

December 9, 2019

Astoria Planning Commission
1095 Duane Street
Astoria, OR 97103

RE: Temporary Warming Shelters: the evolving proposed update to the Astoria Development Code

Dear Astoria Planning Commissioners:

I am writing on various issues related to the proposed shelter code amendments I have seen from the February 2, March 27 and the May 22, 2018 work sessions on this issue. I recently received notice of another work session scheduled for December 10, 2019. From a cursory review, the proposed development code brought forward for the upcoming work session is the same code discussed at the last work session over a year and a half ago. As a result, my comments below still seem relevant.

In preparation for writing this letter I re-listened to the recordings of the three 2018 Astoria Planning Commission work sessions on temporary emergency shelters and then re-read the letters in support and against the approval of the 2017 temporary Conditional Use Permit for the Astoria Warming Center (AWC). My wife, Nelle, and I first got involved with the AWC when Pastor Carol, then pastor of the First United Methodist Church, requested coaching with communication related to the public hearing. Nelle and I have taught communication skills for years, including teaching Nonviolent Communication (NVC) in the Helping Hands Seaside program since 2015. I also have extensive training and experience in conflict resolution. I was particularly struck by Sean Fitzpatrick's 2017 letter and attachments. I am well aware there are multiple perspectives in any conflict, but it seems clear to me the neighbors of the warming center had a long history of expressing their concerns and frustrations and not feeling heard... and issues not being addressed. It is far too simplistic to simply say the AWC board membership at that time was too focused on the guests at the expense of the neighbors and everyone should move on... relationships have been damaged. So what happens now?

Nelle and I are sometimes identified as advocates for the homeless. That's partially true. We're also advocates for the housed. A core principle of NVC is looking for win-win, not win-lose solutions. My point is I will not advocate for the rights of the homeless to trump the rights of the housed; and I will not advocate for the rights of the housed to trump the rights of the homeless. I am advocating for win-win solutions. I recognize it can take a lot of searching to find win-win solutions. What does that look like in this situation? To me it means putting in place a process for updating our development code that respects all residents, promotes community and cooperation for all residents, and provides safe shelter (housing — e.g. Goal 10) for all residents.

Astoria Comprehensive Plan

My first recommendation (below) is to discontinue proposed code changes at this time and instead recommend the Astoria City Council make a minor update to the Astoria Comprehensive Plan to address our very low income and homeless residents. Subsequent suggestions pertain to the proposed code amendments.

This past July I both wrote a letter and spoke at a city council meeting where I made a request to delay updating the Astoria Development Code (DC) on warming centers (a.k.a temporary emergency shelters) until the Astoria Comprehensive Plan (CP) is updated to reflect issues related to homelessness—those with very limited income. As part of the letter I said that statements in both the APC work sessions and the staff report for the original temporary Conditional Use Permit (CUP) for the Astoria Warming Center both seem to point to a lack of guidance from the CP for protecting the rights of Astoria’s unsheltered residents. For example, in the Feb 27, 2018 work session Commissioner Moore, when questioned why his original DC proposal did not allow warming centers in any residential zone, said it goes back to the temporary CUP hearing regarding the Astoria Warming Center where “the only thing I pulled from our development code which was in the Comprehensive Plan was to protect the residential zones from incompatible uses.” The following is taken from the minutes of the May 22, 2018 APC work session on Emergency Warming Shelters:

Commissioner Moore reminded that the Commission's role was directed by the Development Code and the Comprehensive Plan. It is essential that the Commission "protect existing neighborhoods from incompatible uses" (Comprehensive Plan). Projections show that the homeless population would grow, as would the number of warming shelters. When creating a new use in existing neighborhoods, the Commission needs to do so at a level that is not disruptive to those neighborhoods. This is what drove his arguments for the capacities and maximum occupancies he proposed for residential zones.

I understand that Commissioner Moore’s analysis was based on the CP and he finds no guidance in the CP for the intended location of shelters (except negative guidance, e.g. “protect... from incompatible uses”). I agree; our CP does not address homelessness. However, given limited guidance from the CP the APC has at least two options: (1) it can proceed with recommending changes to the DC based on limited (negative) guidance from the CP; or, (2) it can recommend to the city council that the Comprehensive Plan be updated with regards to homelessness. This does not need to be a major update. In fact, the second option is what at least three other Oregon cities have done, including Eugene, Lincoln City, and Florence.¹ As I stated in my letter to council, I was particularly intrigued with Exhibit B of the ordinance, *Findings Regarding Consistency with the Lincoln City Comprehensive Plan and the Statewide Planning Goals*. The city determined “the need for the amendments was manifest. Information before the Council showed that there is a need for affordable housing for the city’s workforce, and for the homeless. It is essential that the city address these needs.” This is leadership.

Finally, in my July 31, 2019 conversation with Laura Buhl, Oregon Department of Land Conservation and Development, the state of Oregon provides guidance to cities to provide for the housing needs for all of our citizens. I assume she is referring to Goal 10. Given that Clatsop County has the highest rate of homelessness in the state, I am disappointed and frustrated that the APC does not recommend we pause and update the Comprehensive Plan before rushing to propose changes that at this point will likely make it more difficult if not impossible for the only warming center in Clatsop County to continue operating (see below).

¹ Documented in Rick Bowers July 15, 2019 letter regarding *Proposed changes to the Astoria Development Code regarding Emergency Warming Shelters*.

My first request is that the proposed code amendments be put on hold and instead recommend to the Astoria City Council that the Astoria Comprehensive Plan be updated to reflect the needs of those with very low incomes and for those experiencing homelessness.

What is “Temporary” in Temporary Warming Shelter

The following proposes a minor change.... The May 22, 2018 proposed code defines a Temporary Warming Shelter as “A temporary shelter that accommodates more than 10 Homeless per operating day and meeting specific conditional use standards as defined in the development code.” While I think everyone involved up to this point understands that the word temporary is referring to the fact the shelter operates only part of the year, seasonally — e.g. the Astoria Warming Center operates only during the winter season — I’m concerned that people interpreting the code in the future might apply this to a year-round shelter that provides temporary housing (e.g. a shelter where an individual guest may only stay for 90 days as temporary shelter for the individual).

For example, Virginia state code says:

“Temporary emergency shelter facility” means an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days, except that this term does not include secure detention facilities.

In other words, in Virginia the word **temporary** in *temporary emergency shelter facility* refers to the limited duration an individual can stay in the year-round facility.

I recommend clarifying the proposed shelter code to more clearly define a Temporary Warming Shelter. Perhaps something like “A **seasonal** shelter that accommodates more than 10 Homeless per operating day and meeting specific conditional use standards as defined in the development code.”

Oregon State Fire Marshall’s Technical Advisory²

The May 22, 2018 version of the proposed shelter code states at 11.180(I).C Operation “In addition to the specific operating local jurisdiction guidelines outlined below, a Temporary Warming Shelter shall operate under the guidelines of Oregon State Fire Marshal’s Technical Advisory No. 11-14 (UTA 11-14).” Further, at 11.180(I).C.1 the maximum number of occupants is specified in the various development zones. In all the zones the phrase “**One (1) individual for every thirty-five (35) square feet of room area**” is used. This is the load factor from the Technical Advisory. However, the Technical Advisory is addressing shelters that do not meet the building code requirements, the R Occupancy, for sleeping (therefore not **all** temporary shelters). From the advisory, “**This technical advisory contains minimal guidelines to allow a building not normally designated as an R Occupancy (use of a building or structure, or a portion thereof, for sleeping purposes) to be used as a temporary shelter....**”

While I certainly don’t have a proposed location for a seasonal shelter that does meet the R Occupancy I would not want to be constrained by the 35 square foot provision unnecessarily in the future. For

² Oregon State Fire Marshall’s Technical Advisory No. 11-14 (Revised TA# 09-03).

example, if I obtain a building in the C3 zone that does meet the R Occupancy for shelters I would want to be able to use bunk beds—a common cost saving solution for shelters. The May 22nd version would preclude this cost saving approach. For example, see the photo from the Family Winter Shelter, a seasonal warming center in Portland.



I propose the 35 square foot provision only apply to buildings that do not meet the R Occupancy building code. Better yet, don't mention the 35 ft² provision in our code and instead refer to the technical advisory for non-"R Occupancy" buildings. Our code could still maintain an absolute occupancy cap on specific zones.

"Incompatible Use"

As shown earlier, Commissioner Moore is appropriately focusing on the phrase "incompatible use" from Astoria's Comprehensive Plan. But the phrase is open to interpretation. For Commissioner Moore in February of 2018 this meant only allowing less than 10 bed warming centers in residential zones. When asked by a fellow Commissioner why Commissioner Moore was proposing no shelters larger than ten beds are to be allowed in residential zones he said:

The last temporary use hearing we had it was about impacting the residential zones. And the only thing I pulled from our development code which was in the comprehensive plan was to protect the residential zones from incompatible uses. Now, I understand the value of these temporary shelters... and I think that what we've encountered is that the scale is impacting the residential neighborhood. A smaller shelter... which is why we added the ten or more... a smaller shelter would not have the same impact as forty or fifty people. So the larger shelter which would be permitted through the conditional use standard would not be in a residential neighborhood

because that's what's been identified as negatively impacting the neighborhood. The location where the warming shelter is now could still operate as a warming shelter. It would just have to be a smaller scale. And, all the churches in that neighborhood could get together and house forty people just as long as there's ten in each location. So it's really about the impact larger scale shelter has on the immediate neighborhood. That was part of the impetus for creating this.

—Commissioner Moore, Feb 27, 2018

But others see this differently (which led, for example, to a proposed stair-stepped use in R2 and R3 zones with capacity limits). As proposed in the May 22, 2018 version of the code, this would reduce the capacity of the existing warming center from 30 (or 35 in an emergency) to 25. A few references were made in the work sessions to under-10 bed warming centers operating in churches in both Portland and San Luis Obispo, CA — apparently trying to propose small shelters as a viable alternative to larger shelters.

Seeing the “incompatible use” differently, Multnomah County’s Joint Office of Homeless Services lists four **Seasonal/Winter Shelters** in Portland. They are as follows:

Family Winter Shelter, (donated space), 1150 NW 17th Ave., Portland, OR — seventy-five people — zoned CM3 (commercial mixed use).

North Portland Emergency Warming Shelter, University Park United Methodist Church, 4775 N. Lombard, Portland, OR 97203 — fifty bed — zoned R1 (condominiums, apartments, duplexes, townhouses and rowhouses).

Walnut Park Shelter, building owned by Multnomah County, 5329 NE Martin Luther King Jr. Blvd., Portland, OR 97211 — eighty beds — CM3

Do Good Multnomah, Rose City Park Methodist Church, 5830 NE Alameda St., Portland, OR 97213 — forty winter-only beds — zone R5 (single family houses, ADUs, and duplexes on corners).

What stands out for me in this information is that all of the shelters are much larger than 10 beds. Two shelters are in Methodist Churches in residential zones. One shelter is in a building owned by the county. The one remaining shelter is in donated space. Note specifically that the Do Good Multnomah shelter, with forty beds, is in an R5 zone that specifies lot sizes of 5,000 ft². For comparison, Astoria’s R1 Low Density Residential zone specifies minimum lot sizes of 5,000 ft². In summary, Portland allows relatively large warming centers in residential area — including in single-family home zones.

I’ll focus on the viability of under-10 bed shelters below.

My request is the proposed Development Code provide outright use in at least one residential zone and conditional use in all residential zones.

Under Ten-Bed Shelters

As pointed to earlier, during previous work sessions commissioners indicated under-10 bed shelters would be welcome to operate in Astoria's residential zones — subject to potential objections from neighbors and subsequent evaluation by the City.

Now, something else to point out in this code – please know this is all up for discussion it's what we're here for but – as it sits in front of you this would apply to a temporary emergency shelter that accommodates more than 10 people. So, if a church or any organization wanted to operate a small emergency shelter they could do so in any zone with the city's guidance on how to do that.

—Commissioner Moore, Feb 27, 2018

When Commissioner Mitchell asked Commissioner Moore how he envisioned finding volunteers he said “There's a great network of small shelters in Portland” (Febr 27, 2018). Commissioner Fitzpatrick was also aware of under-10 bed shelters [in the area of San Luis Obispo, CA].

The traditional use of the... of a church makes sense in a lot of ways. My experience in other areas is that the churches rotated the use and they had a maximum of ten so that there wouldn't be impact on the neighborhoods. And these churches were throughout the city. The actual homeless shelter that was a high barrier was in an industrial area. But the churches throughout the city in all sorts of different zonings had warming centers and people would go into and out of those neighborhoods without any problem.

—Commissioner Fitzpatrick, April 24, 2018

It is my belief that a year and a half ago reliance on small warming centers in churches seemed like a viable option. But the “industry” has changed. The industry has matured and now recognizes professionally trained paid staff is essential and due to economies of scale, under-10 bed shelters are not feasible. Recognizing this years ago would hopefully have avoided the painful experiences from 2015 – 2017. Here is the information I have found related to small warming centers operating in church facilities.

Long Beach, WA (& the peninsula in general)

In the past, a small under-10 bed warming center was operating on the Washington peninsula. However, it has ceased operation.

Peninsula Poverty Response will not host homeless shelters at churches in Long Beach, Seaview and Ilwaco this winter, a loss for people in need of a warm place to stay. Pastor Karen Humber, a board member for the nonprofit, said the shelter program “is not sustainable for what we want to achieve.” The nonprofit made the decision after looking at the number of people served by the shelters compared with the number of volunteers and volunteer hours the Overnight Winter Lodging program took to run.³

211info.org does not list any active shelters in the Long Beach / Ocean Park area.

³ https://www.dailyastorian.com/news/local/peninsula-shelters-will-not-open-this-winter/article_b31d7370-6178-5cdd-b562-4ba0b474dbd8.html

Warrenton

This was a small warming center operating at the Calvary Assembly of God church. The Warrenton Warming Center was not able to operate for the 2018-2019 season. I received email from the pastor of the church in which it operated who said it is not operating this season. 211info.org lists it as active, however, this seems to be erroneous information since the pastor says it is not operating.

Paso Robles, CA (31 miles North of San Luis Obispo)

Paso Cares Warming Station. This was an under-10 bed warming center that ceased operations during the 2018-2019 season due to a lack of chaperones (volunteers). This is an example of the model of emergency center that was discussed as appropriate by the commissioners in Astoria's residential zones. Guests met and were provided dinner at city-owned property located on the southwest corner of 24th Street and Riverside Avenue. After dinner they were bused to one of five rotating churches in order to spend the night. This model of warming center was unsustainable so potential guests are now referred to ECHO (El Camino Homeless Organization) in nearby Atascadero. From their website ECHO appears to be similar to the Astoria Helping Hands recovery / reentry program.

Freedom Warming Centers

Freedom Warming Centers (FWC) operates a low-barrier warming center in Santa Maria, 32 miles south of San Luis Obispo. FWC operates five 50-bed warming centers housed in churches stretching from Santa Maria to Santa Barbara. In Santa Maria they are hosted by the Salvation Army situated in an R3 high-density residential zone. No use permits are required by the cities (since they operate in churches). Their operating model is to use overnight paid staff with a ratio of one staff member per ten to twelve guests (up to five simultaneous staff covering the overnight shift). They use volunteers only to serve meals. FWC operates with a \$300,000 annual budget to operate five warming centers.

San Luis Obispo, CA

Not finding information on the internet on small warming centers in San Luis Obispo (SLO) churches, I sent an email request for information to five SLO churches (e.g. Unitarian Universalist, United Church of Christ, etc.). Here's a representative response:

I am not aware of any situation like that in SLO [10 bed warming centers in churches]. Before our new shelter in SLO opened late last year, churches used to take one month shifts to house the overflow from the old inadequate shelter. Churches would, under supervision and rules laid out by the oversight org (www.capslo.org), house the families and single women which was usually 20-30 people; for one month at a time.

—David Robinson, UCC SLO Congregational Administrator

The "new shelter" (mentioned above) is a year-around overnight shelter with up to 100 beds. It provides meals, showers, laundry, mail/phone services, access to case management, primary medical care, and animal kennels. Further information is available on their website: <https://capslo.org/40-prado/>. To the best of my knowledge it is not low-barrier.

Portland

At this time Multnomah County's *Joint Office of Homeless Services* has not been able to help me locate any under-10 bed warming centers in the county.

Summary for under 10-bed warming centers

While small warming centers run by volunteers might sound appealing, they are difficult to sustain. The "industry" is shifting from this old model to well run organizations with paid professionally trained staff. Professional staff can successfully manage low-barrier warming centers. Portland places seasonal shelters in residential zones.

My request is in your deliberations do not assume small volunteer-based warming centers are an option. From the experience of others, they are not a viable option. The small bed shelter is an outdated, unworkable option.

Astoria Warming Center

There were statements in the prior work sessions making it clear the proposed code cannot be "built" to support Astoria's existing warming center. Agreed. However, there were many references to the Astoria Warming Center that have impacted the proposed code. For example, Commissioner Moore said that it was the neighborhood complaints at the temporary CUP hearing that prompted him to propose code in the first place. Commissioner Moore said these complaints affected his thinking regarding the "incompatible use" issue. Commissioner Moore said his proposed cap of 25 in the R3 zone was informed by the average number of guests in the AWC. Commissioner Moore originally proposed parts of the AWC Good Neighbor Commitment be instantiated in code. Therefore, information regarding the operation of the AWC did inform the evolution of the current proposal (as of May 22, 2018). If only negative information about the AWC informed the development of the code that would of course be bias; it is also important we all be informed by the positive achievements of the AWC.

From my perspective a large part of the success of the Astoria Warming Center (AWC) is the evolution of the reliance on volunteers to a paid trained staff available all night. The AWC has two people awake all night—one paid, one volunteer. Even having the luxury of paid staff — and the subsequent reliance on fewer volunteers — the AWC was already unable to open one night due to a lack of volunteers only two weeks into our 2019-2020 season. Another part of the success of the AWC is the natural evolution of organizational development — storming, forming, and norming. Unfortunately, during the storming era the AWC had a negative impact on the neighborhood. That situation is now remedied (with painful memories). At this point neighbors don't even bother to attend the three AWC seasonal required neighborhood meetings presumably because there are no longer issues that they want to see addressed.

Last year the AWC was at capacity for about a third of the season. In round numbers the AWC has a \$40,000 yearly budget. Most of the budget is spent on paid professional staff. The expenses are not significantly reduced if the number of guests is reduced. Currently, the AWC operates successfully under a temporary Conditional Use Permit with a maximum of 30 (35 in an emergency) guests. If the May 22, 2018 proposed cap of 25 guests in an R3 zone becomes law we will reduce the number of guests served

by 5 or 10 with no significant reduction in our costs. Where will these potential guests go that are turned away? Forty thousand dollars is not a trivial amount of money to fundraise in a year. I don't see the likelihood of opening a second warming center in the county in the foreseeable future. The AWC is the only secular low-barrier warming center in the county. The Mission provides periodic short-term shelter and it is bible-based. Helping Hands provides a very short-term shelter (4 days in, 3 days out for 2 weeks) that is designed to allow guests to learn about the recovery program. The other two warming centers in Clatsop and Pacific counties closed in part due a lack of volunteers.

Portland allows large warming centers in residential zones that are meant for single-family homes. Santa Maria, in the San Luis Obispo area, allows without permits a 50 bed warming center in their high-density residential zone. The AWC has shown it can consistently operate with little or no impact on the neighborhood with 35 guests.

Statistical Veracity — 25?

In the April 24, 2018 work session there was a discussion about Commissioner Moore's proposal of providing a maximum capacity of 25 guests in R3 zones. Commission Moore said "I think we saw, and this is kind of based on anecdotal evidence that since we don't have a lot of real solid studies or anything to base this on. But the warming center that has operated for four years; the third year seemed to be the most populace and that's the one that generated the most response from the neighborhood. And this year I believe Mr. Parkison said... did you say they averaged twenty-five?" Mr. Parkison, "Approximately, yes." Commissioner Herman: "How to arrive at twenty-five Commission Moore?" Commissioner Moore: "Again, it's just based on the public feedback where more than that we got more negative feedback. We don't have lots of science to back it up. And anything that we would recommend I would hope would be reviewed in a year or two. And those numbers would certainly be up for review." Also at the May 22, 2018 work session Commissioner Moore explained the source of the proposal of twenty-five for the maximum capacity:

That was based on averages and how those average numbers each year correlated with negative feedback. So that the... two years ago the average was above thirty and there was a lot of negative feedback. And this last season it was under thirty, it was twenty-five according to Mr. Parkison, and there was very little if any negative impacts. So while that number might be thirty... because of the Comprehensive Plan's direction I would error on the side of caution.

—Commissioner Moore, May 22, 2018

The following is a response to relying on the average usage of the warming center, twenty-five, as the basis for a capacity limit.

When the Planning and Zoning Commission proposes to use the average nightly stay at the Warming Center (25) for the maximum allowed on any night for warming shelters under a new zoning plan, this is a misunderstanding and mis-use of statistics. An average is one of several measures of central tendency in statistics, including mean (average), median, and mode. The term central tendency refers to the "middle" value or perhaps a typical value of the data. Each of the three measures of central tendency calculates the location of the central point using a different method and the one that is best to use depends upon the situation. In statistics, a measure of

central tendency is a central or typical value for a probability distribution. It may also be called a center or location of the distribution, or the tendency of quantitative data to cluster around some central value. The central tendency of a distribution is typically contrasted with its dispersion or variability; dispersion and central tendency are the often characterized properties of distributions. Analysis may judge whether data has a strong or a weak central tendency based on its dispersion.

When it comes to the P&Z question regarding the maximum capacity of a warming shelter, a measure of central tendency is not an appropriate statistic to use because the question being asked has nothing to do with a distribution but rather is a question of capacity. In this case, it is not relevant to ask the question, What is the usual number of guests? The relevant question is, What is the maximum need for beds and what is the capacity of the building where the shelter is located? The relevant statistic in the latter case is the highest number of guests per night for each season of operation plus the number of potential guests that were turned away due to lack of space. Current data based on the only existing warming center in Astoria shows the maximum number of beds available is 30 (35 in an emergency) and capacity was frequently reached during the coldest part of last season plus on two nights 37 individuals requested shelter, therefore the demand for space based on existing data is 37 beds. Therefore, when writing a general statement for code, the maximum limit on shelter space should be no less than 37, based on actual available data.

However, this calculation, even though it is based on real data for the existing warming center, is still not appropriate for a general zoning limitation. The code limit should be flexible and based on the specific building and location for a proposed shelter rather than on the existing instance and limitation due to the current building location. Some proposed locations may be able to accommodate 100 or more guests whereas other buildings and locations may only be able to accommodate 35 guests. A general limitation in the code which is not referenced to a specific location must provide flexibility for different circumstances and economies of scale.

Additionally, when the planning commission refers to the relationship, the correlation, between the average number of guests and the amount of negative feedback there seems to be an assumption of causation versus merely correlation. Correlation is a statistical measure that describes the size and direction of a relationship between two or more variables. A correlation between variables, however, does not automatically mean that the change in one variable is the cause of the change in the values of the other variable. Causation indicates that one event is the result of the occurrence of the other event. Causality is an area of statistics that is commonly misunderstood and misused by people in the mistaken belief that because the data shows a correlation that there is necessarily an underlying causal relationship.

In the situation involving the Astoria Warming Center, it appears that the prior conversations of the P&Z Commission, regarding a connection between the average number of guests and the number of negative feedback received, were based on considering data only for only two operating seasons. Any conclusion about a relationship between these two data points would be inappropriate for multiple reasons including the limited number of data points as well as an assumption of causation. It would be difficult to confirm a statistically significant causal

relationship even considering all seasons of operational data. Anecdotal data can be used to appear to confirm any position that supports a predetermined outcome: a fallacy no matter which side relies on this tactic.

—Nelle Moffett, PhD⁴

My request is to allow seasonal emergency shelters in the R3 zone as an outright use.

Propose Objectives / Needs, not Strategies

Commissioner Moore originally proposed a lengthy “crime watch” before and after opening:

For two hours prior to and for one hour after the Shelter's operating hours, at least one responsible individual shall maintain a crime watch in and around the Shelter and shall report all suspicious activity to the Astoria Police Department.

—February 27, 2018 proposed code: 11.180.I.C.4.b

After much discussion the March 22, 2018 version proposed one hour before and 30 minutes after. From the discussion during the work session my understanding is the significant issue (other than neighbor concern about warming centers in general) was the loitering at the entrance to the AWC. Additionally, as I reviewed the letters submitted for the July 2017 temporary Conditional Use Permit hearing, a common thread was a concern regarding loitering and panhandling.

Both loitering and panhandling are of course constitutionally protected activities. But the issue is loitering in the residential zone. It is certainly normal and reasonable for zoning to discourage legal activities in certain zones. But if the issue is loitering, simply develop the code to limit loitering instead of trying to write code for a particular strategy to prevent loitering. In other words, we don't write code to say fast food restaurants are required to have a litter patrol every thirty minutes. We write code to say no littering. Similarly, simply write code with the objective and let the entity figure out the best way to implement the objective. In the loitering situation the AWC simply changed its policy for returning guests. Instead of an overall “first come, first served” policy that encouraged guests to start lining up early to ensure a bed, the policy is “returning guests are guaranteed a bed.” The AWC also does a nightly “respect the neighborhood” talk. The objective was identified and the AWC found a workable solution to eliminate the problem.

Stated differently, a Crime Watch doesn't really solve the issue at hand. A Crime Watch wouldn't report loitering or panhandling because these are legal activities.

Consider McDonalds as an example. There was legitimate angst about panhandling and the disruption to both the business and traffic safety concerns. The solution was not a crime watch (for a legal activity). The solution was a specific ordinance prohibiting handing items in/out of a car — in limited zones (McDonalds being one). Problem solved.

⁴ Dr. Moffett has provided statistical consulting for individuals, colleges, and universities and has taught statistics at the collegiate level.

The May 22, 2018 code also proposes a strategy to avoid having garbage in the neighborhood. Again, just say the center needs to figure this out itself.

My request, codify the actual objectives rather than specific strategies to meet the objectives.

Shame on Us

The following is an aggregation of issues that to me verge on discrimination of our homeless population.

Crime Watch

McDonald's restaurant attracts many homeless. The library attracts many homeless. I frequently see people panhandling in front of the post office. Should fast food restaurants, libraries, and post offices be required to have a crime watch? The language requiring Crime Watch for warming shelters should not be included in a zoning code. The current Astoria Warming Center addresses this issue in a Good Neighbor commitment. Other shelters and day centers we have visited also address behavior issues in their rules and behaviors in and around their facilities.

My request is to remove the Crime Watch part of the code. Changing the language to Neighborhood Watch is not good enough....

Garbage Watch

Same thoughts as a Crime Watch.... Do we require fast food restaurants to have a garbage watch?

My request is to remove the Garbage Watch part of the code.

Annual Reporting

The May 22, 2018 code says "A warming shelter shall report to the city on an annual basis the following information: a) The dates and times of each operating day b) The number of Homeless accommodated on each operating day c) Dates and times of all emergency services contacts and visits d) Copies of all public feedback." Shall we add similar requirements for liquor stores and restaurants that serve liquor?

On the other hand, my request is to remove this annual reporting from the code.

Life-Safety Requirements

The May 22, 2018 code says "Life-Safety Requirements: a) Weapons: The Temporary Warming Shelter shall formulate a weapons safety plan to ensure the safety of its clients. At a minimum, the plan shall contain describe the process for: (1) Defining what the shelter considers a weapon (2) Describing the method(s) to determine if clients are carrying a weapon(s) (3) Describing the process for ensuring that weapons are safely stored during operating hours."

Similarly, I propose we add this to the code regulating bars. Or perhaps we require a safety plan without specifically mentioning weapons. Or just drop this section entirely.

Why Encourage Warming Centers to be in Tsunami Zones?

Lincoln City's Comprehensive Plan placed homeless populations in the Special Needs category alongside assisted living, independent living for seniors, etc. The plan then specifies Special Needs housing options

should be encouraged outside the tsunami zones. From what I can tell, the May 22, 2018 Astoria proposed code encourages homeless shelters be in tsunami zones.

Homeless residents not allowed as an outright use in any residential zone?

The current proposed code does not allow a warming center as an outright use in any residential zone. According to both the Oregon Secretary of State, Bev Clarno⁵, and Astoria's former Community Development Director, Kevin Cronin⁶, many of Astoria's homeless are in fact residents. In his staff report for the original temporary CUP Mr. Cronin writes "Homeless are residents too just like homeowners and renters, but do not currently have permanent shelter." I would argue that a significant number of these homeless individuals could legitimately consider the AWC to be their residence; they stay every night the AWC is open. Many were born in Astoria, went to school and work in Astoria. Let's allow all of Astoria's residents to have a place to sleep in a residential zone.

My request is to allow a seasonal emergency shelter in an R3 zone as an outright use.

Annual Renewal Discussion

During the May 24, 2018 work session there was considerable discussion about the possibility of having an annual public hearing as a requirement for continuing occupancy of a shelter location. Planner Nancy Ferber was to check with the city attorney to determine the feasibility of setting up a special class requiring annual public hearings. Having an annual renewal process of course negates Commissioner Moore's original intent of updating the Development Code to remove the Astoria Warming Center's requirement to renew yearly its temporary CUP. One of his stated intents was to avoid problems associated with grant applications and not having a permanent location. From my understanding the AWC has been denied grants based on the insecure nature of the Temporary CUP.

My request is to remove the requirement of an annual renewal / public hearing. Instead, deal with any issues the same way issues are dealt with elsewhere in Astoria.

Where Are We Headed?

The following quotations are from the 2019 *Oregon Statewide Shelter Study*:⁷

Nationally, Hawaii, California, and Oregon had the highest rates of individuals experiencing homelessness, with 50 or more individuals experiencing homelessness per 10,000 individuals. According to HUD's 2018 Annual Homelessness Assessment Report, Oregon is one of four states in which more than half (61 percent) of all people experiencing homelessness were found in unsheltered locations (p. 1).

In alignment with the OHCS Statewide Housing Plan, this report emphasizes that shelters should be part of an efficient and effective crisis response system that includes other components critical

⁵ Homeless U.S. Citizens Have a Right to Vote: <https://sos.oregon.gov/voting/Pages/homeless-confidential.aspx>

⁶ Staff report for the July 25, 2017 public hearing for the temporary Conditional Use Permit.

⁷ In the fall of 2018, Oregon Housing and Community Services (OHCS) contracted with the Technical Assistance Collaborative (TAC) to conduct a statewide shelter study. <https://www.oregon.gov/ohcs/ISD/RA/Oregon-Statewide-Shelter-Study.pdf>

to preventing and ending homelessness including street outreach, diversion, rapid re-housing, coordinated entry, and permanent supportive housing, in addition to general expansion of affordable rental housing (p.1).

The report makes recommendations for...

...strategies to enhance winter/warming shelters.

...technical assistance and training for local public and private entities seeking to expand their shelter capacity, as well as improve existing shelters.

*...strategies to enhance intergovernmental collaboration to **end homelessness** [emphasis added].*

The following is from the 2019 report *Homelessness In Oregon*:⁸

High rents are to blame for the severity of the state’s homelessness crisis. Economists John Quigley and Steven Raphael were among the first to demonstrate that housing affordability—rather than personal circumstances—is the key to predicting the relative severity of homelessness across the United States (p. ii).

Over the 2010-2016 time period, Oregon created only 63 new housing units for every 100 households that formed during the time period, increasing competition for housing. This underproduction has put upward pressure on housing costs (p. iii).

The Center on Budget and Policy Priorities calculated that about 209,000 low-income, renter households in Oregon received federal assistance or were in need of it in 2016. Of those, slightly more than one-quarter—56,000 households—received assistance. The remaining 153,000 households did not (pp. iii-iv).

Permanent supportive housing (PSH), the recognized best practice, provides rent assistance with no time limit and supportive services focused on mental health, substance abuse treatment, and employment (p. iv). [This is sometimes called Housing First.]

***Emergency shelters are the policy of last resort...**Oregon’s tight housing market has overwhelmed the crisis system: high rents put more households into cost-burdened situations, and personal crises pushed some of those severely cost-burdened households into homelessness....Inflow to shelters exceeded outflows into permanent housing, and visible, unsheltered homelessness edged up across the state (p. iv) [emphasis added].*

*The situation also calls for alternative shelter and support models (e.g., relocation centers, **tiny home villages**, mobile hygiene clinics, and storage facilities for personal belongings) (p. iv) [emphasis added].*

⁸ *Homelessness in Oregon: A Review of Trends, Causes, and Policy Options* prepared for The Oregon Community Foundation, March 2019. <https://oregoncf.org/assets/PDFs-and-Docs/PDFs/OregonHomelessness.pdf>

I could go on. My point is we have systemic structural issues across Oregon and the country related to our housing supply. Many experts say that if a person is situationally homeless for three to six months, there is a high likelihood they will turn to drugs and alcohol to numb themselves. Let's remember that many of our homeless need our help.

Multnomah County's approach is that everyone be sheltered in severe weather:

During severe weather, no one will be turned away."

<https://multco.us/winter-weather/warming-shelters-and-homelessness>

Summary

I think we all recognize that "solving" the homelessness crisis requires multi-faceted approaches. Our country has a long history of trying to end homelessness via laws and ordinances and many of these have been or will be found to be unconstitutional. There are many lessons still to be learned. I am happy one of the Astoria City Council goals is "Support... other community efforts to address homelessness" — for example, local nonprofits. The Homelessness Solutions Taskforce (HOST) includes representatives from many of the partners who are addressing the various issues involved in helping people who are homeless. It is also generally recognized that we need to expand the affordable housing stock as the ultimate solution. In the meantime, Astoria will need to provide amenable zoning for seasonal shelters to operate effectively and responsibly in the community. I hope we all work together toward win-win solutions.

Sincerely,



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cc: Barbara Fryer, City Planner / Project Manager