



## CITY OF ASTORIA

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### COMMUNITY DEVELOPMENT

June 29, 2020

TO: ASTORIA PLANNING COMMISSION

FROM: BARBARA FRYER, CITY PLANNER

SUBJECT: AMENDMENT REQUEST (A19-06) ON WARMING CENTERS AT PLACES OF WORSHIP

#### I. BACKGROUND SUMMARY

- A. Applicant: Community Development Department  
On behalf of the Planning Commission  
City of Astoria  
1095 Duane Street  
Astoria OR 97103
- B. Request: Amend the Development Code concerning warming shelters at places of worship, add definitions, establish standards for warming shelters, and allow use as a conditional use permit in conjunction with Places of Worship.
- C. Location: City-wide

#### II. BACKGROUND

The Astoria Warming Center (AWC), a local, 501c3, non-profit organization, has operated an annual, temporary facility for a 90-day period during the winter months since 2014-15. It began operations at the Astoria Senior Center before relocating to the current site as a tenant in the First United Methodist Church. The basement location is approximately 5,500 SF with 1,484 SF for men's sleeping area, 440 SF for women's sleeping area and a smaller, 285 SF area for couples. The basement also contains men's and women's bathrooms, a kitchen, and a laundry and shower facility, all of which taken together provides emergency overnight housing for up to thirty-five (35) homeless men and women of all ages.

The basement of the church does not have a building occupancy rating for residential. However, the AWC similar to other facilities in Oregon, has operated under the guidance of the “Oregon Fire Code Interpretations and Technical Advisories, Technical Advisory 11-14” which provides advisory rules for local cities to work with local social service providers on operating temporary, emergency warming centers.

Prior to the Conditional Use Permit approval in 2017, the AWC was operating at the Methodist Church without a land use permit. The activities and impacts necessitated a closer examination of the activities and therefore the City required a temporary use permit to legalize the use. The location of the AWC was also in question so once the AWC Board made the investment in the current location, zoning approval became apparent and appropriate as all uses require some level of review.

In the previous findings of fact, the terminology used for social services related to the homeless population was noted below, to help frame the discussion and provide a baseline of understanding of the issues. This staff report and findings of fact are based on these definitions for consistency.

- **Unsheltered people** are people whose primary nighttime residence is a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for people – for example, the streets, vehicles, or parks.
- **Shelters** provide temporary residence for [unsheltered](#) individuals and families. Shelters exist to provide clients with safety and protection from exposure to the weather while simultaneously reducing the [environmental impact](#) on the community.
- A **warming center** is a short-term [emergency shelter](#) that operates when temperatures or a combination of precipitation, wind chill, wind and temperature become dangerously inclement. Their paramount purpose is the prevention of death and injury from exposure to the elements.

In 2018, the Planning Commission held several work sessions to review potential new Development Code language to address uses, such as emergency/warming shelters. These work sessions resulted in draft code language.

Beginning in December 2019 and continuing into February 2020, the Planning Commission held several work sessions to again review potential new Development Code language to address uses such as emergency/warming shelters. Staff anticipate bringing the draft language forward to for Planning Commission consideration later in 2020. Standards and requirements will need to be processed as a land use amendment through the Planning Commission before City Council review and adoption. The proposed amendments include the following:

- Specific zones where the use is allowed as a conditional use associated with a Place of Worship.
- Amend and add definitions for various unsheltered related terms.

### III. PUBLIC REVIEW AND COMMENT

#### A. Astoria Planning Commission

A public notice was mailed to property owners city-wide, Neighborhood Associations, various agencies, and interested parties on June 10, 2020. In accordance with ORS 227.186(5), State required Measure 56 mailing, a notice was mailed on June 10, 2020 to all property owners within the City advising “. . . that the City has proposed a land use regulation that may affect the permissible uses of your property and other properties.” In accordance with Section 9.020, a notice of public hearing was published in the *Astorian* on July 18, 2020. The proposed amendment is legislative as it applies City-wide.

#### B. State Agencies

Although concurrence or approval by State agencies is not required for adoption of the proposed amendments, the City has provided a copy of the draft amendments to representatives of the Land Conservation and Development (DLCD) as part of the planning process.

### IV. FINDINGS OF FACT

- A. Development Code Section 10.020.A states that *“an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident.”*

Development Code Section 10.020.B states that *“An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed.”*

**FINDING:** The proposed amendments to the Development Code are being initiated by the Community Development Director on behalf of the Planning Commission.

- B. Section 10.050.A states that *“The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan.*

2. *A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate."*

**FINDING:** The proposed amendment is to amend the text of the Astoria Development Code concerning warming centers as a conditional use in association with Places of Worship City wide. The proposed amendments are applicable to the entire City and represents a relatively broad policy change. Processing as a legislative action is appropriate.

- C. Section 10.070.A.1 concerning Text Amendments, requires that *"The amendment is consistent with the Comprehensive Plan."*

1. CP.015.1, General Land & Water Goals states that *"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the Plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area."*

CP.035.2, West End Area Policies, states *"The quiet residential character of the west end will be protected through the City's Development Code."*

CP.045.2, Central Residential Area Policies, states *"Historic areas (neighborhoods with high concentrations of pre-1911 homes) will be protected through zoning regulations and the use of public lands for relocation of structures."*

CP.075.2, Uppertown Area Policies, states *"The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved."*

CP.085.2, Alderbrook Area Policies, states *"The residential character of Alderbrook will be protected through the designation of the aquatic area from 41st Street to Tongue Point as natural, and by the present zoning pattern. Development in the 100-year flood area shall be subject to the requirements of the City's Flood Hazard Overlay Zone."*

CP.088.2, Emerald Heights Area Policies. States *"The multi-family residential character of Emerald Heights Area will be protected"*



*through the present zoning pattern. Additional residential development is encouraged in this area."*

**FINDING:** The proposed amendments provide the opportunity to place warming centers at Places of Worship. In order to protect the character of the residential neighborhoods, the warming centers require a new conditional use permit with conditions of approval that require neighborhood agreements, notifications to the City and a point of contact.

2. CP.220.1, Housing Element, Housing Policies, states *"Maintain attractive and livable residential neighborhoods, for all types of housing."*

CP.220.6, Housing Element, Housing Policies, states *"Protect neighborhoods from incompatible uses, including large scale commercial, industrial, and public uses or activities."*

**FINDING:** The Comprehensive Plan indicates a goal of having a variety of housing types and price ranges, and the preservation of existing historic housing stock. The City Council 2018-2019 Goals included *"Implement the provisions contained in the City of Astoria Affordable Housing Study to increase the number of housing units within the City, for permanent residents. Special attention should be given to derelict and/or vacant properties."* The 2019-2021 City Council goals adopted April 15, 2019 include *"Support efforts to increase the housing supply (both market rate and affordable), using the County Housing Study as a guide."* and *"Maintain Astoria's unique character through economic development and zoning which reflects on those values."* This amendment would allow warming centers in association with quasi-public uses (places of worship) as a conditional use. Impacts to neighborhoods will be addressed through the conditional use permit process at Planning Commission.

3. CP.470.1, Citizen Involvement states that *"Citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies."*

**FINDING:** Throughout the process of drafting the proposed ordinance, the City has provided public outreach. The Planning Commission held a work session on January 28, 2020. Notices were sent to interested parties, neighborhood associations, email lists, web site, etc. In addition, a State required Measure 56 mailing was sent to every property owner in Astoria. Anyone interested in

the proposed ordinance was encouraged to submit suggestions and comments. Work sessions were open for discussion with the public to allow for interactive feedback from the early stage of the adoption process.

**FINDING:** The request is consistent with the Comprehensive Plan.

- D. Section 10.070.A.2 concerning Text Amendments requires that *“The amendment will not adversely affect the ability of the City to satisfy land and water use needs.”*

**FINDING:** The proposed amendment will satisfy land use needs in that it will allow warming centers at quasi-public uses, places of worship, as a new conditional use to protect the housing stock and quiet character of the neighborhoods. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

## V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Planning Commission recommend adoption of the proposed amendments to the City Council.

- EXHIBIT 1: Proposed Amendments
- EXHIBIT 2: Places of Worship Information
- EXHIBIT 3: BM 56 Notice
- EXHIBIT 4: DLCD Notice Acknowledgement
- EXHIBIT 5: Testimony from Rick Bowers

EXHIBIT 1:  
Proposed Amendments

## EXHIBIT 1: Proposed Language

### Add the following definition to Article 1

*Warming Center: A temporary shelter that accommodates more than 10 persons per operating day and meeting specific conditional use standards as defined in the development code.*

*Places of Worship: A structure or use where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. A building constructed or used for this purpose is called a Place of Worship. Examples include, but are not limited to, a church, mosque, synagogue or temple.*

### Proposed changes to Article 2

#### Add “Warming Center” as Conditional Use in association with Places of Worship in Zones

1. AH-HC
2. C3
3. C4
4. HR
5. LS
6. S2
7. R3
8. R2

#### Add the following section to Article 11 Conditional Uses

##### *Warming Centers*

###### *A. Purpose*

*The purpose of a Warming Center is to provide short-term shelter for persons*

when persons are at greater risk of injury and death from inclement weather conditions.

**B. Description**

A Warming Center provides an opportunity for persons to escape from weather conditions that can be hazardous to their health. Operating during the coldest hours of the day, and during the coldest months of the year, the shelter provides warmth, a place to dry, a place to sleep, and optional warming food and beverage.

**C. Operation**

In addition to the specific operating local jurisdiction guidelines outlined below, a Warming Center shall operate under the guidelines of **Oregon State Fire Marshal's Technical Advisory No. 11-14 ("TA 11-14")**.

In the event that guidelines from the local jurisdiction conflict with guidelines from TA 11-14 or from future revisions to TA 11-14, the more stringent guidelines shall supersede.

Local jurisdiction guidelines:

**1. Maximum Number of Persons Allowed:**

Zone	Maximum Persons
R2	One (1) individual for every thirty-five (35) square feet of room area or 15 individuals, whichever is less
All Other Zones	One (1) individual for every thirty-five (35) square feet of room area

**2. Buffer**

A warming shelter may not operate within 1000' of another warming shelter

**3. Neighborhood Responsibilities**

**a. Garbage Watch**

During non-operating hours at least one responsible individual shall



*canvass the neighborhood within 100' of the Warming Center and collect all trash not in receptacles.*

*b. Crime Watch*

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

*c. Life-Safety Requirements*

*The Warming Center shall formulate a weapons safety plan to ensure the safety of its clients. At a minimum, the plan shall contain describe the process for:*

- i. Defining what the warming shelter considers a weapon*
- ii. Describing the method(s) to determine if clients are carrying a weapon(s)*
- iii. Describing the process for ensuring that weapons are safely stored during operating hours*

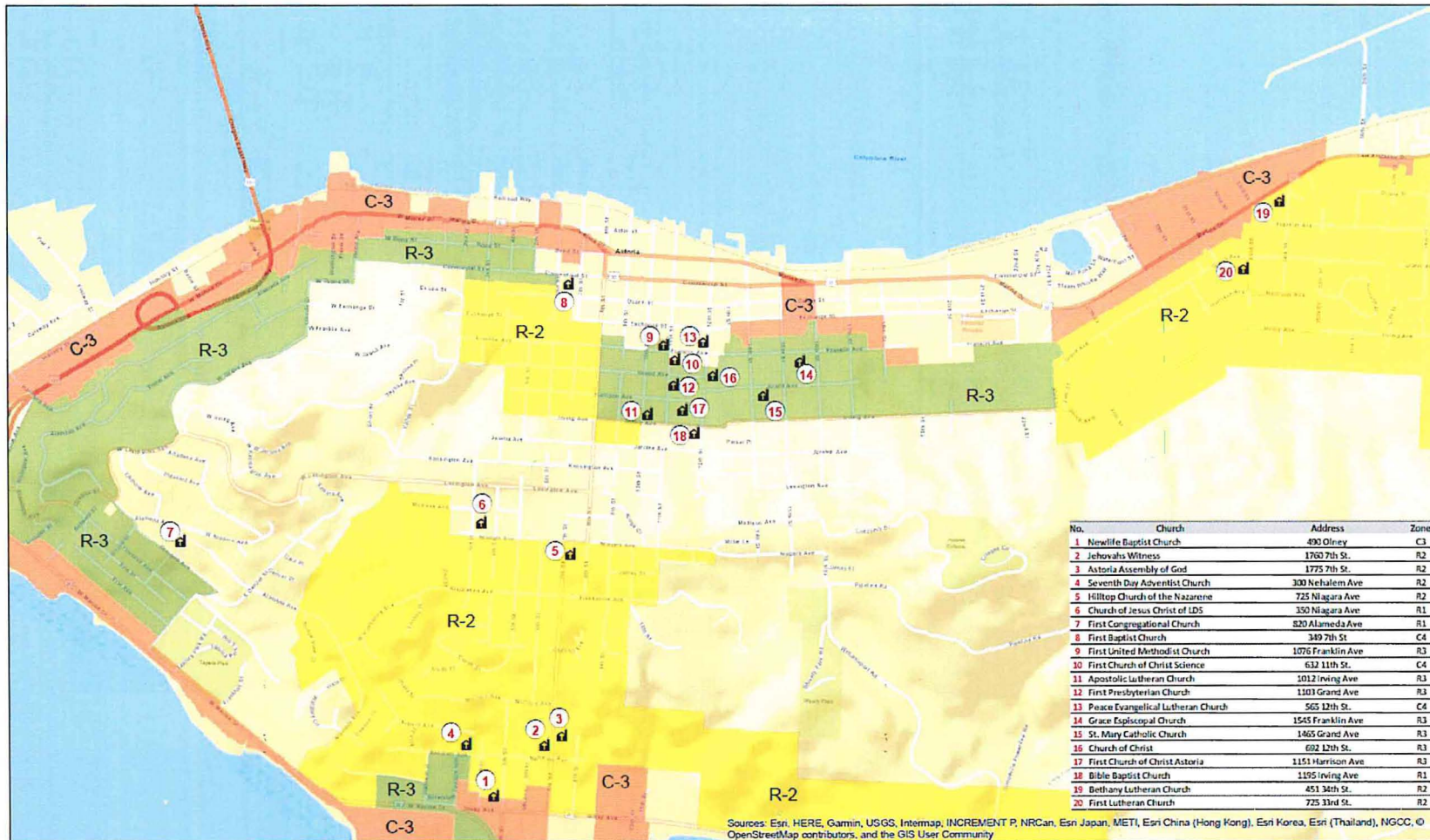
*4. Annual Reporting*

*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 persons accommodated on each operating day*
- c. Dates and times of all emergency services contacts and visits*
- d. Copies of all public feedback*

## EXHIBIT 2:

### Places of Worship Information



## PLACES OF WORSHIP - ASTORIA, OREGON

Prepared By: City of Astoria  
Engineering Dept.  
Date: November 14, 2019



A19-10

# Places of Worship by Zoning District

Zone	Name	Location
R1	Church of Jesus Christ of Latter Day Saints	350 Niagara Avenue
R1	Bayview Baptist Church	1195 Irving Street
R1	First Congregational Church	820 Alameda
R2	Hilltop Church of the Nazarene	725 Niagara Avenue
R2	Astoria First Assembly of God	1775 7 <sup>th</sup> Street
R2	Kingdom Hall of Jehovah's Witness	1760 7 <sup>th</sup> Street
R2	Bethany Lutheran Church	451 34 <sup>th</sup> Street
R2	Astoria Seventh-Day Adventist Church	300 Nehalem Avenue
R2	First Lutheran Church of Astoria	725 33 <sup>rd</sup> Street
R2/C3	New Life Church	490 Olney Avenue

Zone	Name	Location
R3	St. Mary Catholic Church	1411 Grand Avenue
R3	Pacific Unitarian Universalist	588 16 <sup>th</sup> Street (CCC)
R3	First Presbyterian Church	1103 Grand Avenue
R3	First Church of Christ	1151 Harrison Avenue
R3	Church of Christ in Astoria	692 12 <sup>th</sup> Street
R3	Grace Episcopal Church	1545 Franklin Avenue
R3	First United Methodist Church	1076 Franklin Avenue
R3	Apostolic Lutheran	1012 Irving Avenue
C4	Peace Lutheran	565 12 <sup>th</sup> Street
C4	First Church of Christ Scientist Astoria	632 11 <sup>th</sup> Street
C4	First Baptist Church Astoria	349 7 <sup>th</sup> Street

EXHIBIT 3:  
BM 56 Notice



**YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A PROPOSED LAND  
USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA**

CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING

**This is to notify you that the City of Astoria has proposed a land use regulation that may affect the permissible uses of your property and other properties.**

On July 28, 2020 at 6:30 pm, in the Council Chambers at City Hall, 1095 Duane Street, the **City of Astoria's Planning Commission** will hold a public hearing regarding the adoption of three Amendments: A19-03 on revised standards for Accessory Dwelling Units and other housing; A19-06 on standards for Warming Centers for the unhoused; and A19-10 on standards for columbarium at Places of Worship. The City of Astoria has determined that adoption of these amendments may affect the permissible uses of your property, and other properties in the affected zones, and may change the value of your property. **NOTE:** Due to the COVID-19 Pandemic, you may participate in the Public Hearing remotely by computer or telephone. You will be able to hear and/or view the proceedings and fully participate remotely. For mobile or desktop devices, please access the following URL to reach the options: [https://www.astoria.or.us/LIVE\\_STREAM.aspx](https://www.astoria.or.us/LIVE_STREAM.aspx); or phone in at the start of the meeting by calling (253) 215-8782, then enter meeting ID 503 325 5821.

Amendments A19-03, A19-06 and A19-10 are available for inspection at Astoria City Hall located at 1095 Duane Street Astoria, OR 97103, or online at [www.astoria.or.us](http://www.astoria.or.us) under Community Development Department/Projects (<https://www.astoria.or.us/Projects.aspx>). Copies of the Amendments are also available for purchase at a cost of \$ .50/page.

For additional information concerning Amendments A19-03, A19-06 and A19-10, you may contact the City of Astoria's Community Development Dept. at [ttaylor@astoria.or.us](mailto:ttaylor@astoria.or.us) or (503) 338-5183.

EXHIBIT 4:  
DLCD Notice Acknowledgement

**Barbara Fryer**

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**From:** DLCD Plan Amendments <[plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)>  
**Sent:** Wednesday, June 17, 2020 8:44 AM  
**To:** Barbara Fryer  
**Subject:** Confirmation of PAPA Online submittal to DLCD

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*\*

**Astoria**

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: A19-06

DLCD File #: 002-20

Proposal Received: 6/17/2020

First Evidentiary Hearing: 7/28/2020

Submitted by: bfryer

If you have any questions about this notice, please reply or send an email to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

EXHIBIT 5:  
Testimony from Rick Bowers

July 15, 2019

Astoria City Council  
1095 Duane Street  
Astoria, OR 97103

**RE: Proposed changes to the Astoria Development Code regarding Emergency Warming Shelters**

Dear Astoria City Councilors:

I am writing to request the changes to the Astoria Development Code regarding Emergency Warming Shelters be put on hold until the Comprehensive Plan (CP) has been updated to reflect the needs of the extremely low income residents of Astoria—specifically the unsheltered. Why?

I was recently rereading the minutes of the Astoria Planning Commission (APC) work sessions regarding this issue along with the staff report for the original Temporary Conditional Use Permit for the Astoria Warming Center (AWC). Both seem to point to a lack of guidance from the CP for protecting the rights of Astoria's unsheltered residents. For example, the following is taken from 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"). Similarly, Kevin Cronin, Community Development Director during the original public hearing for the Temporary CUP for the AWC wrote in his staff report his perspective on the guidance from the CP:

- 1. CP.220.1, Housing Element - "Maintain attractive and livable residential neighborhoods, for all types of housing.*
- 2. CP.220.2, Housing Element - "Provide residential areas with services and facilities necessary for safe, healthful, and convenient urban living."*
- 3. CP.220.6, Housing Element, "Protect neighborhood from incompatible uses, including large scale commercial, industrial, and public uses or activities."*
- 4. CP.220.14. Housing Element, "Non-residential uses, such as public works, churches, schools, and fire stations should recognize and respect the character and quality of the area in which they are located and be so designed. Explore alternative sites when such a use places a significant impact on the area."*



This is well and good—from the perspective of the middle class. What’s missing from the CP is really anything to protect or promote the interests of the unsheltered residents. The Community Development Director apparently couldn’t find guidance in the CP to address the needs of the poor and disempowered. This allowed the staff report to conclude:

*Homeless are residents too just like homeowners and renters, but do not currently have permanent shelter. The Comprehensive Plan does not articulate a hierarchy of housing status. For example, homeowners are not elevated above renters or homeless for that matter and should be evaluated equally. Conversely, the compatibility goals (220.. 6 & 220.14) [listed above] are applicable to this proposal and short term impacts and a long term location need to be addressed. **In total, when reviewing the Housing policies cumulatively, it is decidedly in favor of protecting the needs of existing neighbors over non-residential uses and incompatible uses.** [emphasis added]*

Since the CP includes nothing concrete to address and protect the interests of the extremely low income, they have been relegated to the status of “incompatible use.” This led me to wonder what guidance the State of Oregon provides.

## The State of Oregon

The Comprehensive Plan, CP.027, refers to and includes the Statewide Planning Goal 10 on housing which says as a guideline to cities, “To provide for the housing needs of the citizens of the state.” I certainly hope the needs of the homeless are encompassed within this overarching goal. And as it turns out, some other Oregon cities do address the homeless in their Comprehensive Plans.

## Oregon Cities

Eugene considers the unique needs of the homeless under the category of Special Needs Housing.

### Eugene

I reviewed Eugene’s Comprehensive Plan. The city is in a multiyear process of moving from a joint CP, the *Eugene-Springfield Metropolitan Area General Plan*, encompassing a large metropolitan area, to a plan specific to Eugene. At this point in the process housing is still covered by the *Metro Plan* (updated at the end of 2015). In that plan, homelessness is defined within the category of Special Needs Housing: “These populations represent some unique sets of housing problems and are usually at a competitive disadvantage in the marketplace due to circumstances beyond their control. These subgroups include, but are not limited to, the elderly, persons with disabilities, **homeless individuals and families**, at-risk youth, large families, farm workers, and persons being released from correctional institutions” [emphasis added]. My point is Eugene’s CP considers homeless under the category of Special Needs Housing so are included in discussions of housing. Astoria’s CP does not mention the homeless.

The *Metro Plan* includes the goal “Provide viable residential communities so **all residents** can choose sound, affordable housing that meets individual needs” [emphasis added]. As an aside, the Oregon Secretary of State says the homeless have a right to vote which effectively means they are residents for

voting purposes.<sup>1</sup> This goal of Eugene's *Metro Plan* flows to various Findings and Policies, some of which directly address housing for the homeless:

*Affordable, Special Need, and Fair Housing*

*Finding*

32. *Substantial and continued federal funding reductions for housing assistance are increasing the burden on local governments. The high cost of housing for low-income families directly correlates with an increasing demand for other support services such as food supplement programs and utility assistance. The high cost of housing results in homelessness for some households. Homelessness directly and indirectly negatively impacts public health, public safety, and public education systems in multiple, measurable ways.*
36. *The de-institutionalization of people with disabilities, including chronic mental illness, has continued since the 1980's and adds to the number of homeless, poorly housed, and those needing local support services and special need housing.*
37. *Based on the annual one-night Lane County shelter/homeless counts, the number of homeless people is increasing and a third of the homeless are children.<sup>2</sup>*
40. *Existing land use regulations do not easily accommodate the establishment of alternative and innovative housing strategies, such as group recovery houses and homeless shelters.*
41. *Existing emergency shelters do not have the capability to serve the entire homeless population. This results in people illegally inhabiting residential neighborhoods and non-residentially zoned areas. The challenges facing homeless people are increased when they are forced far out of the urban areas where resources, training, treatments, and job opportunities are less available.*

These findings have resulted in the following Policies related to homelessness:

- A.27 *Seek to maintain and increase public and private assistance for low- and very low-income households that are unable to pay for shelter on the open market.*
- A.31 *Consider the unique housing problems experienced by special needs populations, including the homeless, through review of local zoning and development regulations, other codes and public safety regulations to accommodate these special needs.*

In contrast to these policies, we make camping anywhere in Astoria (and the county) illegal; we remove benches, remove picnic tables—actions which are the opposite of “accommodate these special needs.” The only reference to those with special needs in Astoria's CP is “groups such as the elderly and handicapped.” I find it insightful that Astoria's CP discusses the importance of fish and wildlife (CP.445, CP.450), certainly an important topic, but doesn't mention our homeless residents. Reiterating my earlier statement, Eugene's *Metro Plan* includes the goal “Provide viable residential communities so **all residents** can choose sound,

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<sup>1</sup> See <https://sos.oregon.gov/voting/Pages/homeless-confidential.aspx>.

<sup>2</sup> Clatsop County's 2018 Point-in-Time counted 790 homeless; about 20% are children.



affordable housing that meets individual needs” [emphasis added]. This goal flows to various Findings and Policies, some of which directly address housing for the homeless. There are too many of Eugene’s Findings and Policies related to homelessness to list them all here.

To be fair, Eugene is a large city—the population is over 160,000. They certainly have the resources to develop a thorough comprehensive plan. What’s a small coastal town to do?

## Lincoln City

By one estimate, Lincoln City has a population of 8,541—somewhat smaller than Astoria. In 2017 Lincoln City adopted Ordinance 2017-06:

*An ordinance adopting the 2017 Economic Opportunities Analysis, Housing Needs Assessment, and Buildable Lands Inventory, amending the Lincoln City Comprehensive Plan housing policies, and amending the Lincoln City Comprehensive Plan economy policies.*

Specifically related to housing and the low income:

- A. Housing Supply and Variety. Provide a sufficient quantity and variety of housing to meet community needs.*
- 2. Promote a variety of residential densities and housing types in all price ranges to meet a range of housing needs.*
- 4. Periodically review development code regulations and the zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units. “plexes”. **tiny houses**, big houses, senior housing, manufactured homes. etc. [emphasis added]*
- B. Housing Affordability. Provide for a range of housing opportunities outside the tsunami inundation zones to address the needs of all economic segments of the community. For properties outside the tsunami inundation zones, evaluate the following incentives and tools:*

Many of the items in this category address encouraging the development of affordable housing via state incentives, innovative approaches to lower city fees, property tax exemptions, and etcetera.

### *C. Partnerships*

- 3. Explore public/private/nonprofit partnerships to preserve or develop additional housing for very low, low, and moderate income households.*
- 6. Work with local organizations, other jurisdictions and health and social service organizations to on a coordinated (sic), regional approach to homelessness.*

*F. Special Needs. Encourage housing options **outside the tsunami zones for special needs populations**, including independent living for seniors, assisted living, memory care, drug and alcohol rehab and mental health facilities [emphasis added].<sup>3</sup>*

*1. Integrate housing for people with special needs into neighborhoods, avoiding concentrations.*

*4. Support public and private housing and services for people who are homeless.*

*6. Educate the public regarding zoning and fair housing laws.<sup>4</sup>*

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.”

## **Florence**

Florence is a coastal city in Oregon with a 2017 population of 8,947 people. This city has also discussed the housing needs of the homeless in their Comprehensive Plan. For example:

In Chapter 10 Housing Opportunities:

### *Goal*

*1. To provide opportunities and conditions to accommodate provision of varying housing types that are affordable, decent, safe and sanitary **for people at all economic segments of the community** [emphasis added].*

This overarching goal leads to objectives and policies related to the homeless:

### *Policies*

*1. The City shall support existing federal, state & county fair housing laws that forbid discrimination in the rental, sale or financing of housing based on race, sex, color, religion, national origin, familial status, disability<sup>5</sup>, source of income, sexual orientation, or marital status.*

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<sup>3</sup> The May 22, 2018 version of the APC’s Development Code proposal regarding Temporary Warming Shelters says to allow them as a Conditional Use in zones AH-HC, C3, C4, HR, LS, S2, R3, and R2. The R3 zone has been restricted to a capacity of 25 and the R2 is limited to a capacity of 15. By comparison, the current Temporary CUP for the Astoria Warming Center allows a capacity of 30 with an emergency capacity of 35. According to the minutes, the articulated intent of the proposed code is to discourage shelters in all the residential zones. Further, the discussion at the APC seems to encourage warming shelters to be located in non-residential zones which tend to be tsunami inundation areas.

<sup>4</sup> Ellen Johnson, Oregon Law Center, offers workshops for landlords educating landlords on Fair Housing laws related to those with disabilities.

<sup>5</sup> Many homeless have disabilities. Eugene addresses this with the statement “The de-institutionalization of people with disabilities, including chronic mental illness, has continued since the 1980’s and adds to the number of homeless.”

2. *Housing programs to meet the needs of the City's workforce, elderly, **low income and special needs families shall be pursued** [emphasis added].*
4. *Develop and nurture local and regional affiliations and alliances to provide affordable housing.*
5. *Coordinate with county, state and housing developers to identify, obtain and leverage funding sources for the development of workforce housing, affordable housing and **special needs housing** [emphasis added].*
6. *Work with local non-profit organizations, other jurisdictions and health and social service organizations to develop a coordinated, regional approach to homelessness.*

The category of special needs includes the homeless: "special needs, including homeless individuals, families and youth experiencing homelessness."

## Summary

The Astoria City Council has adopted two goals for 2019-2021 related to homelessness and the housing supply in general:

- *Support work and recommendations of the Homelessness Solutions Taskforce (HOST) as well as other community efforts to address homelessness.*
- *Support efforts to increase the housing supply (both market rate and affordable), using the County Housing Study as a guide.*

I am pleased to see that the January 2019 draft of the *Clatsop County Housing Strategies Report* gave a "nod" to the issue of homelessness by acknowledging Clatsop County has the highest rate of homelessness in Oregon. Other cities have used housing studies as the springboard to update their comprehensive plans. I hope Astoria follows these examples.

From my perspective to realistically achieve these goals the CP must be updated to provide the overarching guidance to these efforts. The alternative is to support a willy-nilly approach where the real needs of the disenfranchised will be trumped by the status quo.

In summary, I request updates to the Development Code be made after the Comprehensive Plan has been updated to reflect the current vision of the city.

Sincerely,



Rick Bowers  
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## Resources

### Eugene

Metro Plan: <https://www.eugene-or.gov/documentcenter/view/19386>

### Lincoln City

Planning: <https://www.lincolncity.org/?SEC=BE736C4D-EF02-4262-8498-OCF709DA6FD0>

Comprehensive Plan: [https://www.lincolncity.org/vertical/sites/%7BDDC39B4D-9F7A-4251-AEA0-F594E7F89DDB%7D/uploads/Comprehensive Plan with Amendments for Web Posting - rev. 2018.pdf](https://www.lincolncity.org/vertical/sites/%7BDDC39B4D-9F7A-4251-AEA0-F594E7F89DDB%7D/uploads/Comprehensive%20Plan%20with%20Amendments%20for%20Web%20Posting%20-%20rev.%202018.pdf)

### Florence

<https://www.ci.florence.or.us/planning/housing-and-economic-opportunities-project-completed-nov-2018>

<https://www.ci.florence.or.us/planning/florence-realization-2020-comprehensive-plan-2018>

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.<sup>1</sup> 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).

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<sup>1</sup> 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 Advisory<sup>2</sup>

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

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<sup>2</sup> 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 22<sup>nd</sup> 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 ft<sup>2</sup> 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 ft<sup>2</sup>. For comparison, Astoria’s R1 Low Density Residential zone specifies minimum lot sizes of 5,000 ft<sup>2</sup>. 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.<sup>3</sup>*

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

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<sup>3</sup> [https://www.dailystorian.com/news/local/peninsula-shelters-will-not-open-this-winter/article\\_b31d7370-6178-5cdd-b562-4ba0b474dbd8.html](https://www.dailystorian.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. Commissioner 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 Commissioner 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, PhD<sup>4</sup>*

**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.

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<sup>4</sup> 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 Clarno<sup>5</sup>, and Astoria's former Community Development Director, Kevin Cronin<sup>6</sup>, 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*:<sup>7</sup>

*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*

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

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

<sup>7</sup> 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*:<sup>8</sup>

*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].*

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<sup>8</sup> *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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