

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.¹ 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.²

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,

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

² 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].³*

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.⁴

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, disability⁵, source of income, sexual orientation, or marital status.

³ 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.

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

⁵ 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,



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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-EF02-4262-8498-0CF709DA6FD0>

Comprehensive Plan: [https://www.lincolncity.org/vertical/sites/%7BD5C39B4D-9F7A-4251-AEA0-F594E7F89DDB%7D/uploads/Comprehensive Plan with Amendments for Web Posting - rev. 2018.pdf](https://www.lincolncity.org/vertical/sites/%7BD5C39B4D-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>