

September 17, 2021

Joan Herman, City Councilor
City of Astoria
1095 Duane St.
Astoria, OR 97103

Thanks for sharing your perspective (below):

I can certainly understand why you would not want to purchase a property not knowing if you would even be able to use it as you intended. I also would doubt the need for 12 parking spaces for a building housing individuals without their own homes. I ran your question by Brett, who told me that department heads communicate goals to staff. However, if city code requires a certain number of parking spaces, a goal does not change code. As you noted, you were treated fairly. — Joan Herman, September 16, 2021

I'm guessing you won't be surprised, but I see this differently for multiple reasons. My emotional response... I'm depressingly sad that the best we can do as a community is collectively point to the Development Code and say "bummer" and metaphorical wring our hands in response to the people who are sleeping on the street....

Acknowledging that I'm far from being an attorney, I think there is also a legal perspective:

- Statewide Planning Goal 10 states "Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels [emphasis added]."¹
- Astoria's Comprehensive Plan, CP.027 says "The City of Astoria Comprehensive Plan Background Reports are hereby adopted as the factual basis of the Comprehensive Plan as required by ORS Chapter 197." Oregon Statewide Planning 10 is in the list. This is also affirmed within the Development Code at 1.210.
- Astoria's Comprehensive Plan, CP.005.4 says "All City ordinances, policies and actions must be consistent with the Comprehensive Plan. Where there is a conflict between the Plan and ordinances and other City policies, the Plan shall prevail. The comprehensive Plan is intended to be consistent with itself and coordinated with other plans [emphasis added]."

Summarizing the legal perspective: City ordinances, policies actions must be consistent with the Comprehensive Plan which includes appropriate land for meeting the housing needs of households of all income levels. In this situation, a large building to support low-income residents, the city ordinance (regarding parking spaces) was in conflict with the Comprehensive Plan. The Comprehensive Plan is SUPPOSED to prevail! At a minimum this situation should spark a discussion!

¹ See <https://www.oregon.gov/lcd/OP/Pages/Goal-10.aspx>.

You said “a goal does not change code.” True... changing the code is your job. Did city staff bring this to your attention (that we had the potential opportunity of housing eight or more low-income people that seems to be in alignment with a City Council goal)? We seem to both agree that parking in itself likely should not have been a roadblock to this project. So we let the Development Code, for which you are responsible, stand in our way. And as stated previously, the Comprehensive Code takes precedence over the Development Code anyway. This is why our business as usual approach has influenced our dubious distinction of continuing to be the county with the highest rate of homelessness in the state.

You said “department heads communicate goals to staff.” However, you did not address my question regarding a process of accountability.

The following is the same closing from my prior email. I’m including it again because to me it is such a powerful reminder for all of us to think creatively for how we can support the disadvantaged in our community. The American Planning Association, a national organization that certifies planners, has a code of ethics that states “We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a **special responsibility to plan for the needs of the disadvantaged** and to promote racial and economic integration. **We shall urge the alteration of policies, institutions, and decisions that oppose such needs** [emphasis added].”²

Sincerely,



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² See <https://www.planning.org/ethics/ethicscode/>.