
 - (i) Is in violation of DEQ regulations; or
 - (ii) Appears to create a nuisance, such as by the:
 - (1) Accumulation, proliferation, or dispersal of trash, debris, or personal possessions; or
 - (2) Constitutes an unlawful activity; or
 - (3) Creates a disturbance. *Reference LC 6.450.550 or LC 6.225.010.*
- (5) Tents, Campsites, and Camp Trailer Permits. Camping in a tent, camp trailer, recreational vehicle, or establishing a campsite requires a Campground Permit in accordance with LC 11.430 or Temporary Campground Permit in accordance with LC 11.443 except whereby exempted by LC 11.120(4). Permit approval is subject to the standards of subsection (5)(a) through (e) below.
 - (a) The tent, campsite, recreational vehicle, or camp trailer must be located in accordance with the setback requirements of LC Chapter 10, 15, and 16.
 - (b) There must be a functioning bathroom or an approved sanitation system available to campers. In lieu of a functioning bathroom, portable toilets may be used.
 - (c) The total number of tents or camp trailers allowed may not exceed five and must be limited to a maximum aggregate area of 1000 square feet.
 - (d) No notification of neighboring property owners is required unless the property receives approval as a recreation park.
 - (e) The County may revoke permission for tents, campsites, recreational vehicles, or camp trailers if the placement or occupancy:
 - (i) Is in violation of DEQ regulations; or
 - (ii) Appears to create a nuisance, such as by the:
 - (1) Accumulation, proliferation, or dispersal of trash, debris, or personal possessions; or
 - (2) constitutes an unlawful activity; or
 - (3) Creates a disturbance. *Reference LC 6.450.550 or LC 6.225.010.*
- (6) Camping by individuals living in vehicles.
 - (a) Any public or private entity may allow overnight camping by homeless individuals living in vehicles on the property of the entity.

- (b) The County may impose reasonable conditions upon an entity offering camping space under this section, including establishing a maximum number of vehicles allowed.
- (c) Entities providing camping spaces under this section must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities.

11.125 Permitted Overnight Sleeping within the Eugene Urban Growth Boundary

The provisions of this subchapter establish standards for permitted overnight sleeping within the urban growth boundary of Eugene. Lane County has adopted by ordinance the City of Eugene's permitted overnight sleeping regulations and the City of Eugene will apply those regulations within the Eugene Urban Growth Boundary, per the intergovernmental agreement between Lane County and the City of Eugene enacted by Ordinance Number 17-86 and Order Number 86-6-4-4.

- (1) Notwithstanding any other provision of this code:
 - (a) Persons may sleep overnight in a vehicle in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than six vehicles used for sleeping at any one time. For purposes of this subsection, the term "vehicle" includes a car, tent, camper, trailer, and Conestoga hut.
 - (b) Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. For purposes of this subsection, "family" means persons related by blood or marriage, or no more than two unrelated adults.
 - (c) Persons may sleep overnight in a vehicle, on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the City or its agent. The City may require the site to be part of a supervised program operated by the City or its agent. The property owner may not grant permission for more than six vehicles used for sleeping at any one time.
- (2) A property owner who allows a person or persons to sleep overnight on a property pursuant to subsections (1)(a), (1)(b) or (1)(c) of this section must:
 - (a) Provide and make available sanitary facilities;
 - (b) Provide garbage disposal services as required by Eugene Code;
 - (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
 - (d) Require a tent or camping shelter in the backyard to be not less than five feet away from any property line; and
 - (e) Not require payment of any fee, rent or other monetary charge for overnight sleeping, as authorized by this section.
- (3) A property owner who permits overnight sleeping pursuant to subsection (1) and (2) of this section, may revoke that permission at any time and for any reason. Any person who receives permission to sleep on that property as provided in this section must leave the property immediately after permission has been revoked.
- (4) Notwithstanding any other provision of this section, the city manager or the manager's designee may:

- (a) Prohibit overnight sleeping on a property if the city finds that such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
 - (b) Revoke permission for a person to sleep overnight on city-owned property if the city finds that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that the activity is incompatible with the use of the property or adjacent properties.
- (5) The city manager or the manager's designee may impose administrative civil penalties on property owners who fail to comply with the requirements of subsections (1) and (2) of this section, as provided in Eugene Code.
- (6) In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code will constitute a nuisance and may be abated as such. As used in this section, "campsite" has the meaning given in Lane Code section 11.035.
- (7) The city manager may adopt administrative rules in the manner provided in Eugene Code to implement this section.
- (8) With authorization from the city manager or designee in connection with a specific special event, persons may sleep overnight on public property, which has a community center, swimming pool, or other city-operated athletic facility located thereon, at which the special event is being held. The authorization will be limited to no more than eight days in any two-week period.
- (9) Nothing in Eugene Code or Lane Code 11.125 creates any duty on the part of the city or its agents to ensure the protection of persons or property with regard to permitted overnight sleeping.
- (10) Permitted overnight sleeping rest stop program.
 - (a) Up to 15 persons may sleep overnight in vehicles, as that term is defined in subsection (1)(a) of this section, on property authorized pursuant to subsection (c) below. However, for rest stop sites that have been operating in good standing for at least six months, the operator of the rest stop may request, and the city manager may approve, that up to 20 persons may sleep overnight at a specified site under this program.
 - (b) No site may be used for overnight sleeping pursuant to subsection (a) above unless one or more entities enters into the agreement with the city referenced in subsection (c) below and one or more entities provides adequate garbage, toilets and supervision. The entity providing supervision must work with surrounding and nearby neighbors (businesses or residences) to address any concerns.
 - (c) The city manager must recommend to the city council one or more proposed sites authorized by subsections (a) and (b) above. Any such site may not be located in a residential area or close to a school unless the city council determines that any potential impacts to the surrounding residences or to the school can be effectively mitigated. Before a proposed site may be used, the site must be approved by the city council by motion and an agreement must be executed between the city and the entity referred to in subsection (b) above. Such an agreement may include but is not limited to provisions concerning:
 - (i) Supervision;
 - (ii) Selection of the individuals who may camp at the site;
 - (iii) Number of continuous days that someone may camp at the site;
 - (iv) Hours that people may stay at the site in addition to 9:00 p.m. to 7:00 a.m.;
 - (v) Structures and other items that may be placed on the site; and
 - (vi) Closure of the site for non-compliance with the terms of the agreement.

Lane Code
CHAPTER 11 CONTENTS

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- 11.125 Permitted Overnight Sleeping within the Eugene Urban Growth
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11.120

Lane Code

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11.120 Criteria for Issuance.

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 - (b) The manufactured home must be served by a sewage disposal system approved by the Land Management Division's Sanitation Program.
 - (c) Minimum elevations may be established for manufactured homes being installed in floodplain areas. New installations will not be approved in floodways.
 - (d) Construction and installation of plumbing, gas piping, electrical equipment and wiring must comply with all laws and administrative rules of the State of Oregon.
 - (e) Foundations, tie-downs, over-the-top ties and skirting must comply with applicable Federal, State, and local rules and regulations.
- (2) Temporary Manufactured Home or Recreational Vehicle. Upon receiving satisfactory evidence that a hardship exists within a family in that a family member is suffering either physical or mental impairment, infirmity, or is otherwise disabled and must be near another family member to receive adequate care, a Temporary Manufactured Home Permit may be issued, subject to the following.
 - (a) All initial permits will expire on December 31 of the year following original Permit issuance. Permit renewals will be valid for a two-year period or until the hardship ceases, whichever occurs first.
 - (b) The manufactured home must be connected to a sewage system serving an existing dwelling or manufactured home on the same lot, said system to meet requirements of DEQ for personal hardship connections.
 - (c) Satisfactory evidence of family member disability must be in the form of a written communication from the disabled person's physician, therapist, or other professional counselor.
 - (d) For the purposes of issuing a Temporary Permit, the location of a manufactured home on a lot will not be considered a separate dwelling site and the lot area, frontage, and access requirements of LC Chapters 10, 13, and 15 will not apply. Setbacks must be in accordance with LC 15.095, "Building Setback Line Chart."
 - (e) Temporary manufactured home hardship permits will, in addition to the requirements of this subsection, be subject to all regulations set forth in LC Chapter 11(1)(b)(c)(d)(e).
 - (f) For the purpose of this subsection, the temporary manufactured home may be used by the family member providing care and the person receiving care may reside in the principal dwelling.
- (3) Recreational Vehicle Permits. A six-month permit may be issued for a recreational vehicle to be connected to an existing sewage disposal system for temporary emergency use, subject to (3)(a) through (d) below. The nature of the emergency must be submitted in writing and must accompany the application. Acceptance of the request will be at the discretion of the delegee of the Director of the Land Management Division. Requests for additional six-month periods must be resubmitted as new applications.

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11.120(4)

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- (a) The recreational vehicle must observe setback requirements of LC Chapter 15 and applicable DEQ regulations.
- (b) When permitted, only one recreational vehicle must be connected to a system serving an existing dwelling, unless the property receives approval as a recreational vehicle park.
- (c) Recreational vehicles connected to a system in an approved recreational vehicle park are exempt from permit requirements of this subsection.
- (d) The County may revoke a temporary recreational vehicle permit if the placement or occupancy of the recreational vehicle:
 - (i) Is in violation of DEQ regulations; or
 - (ii) Appears to create a nuisance, such as by the:
 - (1) Accumulation, proliferation, or dispersal of trash, debris, or personal possessions; or
 - (2) Constitutes an unlawful activity; or
 - (3) Creates a disturbance. *Reference LC 6.450.550 or LC 6.225.010.*
- (4) Notwithstanding other subsections of this chapter, a self-contained recreational vehicle unit or tent used periodically for recreational purposes does not require a permit approval unless the unit that is located on the property is in use for more than 14 consecutive days for one period within a 365 day cycle and a maximum of 30 days in the same 365 day cycle. The owner may not charge any fee, rent or other monetary charge for overnight sleeping.
 - (a) The County may revoke permissions under the above exception LC 11.120(4) if either the placement or the period of occupation exceeds these specified periods or if the use:
 - (i) Is in violation of DEQ regulations; or
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 - (1) Accumulation, proliferation, or dispersal of trash, debris, or personal possessions; or
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 - (a) The tent, campsite, recreational vehicle, or camp trailer must be located in accordance with the setback requirements of LC Chapter 10, 15, and 16.
 - (b) There must be a functioning bathroom or an approved sanitation system available to campers. In lieu of a functioning bathroom, portable toilets may be used.
 - (c) The total number of tents or camp trailers allowed may not exceed five and must be limited to a maximum aggregate area of 1000 square feet.
 - (d) No notification of neighboring property owners is required unless the property receives approval as a recreation park.
 - (e) The County may revoke permission for tents, campsites, **recreational vehicles**, or camp trailers if the placement or occupancy:
 - (i) Is in violation of DEQ regulations; or
 - (ii) Appears to create a nuisance, such as by the:
 - (1) Accumulation, proliferation, or dispersal of trash, debris, or personal possessions; or

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11.125

Lane Code

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(2) constitutes an unlawful activity; or

(3) Creates a disturbance. *Reference LC 6.450.550 or LC 6.225.010.*

~~(6) Permitted Temporary Overnight Camping at Religious Institutions and Places of Business. Notwithstanding any other provision of Lane Code, persons may sleep overnight in vehicles located on a parking lot of a place of business or religious institution that owns or leases property on which a parking lot and structure containing the business or religious institution are located, with the permission of the business or religious institution. The place of business or religious institution may not grant permission for overnight sleeping to occupants of more than three vehicles for any one night. For the purposes of this subsection, "place of business" means a building operating within a commercial or industrial zone where a commercial, professional, or nonprofit enterprise transacts business with its clients or customers.~~

~~(a) Any place of business or religious institution that allows a person or persons to sleep overnight in vehicles in its parking lot pursuant to LC 11.120(6):~~

~~(i) Must provide or make available sanitary facilities, including toilet, handwashing, and trash disposal facilities, for the use of persons sleeping in the parking lot.~~

~~(ii) Must not require payment of any fee, rent or other monetary charge for the privilege of using the parking lot as authorized by LC 11.120(6); and~~

~~(iii) May revoke permission to sleep in the parking lot at any time and for any reason.~~

~~(b) Any person who receives permission to sleep in a vehicle in a parking lot of a place of business or religious institution as provided for in LC 11.120(6) must leave the property immediately after permission has been revoked. (Revised by Ordinance No. 3-76, Effective 4.7.76; 9-76, 8.27.76; 16-79, 1.18.80; 18-80; 9.5.80; 9-99, 12.14.99; 1-00, 4.12.00; 20-01, 6.2.20)~~

(6) Camping by individuals living in vehicles.

(a) Any public or private entity may allow overnight camping by homeless individuals living in vehicles on the property of the entity.

(b) The County may impose reasonable conditions upon an entity offering camping space under this section, including establishing a maximum number of vehicles allowed.

(c) Entities providing camping spaces under this section must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities.

11.125 Permitted Overnight Sleeping within the Eugene Urban Growth Boundary

The provisions of this subchapter establish standards for permitted overnight sleeping within the urban growth boundary of Eugene. Lane County has adopted by ordinance the City of Eugene's permitted overnight sleeping regulations and the City of Eugene will apply those regulations within the Eugene Urban Growth Boundary, per the intergovernmental agreement between Lane County and the City of Eugene enacted by Ordinance Number 17-86 and Order Number 86-6-4-4.

(1) Notwithstanding any other provision of this code:

(a) Persons may sleep overnight in a vehicle in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than six vehicles used for sleeping at any one time. For purposes of this subsection, the term "vehicle" includes a car, tent, camper, trailer, and Conestoga hut.

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- (b) Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. For purposes of this subsection, “family” means persons related by blood or marriage, or no more than two unrelated adults.
 - (c) Persons may sleep overnight in a vehicle, on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the City or its agent. The City may require the site to be part of a supervised program operated by the City or its agent. The property owner may not grant permission for more than six vehicles used for sleeping at any one time.
- (2) A property owner who allows a person or persons to sleep overnight on a property pursuant to subsections (1)(a), (1)(b) or (1)(c) of this section must:
 - (a) Provide and make available sanitary facilities;
 - (b) Provide garbage disposal services as required by Eugene Code;
 - (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
 - (d) Require a tent or camping shelter in the backyard to be not less than five feet away from any property line; and
 - (e) Not require payment of any fee, rent or other monetary charge for overnight sleeping, as authorized by this section.
- (3) A property owner who permits overnight sleeping pursuant to subsection (1) and (2) of this section, may revoke that permission at any time and for any reason. Any person who receives permission to sleep on that property as provided in this section must leave the property immediately after permission has been revoked.
- (4) Notwithstanding any other provision of this section, the city manager or the manager’s designee may:
 - (a) Prohibit overnight sleeping on a property if the city finds that such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
 - (b) Revoke permission for a person to sleep overnight on city-owned property if the city finds that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that the activity is incompatible with the use of the property or adjacent properties.
- (5) The city manager or the manager’s designee may impose administrative civil penalties on property owners who fail to comply with the requirements of subsections (1) and (2) of this section, as provided in Eugene Code.
- (6) In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code will constitute a nuisance and may be abated as such. As used in this section, “campsite” has the meaning given in Lane Code section 11.035.
- (7) The city manager may adopt administrative rules in the manner provided in Eugene Code to implement this section.

At left margin indicates changes

Bold indicates material being added

~~Strikethrough~~ indicates material being deleted

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11.125

Lane Code

11.125

- (8) With authorization from the city manager or designee in connection with a specific special event, persons may sleep overnight on public property, which has a community center, swimming pool, or other city-operated athletic facility located thereon, at which the special event is being held. The authorization will be limited to no more than eight days in any two-week period.
- (9) Nothing in Eugene Code or Lane Code 11.125 creates any duty on the part of the city or its agents to ensure the protection of persons or property with regard to permitted overnight sleeping.
- (10) Permitted overnight sleeping rest stop program.
 - (a) Up to 15 persons may sleep overnight in vehicles, as that term is defined in subsection (1)(a) of this section, on property authorized pursuant to subsection (c) below. However, for rest stop sites that have been operating in good standing for at least six months, the operator of the rest stop may request, and the city manager may approve, that up to 20 persons may sleep overnight at a specified site under this program.
 - (b) No site may be used for overnight sleeping pursuant to subsection (a) above unless one or more entities enters into the agreement with the city referenced in subsection (c) below and one or more entities provides adequate garbage, toilets and supervision. The entity providing supervision must work with surrounding and nearby neighbors (businesses or residences) to address any concerns.
 - (c) The city manager must recommend to the city council one or more proposed sites authorized by subsections (a) and (b) above. Any such site may not be located in a residential area or close to a school unless the city council determines that any potential impacts to the surrounding residences or to the school can be effectively mitigated. Before a proposed site may be used, the site must be approved by the city council by motion and an agreement must be executed between the city and the entity referred to in subsection (b) above. Such an agreement may include but is not limited to provisions concerning:
 - (i) Supervision;
 - (ii) Selection of the individuals who may camp at the site;
 - (iii) Number of continuous days that someone may camp at the site;
 - (iv) Hours that people may stay at the site in addition to 9:00 p.m. to 7:00 a.m.;
 - (v) Structures and other items that may be placed on the site; and
 - (vi) Closure of the site for non-compliance with the terms of the agreement.