

# **WATER RESOURCES PROTECTION ZONES ORDINANCE IMPLEMENTATION PLAN**

## **Water Resources Protection Zones Ordinance**

### **BACKGROUND**

The Water Resources Protection Zones Ordinance (Ordinance) was adopted by Valley Water to address the environmental, health, and safety impacts of encampments located along creeks, waterways, and water supply facilities on land that Valley Water owns or manages.

- The Ordinance establishes Water Resources Protections Zones (WRPZ) on lands where Valley Water owns property in fee title, has an easement, or has maintenance obligations pursuant to effective licenses and agreements.
- The Ordinance prohibits camping and other related activities, including unlawful activities, within the WRPZs, and provides for enforcement for violations of the Ordinance.
- The Ordinance is intended to protect water resources, endangered species, and other ecological resources, as well as to support and improve safety for Valley Water’s field operations staff.
- The Ordinance is part of Valley Water’s larger strategy to address the environmental and safety impacts resulting from encampments in riparian areas, while also acknowledging and addressing the needs of unsheltered people who may live in the encampments.
- The intent of the Ordinance is not to criminalize unsheltered homelessness. However, encampments and encampment-related activities that violate basic standards of public health and safety must be addressed as a matter of urgency.

Implementation of the Ordinance will enable Valley Water to better manage encampment generated impacts while concurrently working with local agencies to implement strategic, community-wide plans and develop policy and funding approaches to address unsheltered homelessness within Santa Clara County. The Ordinance Implementation Plan (Implementation Plan) focuses on reducing and eliminating the most serious environmental, health, and safety impacts that encampments have on the environment, unsheltered individuals, and the broader community. The Implementation Plan describes how Valley Water will prioritize its response to harmful impacts stemming from encampments and what interventions will be used to address them.

### **PROHIBITED ACTIVITIES**

The Ordinance prohibits camping within Water Resources Protection Zones, which encompass all lands where Valley Water owns property in fee title, has an easement, or has maintenance obligations pursuant to effective licenses and agreements. “Camping” is defined as unauthorized sleeping, erecting a shelter of any type, storing, using, maintaining, or placing

personal property. The Ordinance also prohibits the following activities (refer to Appendix 1 for a complete list of prohibited activities):

- Dumping trash, debris, and/or other hazardous pollutants;
- Noisy activities, including using explosives, loudspeakers, public address systems, sound amplifiers, and radios;
- Possessing or using firearms, ammunition, or fireworks.

## **ORDINANCE IMPLEMENTATION TIMELINE**

**Milestone 1 | Ordinance Adoption** – Valley Water’s Board of Directors adopts the Ordinance. (November 26, 2024)

**Milestone 2 | Education and Outreach** – Valley Water develops educational and informational communications materials to be distributed as part of public education and outreach campaign about the Ordinance and Implementation Plan. Valley Water staff conducts education and outreach to the community, advocates and social service providers who support unsheltered people, unsheltered individuals residing in encampments, local agencies, and law enforcement officers—informing them about the Ordinance, Implementation Plan, and compliance expectations. (November 27, 2024 – January 2, 2025)

**Milestone 3 | Ordinance Enforcement and Ongoing Outreach** – The Ordinance goes into effect (December 26, 2024) and Valley Water staff initiates Ordinance enforcement in accordance with the Implementation Plan (January 2, 2025). Progressive enforcement of the Ordinance proceeds in conjunction with continuing education. Valley Water staff engages outreach providers to conduct an ongoing education and outreach campaign. (November 27 – December 31, 2025)

**Milestone 4 | Stakeholder Input** – In collaboration with an “Adaptive Implementation Team,” Valley Water staff monitors and assesses progress, impacts, and effectiveness of the Ordinance implementation and adjusts as needed with input from key stakeholders, advocates and social service providers who support unsheltered people, unsheltered individuals residing in encampments, and local agencies and/or their police or fire departments. (January 2, 2024 – December 31, 2025)

**Milestone 5 | Board Assessment** – Valley Water’s Environmental Creek Cleanup Committee reviews and evaluates the Ordinance’s impact and effectiveness and provides feedback to Valley Water staff. (December 31, 2025)

## **Ordinance Implementation Plan**

The Implementation Plan has been developed by Valley Water to provide a framework for the implementation of the Ordinance. The Implementation Plan provides essential information to Valley Water staff; unsheltered individuals residing in encampments; advocates and social service providers who support unsheltered people; local agencies, including law enforcement agencies; and the broader public about the requirements and procedures related to the Ordinance.

The Implementation Plan outlines the path that Valley Water intends to follow in the implementation of the Ordinance, but it does not have the force or effect of law. Therefore, in the case of any discrepancy or inconsistency between the Ordinance and the Implementation Plan, the Ordinance language will always prevail. The full text of the Ordinance is included in Appendix 1.

The Implementation Plan includes principles for safe and humane implementation of the Ordinance, guidance for Valley Water staff on how to apply and enforce the Ordinance, guidance for unsheltered individuals residing in encampments on how the Ordinance will affect them, and implementation priorities and procedures.

## **PRINCIPLES**

Valley Water aims to follow these principles when implementing the Ordinance:

1. People experiencing homelessness have the same civil rights as housed residents and deserve to be treated with dignity and respect.
2. Any relocation or removal of an encampment must follow clear procedures that respect unsheltered individuals' rights. Valley Water is committed to harm-reduction approaches to resolving problems associated with any particular encampment.
3. Valley Water is committed to assisting unsheltered people living along streams, in riparian corridors, or otherwise within the district's jurisdiction, to provide solutions or improve outcomes for the unsheltered individuals.
4. Valley Water intends for unsheltered individuals residing in encampments to be safely relocated to interim or permanent housing as these resources are available, and that social services from other local government partners be offered to individuals who may need them.

## **VALLEY WATER RESPONSE TO PROHIBITED ACTIVITIES**

In response to activities prohibited by the Ordinance, Valley Water may take one or more of the following enforcement actions:

1. Request that a violator of the Ordinance cease a prohibited activity or activities
2. Request that a violator of the Ordinance relocate an encampment
3. Prioritize an encampment for cleanup and/or removal
4. Request law enforcement involvement to address unlawful activities

## **ENFORCEMENT PRIORITY LEVELS**

As it is written, the Ordinance prohibits camping on all Valley Water lands. Valley Water does not have the resources or enforcement power to implement and enforce the Ordinance everywhere or all at once. Additionally, implementation of the Ordinance uniformly across all Valley Water lands would displace unsheltered people from encampments before adequate safe relocation sites, shelter, and housing options are available in Santa Clara County. In

consideration of this reality, Valley Water will establish priority levels for encampment cleanup and removal under the Ordinance.

In general, Valley Water will prioritize encampment cleanup and removal as necessary to protect employee and/or public safety and to carry out Valley Water construction, maintenance, operations, vegetation management, and environmental mitigation projects.

**Priority Levels are defined as follows:**

**High Priority:**

An encampment, as defined in the Ordinance, will be prioritized as High Priority for cleanup and removal if any of the following criteria are present:

1. An encampment in the path of, or obstructing access to
  - a. flood protection or water infrastructure facilities or projects;
  - b. designated mitigation or vegetation management sites; or
2. An encampment that poses an immediate safety risk, including situations that involve staff safety as determined by Valley Water, or public safety issues, which can be determined by local, State, or Federal government agencies or their police or fire departments.
3. An encampment that poses extreme environmental hazards, including impacts to fish and wildlife, or imminent health or fire hazards.
4. The presence within a WRPZ of unauthorized motor vehicles of any kind, including trailers.
5. An encampment that is located within an area with posted signage listing restrictions on camping or re-encamping.

**Low Priority:**

Encampments that meet the Encampment Condition Guidelines (as defined below and in Appendix 2) and that maintain an external footprint, including all belongings, of 12'x12' or less and that do not otherwise create operations or maintenance access issues.

**ENCAMPMENT CONDITION GUIDELINES**

Valley Water's Encampment Condition Guidelines (Guidelines; see Appendix 2) establish basic parameters by which unsheltered individuals living in encampments on Valley Water lands can minimize negative environmental, health, and safety impacts by promoting positive camping practices and discouraging harmful actions. Unsheltered people residing in encampments within the WRPZs who apply the Guidelines will be considered Low Priority for encampment removal actions under the Ordinance.

Valley Water staff will inform and educate unsheltered people living within the WRPZs on the Guidelines on a real-time, continual basis as needed when staff visit encampment sites. Valley Water will monitor encampments to ensure that conditions are safe and sanitary. Observations or complaints will be addressed with the unsheltered individuals living in an encampment where complaints or observations occur. Although Valley Water may still need to intervene for

other reasons as stated above, the Guidelines will provide straightforward parameters for encampment residents to follow to avoid violations.

## **PROGRESSIVE ENFORCEMENT FOR VIOLATIONS OF PROHIBITED ACTIVITIES**

Valley Water is committed to non-criminal alternatives to enforcement, and to avoid citation and arrest wherever possible. While ensuring effective enforcement, Valley Water will delay or avoid pursuing infractions and misdemeanors and provide options to cure violations through positive actions such as education.

The progressive enforcement model includes an educational approach that first includes:

- Providing educational information on activities prohibited by the Ordinance;
- Helping identify Valley Water lands where Ordinance prohibitions apply;
- Providing an opportunity to self-remedy any violations.

When cleanup and removal action is warranted, per the Priority Levels described above, Valley Water staff will follow an encampment removal protocol that includes:

- Posting the encampment for cleanup and removal;
- Providing a minimum of 72-hours' notice prior to cleanup and removal;
- Requesting that outreach providers visit the unsheltered individual(s) residing in the encampment to offer services and/or available housing or shelter options;
- Collaborating with other local agencies;
- Arranging for the processing and storage of identifiable personal belongings; and
- Performing encampment cleanup and removal.

## **DISCLAIMER**

The information provided in the Implementation Plan is solely for informational purposes and does not constitute legal or regulatory guidance. The enforcement of the Ordinance and the Implementation Plan may vary based on the discretion of relevant authorities, including Valley Water staff and guidance they receive from local, State, or Federal government agencies and/or their police or fire departments. This document does not guarantee any specific outcomes or decisions by regulatory bodies or enforcement agencies. Users should be aware that enforcement discretion allows authorities to make determinations based on various factors, including the specific circumstances of each case.

## **APPENDICES**

1. Water Resources Protection Zones Ordinance
2. Encampment Condition Guidelines

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## **Appendix 1**

*See Water Resources Protection Zones Ordinance*

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## **Appendix 2**

### *Encampment Condition Guidelines*

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## ENCAMPMENT CONDITION GUIDELINES

This document provides guidance for individuals living in encampments and seeks to reduce harm toward these individuals, the surrounding community, and the environment. Valley Water recognizes that public encampments can have significant community health and safety issues. Valley Water prioritizes its encampment management and intervention activities using the below guidance.

### THE FOLLOWING STANDARDS ARE NECESSARY TO MAINTAIN HEALTH AND SAFETY:

#### Your shelter and belongings:

- Keep your shelter and belongings within a 12-foot x 12-foot area. Store personal belongings inside your shelter or no more than 2 feet outside of your tent while still within the 12' x 12' area.
- Tents should remain a minimum of 12 feet apart.
- Do not build any structures out of wood, metal, or other materials that can create a fire hazard or injury risk.
- Do not affix any object to a fence or tree for the purpose of building an encampment or any other structure.
- Keep all belongings off of Valley Water maintenance access roads and ramps at all times.
- Motor vehicles of any kind, including trailers, are prohibited along waterways, in riparian areas, or on Valley Water maintenance access roads and ramps, with the exception of Valley Water vehicles, emergency vehicles, or other vehicles expressly authorized by Valley Water.
- Storage or accumulation of combustible materials is prohibited.
- Fires, including warming or cooking fires, are not permitted on Valley Water lands.
- Do not dump trash, debris, and/or hazardous pollutants on Valley Water lands.
- Dispose of trash and food waste. To prevent vermin and pests, please keep food in closed containers and throw away food waste and scraps. To help assist with this, Valley Water staff can provide you with trash bags to help stash your trash.
- Do not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, sewage, drug paraphernalia, improperly disposed of syringes, or other evidence of drug use on Valley Water lands.
- Do not keep, maintain, or accumulate multiple small vehicles, (e.g., bicycles, shopping carts, wagons) beyond what is needed for personal daily use.
- Except for repairs to your own bicycle, do not assemble, disassemble, sell, offer to sell, distribute, offer to distribute, or store multiple bicycles or bicycle parts.

#### Respect your neighbors:

- Do not engage in violent, harassing, or disruptive behavior.
- Do not possess, keep, or store any firearms, ammunition, or any other weapons.
- All pets and service/support animals must be kept under control at all times and must be leashed when Valley Water employees are present.
- Refrain from noisy activities that may unreasonably disturb others nearby, including using explosives, fireworks, loudspeakers, public address systems, sound amplifiers, radios, percussive instruments.
- Quiet hours must be observed from 10 p.m. – 7 a.m.
- Utilize provided portable lavatories and handwashing stations. Please call American Portables if the facilities need servicing at (866) 332-7471.

*This document is intended to be a living document. It will be reviewed and updated regularly to reflect new information, changes in circumstances, and the evolving needs of Valley Water.*



### **Respect the natural environment:**

- Do not dig, excavate, terrace soil, alter the ground or infrastructure, cause environmental damage or damage to vegetation or trees, or otherwise reconfigure or destroy the natural landscape.
- Do not affix any object to trees or other vegetation for the purpose of building an encampment or any other structure, or for any other reason.
- Do not erect bridges, or use objects, boulders, or trees to create a waterway crossing or obstruction.
- Do not harm or capture fish or wildlife.
- Do not move, alter, or damage boulders, fencing, gates, signs, maintenance access roads, or ramps.
- Do not discharge waste, garbage, refuse, debris, hazardous waste, or human or animal waste into a waterway, and do not store such waste in a manner that would reasonably result in its discharge into a waterway.

### **THE FOLLOWING VIOLATIONS WILL RESULT IN IMMEDIATE ENFORCEMENT:**

- Possessing or using firearms, ammunition, or fireworks
- Criminal activity including, but not limited to, theft, threats, acts of violence, and illegal drug sales or distribution
- Constructing encampments out of wood, metal, or other materials that can create a fire hazard or injury risk
- Destroying property or the natural environment, or modifying or vandalizing infrastructure (e.g., graffiti, digging, damaging trees and other vegetation)
- Dumping trash, debris, and/or hazardous pollutants
- Dumping of materials or liquids into waterways or that otherwise affect water quality
- Keeping or maintaining non-operable or immobile vehicles, or unregistered or expired vehicles
- Trespassing or dumping on adjacent properties
- Noisy activities, that unreasonably disturb others nearby, including using explosives, loudspeakers, public address systems, sound amplifiers, and radios
- Tapping into electrical or water utility lines

Observations or complaints regarding an encampment will be addressed with the person(s) living in the encampment where complaints or observations occur. **Failure to comply with these Guidelines may result in cleanup and removal of encampments, removal of items and debris, impoundment of vehicle(s), removal of any non-compliant person(s), citations, or monetary fines. Criminal activities can result in arrest.**

Although Valley Water may still need to intervene for other reasons not stated above, sticking to these guidelines provides straightforward parameters for encampment occupants to follow to be considered Low Priority for encampment removal or other interventions.

**IF YOU ARE HAVING A MENTAL HEALTH CRISIS:** Call the Santa Clara County Suicide Hotline at 988 or (800) 704-0900, or Santa Clara County Behavioral Health Services at (855) 278-4204 or text 'RENEW' to 741741.