

229 W Wyandotte Ave
Shelton, WA 98584

Mayor Eric Onisko
City of Shelton
525 W Cota Street
Shelton, WA 98584

Proposed Camping on Private Property Ordinance

Dear Mayor Onisko:

I appreciate the initiative taken by the city, Chief Beason, and the council in attempting to improve city municipal code as it relates to the current homelessness situation. It is a difficult task, especially in our state. My concerns and comments are based on living in Shelton for some time and personally dealing with both a small lot and a large acreage of undeveloped property in the city.

The ordinance, as proposed in the March 22 working session, creates a significant liability for the property owner, without regard to the owner's actions regarding trespassers/campers on their property. Eric, your question to Chief Beason about the Highway 3 camp hit many of my concerns. After the initial cleanup, the responsibility of subsequent cleanups would fall on the property owner, whether the owner was active in posting the property, active in dealing with trespassers, had a history of contacting the police to assist in dealing with trespassers, or was a distant, uninterested property owner. The ordinance does not provide any method to discern a responsible property owner from an irresponsible owner. Mention was made several times of property owners who are difficult to contact, who do not want trespassers dealt with, or are indifferent to encampments; these are the property owners this portion of the ordinance should be targeted at. My church owns about 4 acres of undeveloped property adjacent to the building. In addition, there is probably another 3 acres of platted city right-of-way within that ownership (This condition, in itself, probably makes enforcing trespassing or even this ordinance problematic). Much of this area is undevelopable due to slope and water. The property has been posted with no trespassing signs and is often, several times a month, walked by one of our members to discourage trespassers, campers, and other illegal use. Many others would not engage individuals as much as that person and would seek police assistance in many more situations during this inspection. Camp sites and dumping is cleaned up. Even with this much surveillance, it would easily be possible for a camp to be established between patrols of the property.

One of the solutions proposed is to make your property "less desirable". My past employer was asked to daylight all the shrubs around their building to make it less desirable to use the area for a bathroom. As a property owner, it seems like again the city is asking the property owner to bear the cost of lawlessness. In my own case, we own a lot behind our house on which we built a detached garage. Approximate one-half of that lot remained treed and undeveloped, it was a spot for a tree house and family activities. In recent years, our neighbor became concerned over trespassing and illegal activities in the lot. As thefts and other issues increased in our neighborhood, our concern also rose. As the result of those concerns, we came to the

conclusion that clearing the lot would minimize security concerns. We cleared the lot this past year. In the case of my church's property, clearing most of the area is not even feasible. Some of the property was thinned several years ago (for silvicultural, not security reasons) which improved sight distance on the flatter areas treated. However, the terrain of the property is quite irregular with several deep draws, so sight distance is limited under any scenario. Also, based on conversation at meeting, even if you make your property less desirable, the owner would still be on the hook if a camp returned.

In the bigger picture, I want to also mention how both our lot and the church's property had been used for various purposes over the years, which in today's environment would be questionable. Sending our son out to his tree house, without too much concern, was a way of life twenty years ago. So was walking the trails or sending Sunday school students out for some nature viewing among the trees. These activities are no longer viable without significant adult supervision and pre-inspection. I bring this up to reinforce that homeless camping is just one facet of our community where individuals are not held accountable. The impact of trespassing, littering, public nudity/defecation, drug use, and other illegal activities should be born by the perpetrators not those who are innocently caught up in their actions.

My thoughts for improving the ordinance:

1. Use some criteria to divide property owners into those who at some level attempt to deter the camping issue and those who do not. Potential criteria: property posted for no trespassing (maintained once a year?), trespass letter of consent on file with SPD, maybe some minimum interval of property inspection by owner (monthly?), willingness to prosecute trespassers/dumpers and willingness to clean up with assistance
2. Based on property owner's classification, cleanup would be owner's responsibility if deemed they have not met the threshold of deterrence. If the property owner does meet the minimum level of deterrence, then the cleanup would be handled by the city or some joint responsibility between the city and property owner.
3. Funding for expenses of city-only cleanup or joint cleanup would be provided by organizations/agencies providing services or funding to the homeless community. This could be direct donations/grants or through city B&O tax on organizations serving the homeless.
4. As part of any ordinance, the city should provide resources to support property owners such as trespass letter of consent on their website as the City of Monroe does, recommendations on no trespass signage and what generally meets "posting in a conspicuous manner", guidelines for documenting and contacting SPD regarding trespassers, and other initiatives which educate both the property owners and potential trespassers of their responsibilities and risks.

Sincerely,
Bob & Lorilyn Rogers

cc: Deputy Mayor and Council
City Manager